ACCOMPLISHMENTS of the 64th LEGISLATURE

REGULAR SESSION

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ACCOMPLISHMENTS OF THE 64TH LEGISLATURE—REGULAR SESSION

A SUMMARY

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# TABLE OF CONTENTS

<table>
<thead>
<tr>
<th>Section</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>Introduction</td>
<td>1</td>
</tr>
<tr>
<td>The Proposed Constitution of 1975</td>
<td>3</td>
</tr>
<tr>
<td>State Finances--Taxing and Spending</td>
<td>6</td>
</tr>
<tr>
<td>The Legislature</td>
<td>13</td>
</tr>
<tr>
<td>State Officials, State Departments and Agencies, State Employees, and Examining and Licensing Agencies</td>
<td>14</td>
</tr>
<tr>
<td>Public Lands</td>
<td>29</td>
</tr>
<tr>
<td>Water</td>
<td>32</td>
</tr>
<tr>
<td>Public Education</td>
<td>40</td>
</tr>
<tr>
<td>Higher Education</td>
<td>44</td>
</tr>
<tr>
<td>Family Law</td>
<td>48</td>
</tr>
<tr>
<td>Welfare</td>
<td>50</td>
</tr>
<tr>
<td>Elections, Voting, and Political Campaigns</td>
<td>53</td>
</tr>
<tr>
<td>Traffic Safety and Motor Vehicles</td>
<td>59</td>
</tr>
<tr>
<td>Highways and Public Roads</td>
<td>61</td>
</tr>
<tr>
<td>Criminal Law and Procedure</td>
<td>63</td>
</tr>
<tr>
<td>Courts and Court Officers and Employees</td>
<td>68</td>
</tr>
<tr>
<td>Probate</td>
<td>77</td>
</tr>
<tr>
<td>Civil Remedies, Liabilities, and Procedures</td>
<td>79</td>
</tr>
<tr>
<td>Property Interests</td>
<td>81</td>
</tr>
<tr>
<td>Local Government</td>
<td>83</td>
</tr>
<tr>
<td>Agriculture and Livestock</td>
<td>96</td>
</tr>
<tr>
<td>Alcoholic Beverage Control</td>
<td>99</td>
</tr>
<tr>
<td>Environmental Protection</td>
<td>101</td>
</tr>
<tr>
<td>Animals</td>
<td>103</td>
</tr>
<tr>
<td>Business and Business Regulation</td>
<td>104</td>
</tr>
</tbody>
</table>
Mental Health and Mental Retardation
Health and Hospitals
Handicapped Persons
Insurance
Workmen's Compensation
Labor
Oil, Gas, and Other Minerals
Parks and Wildlife Regulation
Veterans Benefits and Military Affairs
Validating Acts

APPENDIX

Governor's Veto Proclamation on Certain Line Items in General Appropriation Bill--Senate Bill 52

Other Legislation Vetoed by the Governor

Topical Index
ACCOMPLISHMENTS OF THE REGULAR SESSION OF THE 64TH LEGISLATURE

July, 1975

Introduction

Predictions of the press, the lobby, and even visitors to the gallery that the 64th Legislature would be adjourned without any real accomplishments were proven invalid when members, in the waning days of the session and by working day and night, completed the 140 days with a record of more innovative and corrective legislation than that of any legislature in the past decade.

Pluses tallied for the 64th Legislature include a new constitution for the voters to approve or reject; creation of a public utilities commission for the first time in Texas history; authorization for the establishment of health maintenance organizations; enactment of a new voter registration bill which is considered to be a model in the United States; provision for greater attention to mass transportation through a merger of the Texas Highway Department and the Texas Mass Transportation Commission; enactment of a strip-mining law acclaimed by environmentalists; provision for licensing offshore deepwater "superport" facilities; legislation to help doctors and hospitals deal with the critical area of malpractice insurance rates; reform in the state's rape law; and reapportionment legislation approving single-member districts for counties still electing representatives at large.

The volume of legislation was equally impressive. In the House of Representatives, 2,249 bills were introduced, with 412 finally passed. An even 100 joint resolutions proposing constitutional amendments were introduced in the house but only 2 were passed. The quantity of senate legislation was equally monumental: 1,126 senate bills were introduced, and 349 finally passed. Joint resolutions in the senate totaled 65, with 3 passed. This legislation of the 64th Legislature compares with 2,746 bills introduced and 699 enacted by the 63rd Legislature. In addition, another 1,253 simple and concurrent resolutions were introduced, with 1,038 finally passed.

Unless another date is indicated in this report in parentheses immediately following the first mention of a bill, it is a 90-day bill, effective on September 1, 1975.
Many members look on the proposed constitutional amendment to provide an entirely new Texas Constitution as the outstanding single piece of legislation to be effected. As Senate Joint Resolution 11, this proposal will be submitted to the Texas electorate for consideration in eight propositions containing the 11 articles. This is the first new basic document of state government proposed in 100 years. Educational materials on the proposed constitution will be distributed throughout Texas prior to the election, so that every Texan will be informed concerning the contents of each article and how it differs from the corresponding article in the Constitution of 1876.

Another legislative success was the enactment of House Bill 1126, which provides for improvements in public school financing. If not the ultimate answer to the many problems in this area, this legislation providing for the expenditure of $654 million is a big step toward the educational equality recommended by the courts in the Rodriguez case. A big chunk of this additional state aid is allocated for teachers' salaries, with beginning teachers' starting pay increased by $1,400 to $8,000.

An enormous appropriations bill—some $12.1 billion for the biennium—was put together without requiring new taxes. Vetoes by the governor on certain line items cut the total back by about $27 million. By comparison, appropriations for the preceding biennium totaled $9.7 billion. The state budget as set out in Senate Bill 52 permits program expansion in nearly every area of state government. The Texas Legislature has tried to meet the needs of an ever-growing Texas with new services and improved programs.
The Proposed Constitution of 1975

Despite the best efforts of the leadership in the Constitutional Convention of 1974, the date for final adjournment came without agreement on the new constitution which advocates felt to be essential to continued progress and development in the State of Texas. Shortly after the 64th Legislature convened on January 14, 1975, a number of legislators who had served as members of the convention started a push to salvage the lost document into which so many hours of effort had been expended during and prior to the first constitutional convention held in Texas in 99 years.

To be submitted to the Texas electorate on November 4, 1975, the proposed revision of the century-old constitution has been divided into eight propositions covering 11 articles. No changes were made in the Bill of Rights of the old 1876 Constitution, which deals with freedom of speech, assembly, and religion; the separation of church and state; the right of trial by jury; the right to keep and bear arms; and the equal rights amendment adopted in 1972. Consequently, propositions submitted begin with Article II, "Separation of Powers." As Proposition 1, Article III, "The Legislature," and Article IV, "The Executive" will also be included.

Major provisions include the creation of a commission to set legislators' salaries, hitherto authorized only by constitutional amendment; the requirement of single-member legislative districts, whereas members have been chosen at large in many districts, and districting following each federal census; annual legislative sessions instead of the present biennial session requirement; authority granted to the legislature to convene itself in a 15-day special veto session so that it may have the opportunity to override gubernatorial vetoes; authority permitting the governor to remove any appointee for stated reasons with majority consent of the senate; and a self-destruct provision for state agencies at the end of every 10 years unless renewed by the legislature.

On the ballot as Proposition 2 will be Article V, the judiciary article. It provides for a reorganization of the court system, including a merger of the supreme court and the court of criminal appeals into a single court. Under this article, courts of appeals hear both civil and criminal cases. All county courts at law are replaced with circuit courts and all special courts are made district courts. All judges, with the exception of peace justices, are required to be licensed attorneys. Another innovation gives the state limited right to appeal in criminal cases. The chief justice is given great power as the administrative head of the
entire unified system of courts.

Proposition 3, or Article VI of the constitution, revises provisions on voter qualifications and elections to permit a convicted felon to vote if not incarcerated, on parole, or on probation. The legislature is authorized to require property ownership as a voter qualification in certain elections. The recent amendment to the existing constitution including the 18-year-old qualification for voting is incorporated in the article.

Proposition 4, or Article VII, relates to education. It revises the existing education provisions to require the state to furnish every person "equal educational opportunity," but permits local school districts to provide local enrichment over the state minimum. The 10 cents per $100 valuation tax for higher education is continued, but the legislature is given authority to increase it. A fund is dedicated to state colleges and universities outside The University of Texas and Texas A & M Systems, which have their own dedicated fund. The education article also vests in both The University of Texas Board of Regents and the Texas A & M University Board of Directors increased authority, in that they may issue permanent university bonds up to 30 percent instead of the existing 20 percent of the permanent fund, thus permitting an immediate increase in bonding authority of approximately $75 million.

Proposition 5 includes Article VIII, the finance article. It requires uniform property appraisal procedures statewide, as outlined by the legislature. It prohibits any retail sales tax on agricultural machinery or parts, seed, feed or fertilizers, prescriptions, drugs or medicine, and food, except that sold in restaurants. With respect to welfare payments, the proposal eliminates the $80 million limitation on state funds which may be expended per fiscal year for money payments to public assistance recipients. Further, intangible personal property is removed from the constitutionally mandated ad valorem tax base, thereby giving the legislature authority to tax such property at a rate higher or lower than the ad valorem rate or to exempt it from taxation entirely. Another innovation is the provision which allows an owner of property to pay taxes in protest and sue for a refund. Petroleum products manufacturing taxes are removed from the provision dedicating three-fourths of the revenue to the highway fund and the available school fund.

Proposition 6 includes Article IX, "Local Government." It revises local government provisions to allow county voters to create new offices, eliminate offices or combine them, and grant or withdraw
ordinance-making powers to the county commission. The population threshold for a city to attain home-rule powers is lowered from 5,000 to 1,500. It authorizes higher ad valorem tax rates for counties and municipalities by establishing a maximum annual tax rate for cities and towns for other than debt service at 2 percent of assessed valuation, while that for counties is 1.25 percent of assessed valuation. No constitutional limitation is placed on tax rates for debt service. Under the existing constitution, aggregate rates applying to the total of taxes for general obligations and other authorized purposes are established at not to exceed 1.5 percent of the value of taxable property in a city or town with population under 5,000, and not more than 2.5 percent for a city or town with population of more than 5,000; counties are presently authorized a total ad valorem tax rate for all authorized purposes of not more than 1.25 percent of the value of taxable property in the county.

Proposition 7, or Article X, "General Provisions," groups unrelated sections together and declares as a state policy the protection of the environment. It requires that Gulf Coast beaches be held in perpetual trust for public benefit and use; prohibits discrimination against handicapped persons; and sets a state goal of providing comprehensive health care for every citizen.

One section of this article permits the legislature to authorize by law bingo or raffles conducted for the benefit of a nonprofit charitable organization if all proceeds are spent in this state for the purposes of the organization and if the games are limited to one location as defined by law.

Proposition 8, including Article XI, "Mode of Amending," requires the legislature to submit to the voters every 30 years the question of calling a constitutional convention. Proposals submitted must be by a two-thirds vote of the membership of each house, and proposals submitted by the convention must also be approved by a two-thirds vote of convention membership.

The manner in which the proposed new constitution will be submitted permits voters to approve all, none, or some of the propositions.

Proposed Constitutional Amendments—April 22, 1975 and November 2, 1976

Even while working on the total revision package, amendments to the present constitution were proposed with the passage of Senate Joint Resolution 3, relating to state and local retirement systems and programs; House Joint Resolution 6, pertaining to legislative compensation; Senate Joint Resolution 49, relating to authorizing
an additional $400 million in water development bonds that may be issued; and House Joint Resolution 99, which would increase from $100 million to $200 million the amount of bonds that can be sold by the Water Development Board to make funds available to local governments constructing sewage treatment facilities.

Senate Joint Resolution 3 was approved by the Texas electorate as Amendment No. 1 on the ballot on April 22, 1975. It increased the percentage of state contributions to the state employees and teachers retirement systems from the existing maximum of 6 percent to 10 percent and consolidated nearly all constitutional provisions relating to state and local retirement systems in one section of the constitution. As Amendment No. 2 on the April 22 ballot, House Joint Resolution 6 raised the salaries of legislators from $400 to $600 per month, provided per diem of $30 during legislative sessions, and included a mileage allowance at the same rate as that provided by law for state employees.

Senate Joint Resolution 49, for election on November 2, 1976, includes a provision for its insertion in the new constitution, should it be adopted, with appropriate numbering of sections by the secretary of state with approval of the attorney general. House Joint Resolution 99 includes the same provision for insertion in the new constitution, should it be adopted.

**State Finances—Taxing and Spending**

**Taxing**

Despite its many problems, the 64th Legislature's regular session can claim a record, perhaps unique among the states, of being the second consecutive legislature to maintain a balanced budget for the operation of state government without resorting to new taxes. Going into the session with a billion dollar surplus, the legislature, nevertheless, was hard put to make ends meet. Difficulties were encountered in providing services and programs required by court decisions relating to education; in overcoming the burden of a tax dollar eroded by inflation; in financing state government's transportation and energy needs in the face of tax losses related to the energy crisis; and in increasing compensation of state officials and employees fighting lost buying power in the midst of a recession.

Although not actually bringing out a new tax bill, the 64th Legislature did enact a number of bills on the general subject of taxation.

**Ad Valorem Taxes.** Possibly the most significant legislation in
this area is **House Bill 1535** (effective January 1, 1977), which will become effective only if the finance article of the proposed new constitution is adopted by the people in November, 1975. The bill permits all agricultural and timber land in the state to be valued or appraised at the agricultural productive value of the land excluding any value attributable to speculation or urban encroachment. The bill provides that if land appraised for agricultural purposes is converted to any nonagricultural use, the owner must pay the difference in the taxes which would have been paid had the land been valued at actual market value and the amount of the tax actually paid on its agricultural value for the previous four years. **House Bill 610** allows the state to return ad valorem taxes erroneously paid. **House Bill 1941** permits cities of more than 830,460 population and other local governmental entities to contract with the county for the collection of ad valorem taxes and permits the valuations for the city or government to be greater than the valuations for the county. **House Bill 1139** (immediate effect—June 19, 1975) authorizes the Commissioners Court of Collin County to increase the maximum tax rate for common school districts within the county. The bill itself does not authorize the commissioners court to set the tax rate, but merely to allow a higher maximum.

**Omnibus Tax Reduction Bill.** **House Bill 546** (effective September 1, 1975) amends in one bill several taxes, both state and local, to provide several exemptions or to repeal certain taxes. The following taxes are repealed: (1) the law requiring the licensing of persons selling tickets at a higher charge than the stated ticket price (scalping); (2) the law requiring the licensing of persons selling performance rights to copyrighted musical compositions; (3) the express company gross receipts tax; and (4) the gross receipts tax on sleeping, palace, or dining car companies.

**House Bill 546** provides the following exemptions: (1) commercial and fishing vessels having a displacement of eight tons or more, from the sales and use tax; (2) youth athletic organizations, from the sales and use tax; (3) the amount of federal excise taxes on tires and fishing equipment, from the sales price of these items for the purpose of figuring the sales and use tax; (4) the face value of U.S. coins, from the sales price on the sale of the coins for the purpose of figuring the sales and use tax; (5) the lease of motor vehicles to governmental agencies, from the motor vehicle sales tax; (6) materials, machinery, and supplies that are used for the printing and distribution of newspapers, from the sales and use tax; (7) food products, including candy, when sold by a person under 18 years of age as a part of an organizational fund-raising
drive, from the sales and use tax; (8) food products, including candy, when sold by the P.T.A., from the sales and use tax; (9) airplanes, when sold to persons who train pilots, from the sales and use tax; (10) youth athletic organizations, from property taxes; (11) disabled veterans, or surviving minor children of disabled veterans, and widows of persons who die on active duty, partially from property taxes; (12) solar energy devices, from the sales and use tax, and corporations, a deduction from franchise taxes for the purchase of solar energy devices; (13) motorcycle racing, from the admissions tax; (14) bicentennial organizations, from the sales and use tax; and (15) historic sites and structures, from property taxes under certain circumstances.

House Bill 546 also changes the rate of taxation for skating rinks under the admissions tax and the tax rate of certain cigars. It revises significant portions of the franchise tax, allows the comptroller to prescribe filing deadlines for taxes other than the sales and use tax, and allows payments for cigarette tax stamps by the use of stamp meters to be carried over into the next state fiscal year under certain circumstances.

State Taxes—General. In other state taxes, the house and senate agreed on House Bill 613 (immediate effect—April 30, 1975) reversing an opinion of the attorney general which had required the collection of the sales tax on certain tips; House Bill 2195, exempting from the sales tax certain farm machinery and supplies; and House Bill 1011, which imposed a use tax on automobile dealers for the registration of demonstrator cars in lieu of other taxes. Senate Bills 889 and 890 (both effective September 1, 1975) permit taxpayers to file for extensions of time for filing reports and paying certain taxes and allow the Comptroller of Public Accounts to waive penalties and interest if taxes are not paid on time but the taxpayer makes a diligent effort to make payment on time. Senate Bill 748 (effective on adoption of the finance article of Senate Joint Resolution 11) includes the same provision as that in the omnibus tax reduction bill that permits a property tax exemption for certain historic sites and structures.

Local Taxes. House Bill 641 permits local taxing authorities to refund taxes erroneously paid. House Bill 69 (immediate effect—March 20, 1975) allows cities to sue for delinquent city sales taxes. Senate Bill 298 (immediate effect—March 20, 1975) removes a population bracket and thereby permits all incorporated cities and towns to levy the local hotel occupancy tax.

Appropriations Without imposing any new taxes—actually, some were repealed—the
64th Legislature managed to provide the largest appropriation in history with the enactment of Senate Bill 52 to cover the expenses of state government for the 1976-1977 biennium. The grand total appropriated from all sources amounts to $12,118,229,048, from which approximately $27 million has been removed by gubernatorial veto. Many of the items vetoed by the governor in Senate Bill 52 carried no specific dollar amount. These are riders authorizing special projects at various state colleges and universities. The governor asserted that they are contrary to the spirit and letter of Senate Bill 706 which strengthens the power of the Coordinating Board, Texas College and University System, to approve or disapprove new construction and rehabilitation of buildings by state institutions of higher education. The appendix of this publication contains the veto message accompanying Senate Bill 52 and a complete list of all other legislation vetoed.

The $12 billion plus total of Senate Bill 52 compares with just over $9 billion appropriated for the preceding biennium. Increases in appropriations show up in all branches of government: the judiciary accounts for approximately $10 million of the increase in this branch's biennial total for 1976-1977 of over $35 million, compared to just $25 million for 1974-1975; the executive branch gained approximately $6 million, increasing from about $2.4 billion to around $3 billion; and the legislative branch's increase amounts to approximately $17.8 million, increasing from around $32.8 million to about $50.6 million. For the judiciary, the creation of new courts as well as added compensation and retirement benefits account for the greater sum. New departments and agencies, added functions in existing departments, plus higher salaries, retirement, and other benefits are responsible for the increased appropriation in the executive branch. The new annual salary of $7,200 which members of the legislature were awarded by the adoption of House Joint Resolution 6 by the Texas electorate on April 22, 1975, added to costs of the legislative function. Legislative officers and employees also received compensation increases.

Expanded facilities, employee benefits, and new functions have added to the fiscal requirements of public health, hospitals, and youth institutions, to make an increased appropriation of approximately $600 million necessary. Thus the appropriation for this purpose for the 1976-1977 biennium totals about $3.2 billion compared to $2.6 billion for the preceding biennium.

Finally, funds appropriated for education soared to approximately $5.9 billion, compared to around $4.68 billion for the 1974-1975 biennium. About $654 million will be used in providing, partially,
at least, the educational equality recommended as a result of the Rodriguez case. Teachers' salaries are increased with a portion of the additional funds and school programs have also received attention.

In addition to Senate Bill 52, the general appropriation bill, another 23 bills were enacted to appropriate funds for certain special purposes. House Bill 102 (immediate effect—February 13, 1975) appropriates $80 million from the General Revenue Fund to provide emergency grants for the 1974-1975 school year, allocated to each participating district (those receiving revenue from the Foundation School Program Fund) on the basis of (1) the number of students in approved average attendance during the 1973-1974 school year multiplied by $40; and (2) the product determined under (1) multiplied by a factor representing the percentage of state support for the Foundation School Program in the district for the 1973-1974 school year. House Bill 216 (immediate effect—February 25, 1975) appropriates the sum of $12 million to the Central Education Agency for fiscal 1975 for the purpose of supplementing the contingency appropriations for public junior college vocational-technical programs. The bill also appropriates $6 million for fiscal 1975 to supplement the contingency appropriations to the Coordinating Board under "Texas Public Junior Colleges—State Aid" in House Bill 139, Acts of the 63rd Legislature, Regular Session, 1973. Also in the area of education, Senate Bill 70 (immediate effect—April 1, 1975) appropriates to the Central Education Agency the sum of $840,000 to be used during fiscal 1975 in the agency's adult education program.

Higher education institutions receiving additional appropriations for the remainder of the 1975 fiscal year include West Texas State University, the sum of $94,909 for constructing and equipping an instructional building as provided by Senate Bill 50 (immediate effect—February 13, 1975); and Texas State Technical Institute, the sum of $748,000 for constructing and equipping an instructional building as provided by Senate Bill 67 (immediate effect—June 19, 1975). In addition, Senate Bill 364 (immediate effect—June 19, 1975) reappropriates any unexpended balances remaining on August 31, 1974, in the appropriation made by the 63rd Legislature under the "faculty salaries" item of any general academic teaching institution for the same purpose. The fiscal note attached to the bill by the Legislative Budget Board indicates the amount to be $518,011. Texas Schools for the Blind and Deaf also received reappropriated funds under provisions of Senate Bill 75 (immediate effect—April 24, 1975). The fiscal note set this amount at $195,359. Additional funds for public utilities at certain institutions of higher education were appropriated with the enactment of House Bill 1861 (immediate effect—June 21, 1975).
The supplemental appropriation was made necessary due to the soaring costs of public utilities brought on by the energy crisis. Institutions in the University of Texas System and 14 additional colleges and universities receive $10,815,513 under the act.

House Bill 2207 (immediate effect—May 2, 1975) makes a supplemental appropriation to the house of representatives in the amount of $5,765,000, with provision that the sum of $125,000 may be transferred to the Texas Legislative Council and the sum of $75,000 to the Legislative Budget Board with written approval of the speaker of the house of representatives. Funds in the appropriation are to be used to cover various expenses of the house and the two legislative service agencies.

Funds to cover increases in salaries and wages, travel expenses, per diem, and employee group insurance premiums for the period ending August 31, 1975, were appropriated in the amount of $93 million by House Bill 421 (immediate effect—January 30, 1975). To defray administrative costs in connection with the act, and those of Senate Bill 1 (effective February 1, 1975), which authorized the increases, the supplemental sum of $275,000 was appropriated by House Bill 421 to the comptroller of public accounts.

With the exception of Senate Bill 1048 (immediate effect—June 19, 1975), which appropriates the sum of $600,000 to be used by the secretary of state for the purpose of publicizing the proposed new constitution, and appropriations relating to retirement annuities and payment of certain miscellaneous claims, the remaining appropriation bills grant supplemental sums to various state departments and agencies. House Bill 220 (immediate effect—February 20, 1975) makes a supplemental appropriation to the Texas State Board of Examiners of Psychologists, out of the Psychologists Licensing Fund, in the amount of $8,000 to pay for consumable supplies for the fiscal year ending August 31, 1975. House Bill 661 (immediate effect—March 13, 1975) appropriates to the comptroller of public accounts, out of statutory allocations for tax administration and enforcement, the sum of $472,000 for consumable supplies and materials, current and recurring operating expenses, and capital outlay, the appropriation to be used for the fiscal year ending August 31, 1975. House Bill 169 (immediate effect—April 18, 1975) appropriates the sum of $264,740, to be used by the attorney general's office to provide necessary positions and operating expenses to administer the provisions of the Workmen's Compensation Law, and the sum of $1,261,854 to be used for payment of claims pursuant to provisions of the Workmen's Compensation Law. Both appropriations are for the state fiscal year ending August 31, 1975.
Senate Bill 68 (immediate effect—March 6, 1975) appropriates the sum of $17,832 out of the Landscape Architect's Fund to the Texas State Board of Landscape Architects for the fiscal year ending August 31, 1975, the supplemental appropriation to be used for personal services, classified personnel, and other expenses incident to the operation of the board. Under provisions of Senate Bill 72 (immediate effect—April 30, 1975), the State Board of Control receives $1,196,000, for the fiscal year ending August 31, 1975, to be used to supplement the appropriation made to the board for utilities by the 63rd Legislature. Senate Bill 74 (immediate effect—April 15, 1975) provides a supplemental appropriation in the amount $168,142 to the Texas Department of Labor and Standards out of the General Revenue Fund for personal services, classified personnel, and all other expenses incident to the department's operation for the year ending August 31, 1975. The act also provides for the transfer of $128,769 by the comptroller from the Texas Mobile Home Standards Fund to the General Revenue Fund to preserve fund equities.

Senate Bill 439 (immediate effect—June 19, 1975) provides a supplemental appropriation for the Texas Department of Corrections. To cover additional utility costs and increased food costs for the fiscal year ending August 31, 1975, the act appropriates $2 million to the department. The supplemental appropriation to the Texas Motor Vehicle Commission, as provided by Senate Bill 756 (effective April 15, 1975), is $6,850, for the fiscal year ending August 31, 1975, and is to be used for travel, consumable supplies and materials, current and recurring operating expenses, and capital outlay. Funds are to come from the Motor Vehicle Commission Fund.

Through the enactment of Senate Bill 1005 (immediate effect—June 19, 1975), supplemental funds in the amount of $144,154.88 are appropriated from the General Revenue Fund to the Industrial Accident Board for the fiscal year ending August 31, 1975, to be used for certain specified purposes.

House Bill 1328 (immediate effect—June 19, 1975) appropriates a total of $607,386.85, out of the Omnibus Tax Clearance Fund No. 120, for payment of seven itemized claims and judgments, plus interest, if any, against the State of Texas.

Contingent on the adoption of Senate Joint Resolution 3 (adopted by the Texas electorate on April 22, 1975), Senate Bill 56 (immediate effect—February 25, 1975) provides funds, in the sum of $21,8 million, appropriated to the Employees Retirement System of Texas as the amount actuarially determined to be necessary to fund the benefit increases of 12 percent with respect to retirements or deaths occurring after the effective date of the act.
The Legislature

Provisions of the proposed new constitution and the constitutional amendment relating to compensation of legislators, which was adopted by the Texas electorate on April 22, 1975, have been discussed in the section of this report on the constitution. Other than this legislation, a redistricting plan which divided the Texas House of Representatives' nine multimember districts into 31 single-member districts, and the amendment of the Legislative Reorganization Act of 1961 with respect to reimbursement of committee members for travel expenses, the only legislation enacted having a direct effect on the legislature was a revision of Rules of Procedure of the Texas House of Representatives.

Redistricting

Ever since the 1970 census, the redistricting of the Texas Legislature and the state's congressional seats has been a major issue before the legislature and the courts. With the enactment of House Bill 1097, the 64th Legislature formally adopted a redistricting plan for the Texas house that took the 9 multimember districts and reorganized them into 31 single-member districts. Counties affected include Travis, McLennan, Galveston, El Paso, Jefferson, Hidalgo, Tarrant, Nueces, and Lubbock. Membership of the present legislature is not affected as the new districts will be activated with the primary and general elections for the 65th Legislature in 1976.

In 1973, a federal district court implemented an apportionment plan for Texas congressional districts which superseded the one formulated by the 62nd Legislature. The existing congressional delegation was elected under the court plan, which was enacted into state law by the 64th Legislature as House Bill 1085.

Legislative Reorganization Act of 1961, Amended

House Bill 2212 (immediate effect--June 19, 1975) revises the Legislative Reorganization Act of 1961 to provide that members and employees of each house, while on authorized travel status, may receive either actual and necessary expenses or a per diem not to exceed that set by or pursuant to the Texas Constitution for members when the legislature is in session. It also makes provision for reimbursing members for mileage and other transportation expenses at the same rate as provided by law for state officials and state employees. For authorized travel status outside the state, members and employees are to be reimbursed for actual and necessary expenses if in excess of per diem.
House Rules

House Simple Resolution 12 (immediate effect), which was passed on January 16, 1975, provided for the adoption by the 64th Legislature of the Rules of Procedure of the 63rd Legislature with the following additions or changes: (1) Rule 7 changes the number of standing committees of the house from 21 to 28, with the addition of committees on Local and Consent Calendars and Constitutional Revision, the division of one education committee into Higher Education and Public Education, the addition of committees on Financial Institutions, Health and Welfare, Social Services, Judicial Affairs, and Energy Resources, and the deletion of committees on Human Resources and Insurance; (2) Rule 8, Section 5, changes membership of committees so that each member is on two substantive committees; (3) Rule 8, Section 11, requires a majority of the members of a committee (not a majority of a quorum of committee members present) to report a bill or resolution out of committee; (4) Rule 20 is completely new and outlines the process whereby a standing substantive committee makes appropriation recommendations on its subject area to the House Appropriations Committee. Prior to adoption of Rule 20, only the House Appropriations Committee had authority to participate in budget considerations.

State Officials, State Departments and Agencies

State Employees, and Examining and Licensing Agencies

Each legislature in recent years has expended a big percentage of session hours and days in altering and even, in some instances, restructuring the duties and functions of state departments and agencies. The 64th Legislature was no exception, as a great volume of legislation was enacted pertaining to state officials, state departments and agencies, state employees, and examining and licensing boards.

One of the major achievements in this area during the recent regular session was the passage of Senate Bill 41 (effective January 1, 1976), the Administrative Procedure and Texas Register Act. The legislation establishes standards of uniform practice and procedure for state agencies, provides for public participation in the rulemaking process of agencies, requires public notice of proposed agency rules and actions, and restates the law of judicial review of agency actions. A principal feature of the act creates the Texas Register for the publication of state agency rules, decisions, notices, and documents. The register will be published
at regular intervals, but not less than 100 times each calendar year, by the secretary of state. The suspension of drivers' licenses, the administration of financial and medical assistance under service programs of the State Department of Public Welfare, and the allocation of grants-in-aid by the Texas Department of Mental Health and Mental Retardation for services provided by community centers are exempted from certain provisions of the act.

Further affecting state government in general, a number of bills were enacted relating to several of the noted "reform" measures of the 63rd Legislature. The "open meetings law" was amended by Senate Bill 485. It requires that notice of a meeting of a state board, commission, department, or officer having statewide jurisdiction, other than the Industrial Accident Board or the governing board of an institution of higher education, be posted by the secretary of state at least seven days preceding the day of the meeting. A 72-hour notice was the previous requirement. Changes were also made in the procedure for posting notice of an emergency meeting.

Senate Bill 1071 (immediate effect—May 27, 1975) amends the state's "open records act" by providing that the act shall not be construed to require the release of information contained in education records of education agencies and institutions except in conformity with the Federal Family Education Rights and Privacy Act of 1974. This amendment was necessary to enable state education agencies and institutions to qualify for federal funding.

The law regulating the activities of lobbyists was amended by House Bill 1217. The primary effect of the bill is the addition of two classes of persons exempted from the registration requirements of lobbyists: persons who encourage or solicit others to communicate directly with members of the legislative or executive branch to influence legislation and persons whose only activity to influence legislation is compensating or reimbursing a registrant to act in their behalf to influence legislation.

Senate Bill 11 restores the observance of Veterans' Day as a legal state holiday to the traditional date of November 11 from the fourth Monday in October, to which it was changed in keeping with congressional action a number of years ago.

The minimum contract amount requiring performance or payment bond from the prime contractor for any public works contract with a governmental or quasi-governmental authority in the state is increased from $2,000 to $15,000 by House Bill 141. The act also raises from $2,000 to $15,000 the maximum amount of a contract
under which suppliers or subcontractors may institute certain liens on money, bonds, or warrants due the prime contractor for any public improvements.

State Officials

Few bills were enacted dealing directly with state officials. However, officials in general are affected by a new section added to the chapter of the Penal Code dealing with the abuse of public office. As House Bill 839, the act requires certain officers of government and candidates for office to make public disclosure of any legal or equitable interest they may have in property that is acquired with public funds.

House Bill 1751 changes the title of the commissioner of labor to the commissioner of labor and standards. The functions of the comptroller of public accounts receive attention in House Bill 605 (immediate effect—May 13, 1975), which provides the procedure by which this official is to pay certain claims against the state. The act requires that the comptroller pay a claim not to exceed $10,000 if the claim is certified by the attorney general to be a legally enforceable obligation of the state and if no appropriation otherwise exists from which the claim could be paid. The governor is required by House Bill 1172 (effective September 1, 1975) to create within his office a division of planning coordination with the function of coordinating the activities of interagency planning councils and serving as the clearinghouse for applications by state agencies for grants or loan assistance from agencies of the United States.

The Texas Disaster Act of 1973 is repealed and a new act, House Bill 2032 (immediate effect—May 22, 1975), establishes and clarifies procedures in the event of disasters in Texas, so that the vulnerability of Texas citizens will be reduced. Entitled the Texas Disaster Act of 1975, the new law sets forth the governor's responsibilities for meeting disaster in the state and gives him powers to issue executive orders and regulations which shall have the force and effect of law. In addition, the governor is authorized to establish a Disaster Emergency Services Council to advise him. The act establishes a Division of Disaster Emergency Services in the governor's office and also creates a Disaster Emergency Funding Board.

Various provisions of state law relating to notaries public were amended by Senate Bill 722. It provides that the term of a notary public expires two years after the date of qualification, rather than on June 1 of odd-numbered years. Terms of office of notaries qualified as of June 1, 1977, are to run two years from certain
dates determined by alphabetical groupings. The eligibility age for notaries public is changed from 21 to 18 years of age. Notaries are required to give notice within 10 days to the secretary of state and the county clerk of any change of address and to include the expiration date of their commission when acknowledging certain documents.

State Departments and Agencies

The most extensive changes made by the 64th Legislature in the organization of state departments and agencies were those pertaining to the Texas Highway Department and the State Department of Health. Senate Bill 761 (immediate effect—June 20, 1975) abolishes the Texas Mass Transportation Commission and transfers its functions and duties to the highway department which is given a new name, the State Department of Highways and Public Transportation. The planning and development of mass transportation in Texas thus become the responsibility of this State Department of Highways and Public Transportation. The State Highway Commission becomes the State Highway and Public Transportation Commission, and the State Highway Engineer becomes the State Engineer—Director for Highways and Public Transportation under the act. Funding for public mass transportation is provided in another act, Senate Bill 762 (immediate effect—June 20, 1975). Under this measure the State Department of Highways and Public Transportation administers the public transportation fund which is to be used to develop public mass transportation in the state. Federal funds and state funds for public mass transportation are allocated according to two programs: one is for urban areas having a population of more than 200,000, to which is allocated 60 percent of the money in the public transportation fund; the remaining 40 percent is allocated to areas having a population of less than 200,000. An appropriation of $31 million is provided to carry on the programs over the next biennium.

One of the most important legislative acts in the health care field is House Bill 2164, the Texas Health Planning and Development Act (effective May 28, 1965), which renames the State Department of Health as the State Department of Health Resources, restructures the department under a new 18-member board with citizen members and a wider variety of health care providers, and charges the department with broad duties as the state health planning and development agency. The bill was enacted in response to the National Health Planning and Resources Development Act of 1974 (P.L. 93-641) and provides for comprehensive regulation of the planning, development, construction, modification, and expansion of health care facilities and services.
The bill also creates the Texas Health Facilities Commission, headed by three commissioners who are not health care providers, to administer a certificate of need program for construction, modification, and expansion of health care facilities. For any new construction or substantial expansion or modification of a hospital, mental hospital, nursing home, or other facility offering health care (excluding the offices of private practitioners), a certificate of need must be obtained from the Health Facilities Commission. Such a certificate is also required to organize a health maintenance organization (HMO). An exemption certificate is required for minor modifications or expansions as defined in the bill.

The main purpose of both the new federal and state laws is to provide more intelligent planning of health care facilities and to work toward a closer relationship between the need for and the availability of facilities and services.

In another bill, House Bill 2158 (effective September 1, 1975), the name of the Texas Board of Athletic Trainers has been changed to the Advisory Board of Athletic Trainers, which is made a part of the State Department of Health Resources. Membership of the board is expanded from three to six.

The State Board of Control and the purchase and disposal of state property are the subject of three bills passed during the regular session. House Bill 2016 provides a procedure for the purchase by state agencies of goods and services from associations of blind persons. The act creates the Texas Committee on Purchases of Blind-made Products and Services and gives the committee the authority to establish a fair market price for goods or services that are needed by state agencies and provided by associations of blind persons. The act requires that suitable goods or services can be purchased at the established fair market price and also gives the committee authority to conduct research into the feasibility of extending the program. Further, Senate Bill 195 (immediate effect—June 19, 1975) adds municipal, school district, and junior college district purchasing agents to those who must be notified by the board of control when the board is disposing of state surplus or salvage equipment.

The State Board of Control is authorized by Senate Bill 1073 (immediate effect—June 6, 1975) to plan, establish, and manage a system of telecommunication services for all state agencies, boards, commissions, departments, and institutions.

The third measure, Senate Bill 993 (immediate effect—June 2, 1975)
gives the board additional responsibility in the regulation of traffic and parking in the State Capitol complex. The act expands the geographic scope of the board’s authority by one block east and west of its previous perimeter. It also authorizes the board to make regulations and construct the buildings necessary to administer and enforce the terms of the act.

Administrative duties of the Texas Employment Commission are affected by House Bill 41, which extends benefits under the Texas Unemployment Compensation Act.

A comprehensive system for the regulation of county jails and county jail personnel is established by House Bill 272 (immediate effect—June 19, 1975), which creates the Commission on Jail Standards. A nine-member commission is charged with the duty of overseeing county jails and insuring that each is in compliance with certain minimum standards. The commission is given broad authority to enforce these standards, including the authority to prohibit confinement of prisoners in a jail not in compliance.

The Texas Department of Corrections is the primary subject of three bills enacted by the 64th Legislature: House Bill 989 prohibits race, sex, or other discrimination against a prisoner by the department or the director of the department; House Bill 1688 increases from $100 to $250 the funds a prisoner is entitled to receive when he is discharged or released on parole from the custody of the department; and Senate Bill 687, to insure that funds will be available to make these cash payments, requires that the director of corrections maintain at least $100,000 in a bank or in banks in Huntsville to be used exclusively as a source for the case payments made to discharged prisoners.

The Commission on Law Enforcement Officer Standards and Education is affected by several bills: House Bill 707 prohibits the commission from certifying a convicted felon as qualified to serve as a peace officer; House Bill 1202 provides that the term "peace officer" for purposes of the commission means a person designated as such by the Code of Criminal Procedure or the Texas Education Code; House Bill 1203 allows the commission to require reports from law enforcement agencies and House Bill 1205 allows the commission to revoke a peace officer’s certification and provides the procedure for the revocation process. The commission is also affected by House Bill 2194, which allows the governing body of a city whose population is 1,200,000 or more to provide education incentive pay or experience incentive pay for policemen and firemen employed by the city. The act establishes a framework to govern the education and experience requirements prerequisite to obtaining
incentive pay.

The law requiring that a 60-day notice be given to the Texas Historical Commission before the historical or architectural integrity of a Recorded Texas Historical Landmark may be damaged was revised by Senate Bill 721. The commission may now waive the 60-day waiting period or, if deemed that a longer period will enhance chances for preservation, may require an additional waiting period of not more than 30 days. The bill also adds a civil penalty of not less than $50 nor more than $1,000 for any violation of the act. The attorney general or any resident of the state may file suit in the district court to restrain or enjoin any violation or threatened violation and to recover the civil penalty for the state.

Senate Bill 208 requires meetings of the board of trustees of community centers for mental health and mental retardation services to be open to the public to the extent required by the "open meetings law."

Membership of the Texas Youth Council is increased from three to six by Senate Bill 278 (immediate effect—May 5, 1975), and daily compensation for members of the council is increased from $10 to $35.

The Joint Advisory Committee on Government Operations is created by Senate Bill 319 (immediate effect—June 19, 1975) and is authorized to examine the operations of the executive agencies of state government in the context of economic efficiency as well as to recommend to the legislature appropriate action calculated to improve the efficiency of these agencies.

House Bill 393 amends the statute concerning American Indian reservations by changing the name of the Commission for Indian Affairs to the Texas Indian Commission. The regulation of Tigua and Alabama-Coushatta reservations is consolidated under the commission.

Under the provisions of House Bill 2214 (immediate effect—June 19, 1975), motor carriers are required to have an identification plate issued by the Railroad Commission of Texas displayed only on the front of their vehicles instead of on both front and back.

Senate Bill 523 (immediate effect—April 24, 1975) adds the lieutenant governor and speaker of the house of representatives to the Texas Advisory Commission on Intergovernmental Relations as members serving ex officio.
**Senate Bill 492** (immediate effect—May 20, 1975) amends the fee structure applicable to the General Land Office to permit an increase in many of the fees that may be charged for rendition of services.

The Compensation Claims Board, which was created to compensate cotton growers for losses incurred by compliance with the Pink Bollworm Act, was abolished by **Senate Bill 326** (immediate effect—May 20, 1975). **Senate Bill 377** removes from the Soil Conservation Board the five ex officio members who formerly served in an advisory capacity on the board.

The State Building Commission and governing bodies of agencies and institutions exempt under the State Building Construction Administration Act are required to prepare performance and procedural standards for maximum energy conservation in the construction of new state buildings. **Senate Bill 516** (effective January 1, 1976) provides that the State Building Commission shall also publish an energy conservation manual for use by designers, builders, and contractors of residential and nonresidential buildings. In other legislation, **Senate Bill 519** creates the Governor's Energy Advisory Council. Composed of both legislative and executive officers, the council is charged with formulating a state energy policy for recommendation to the legislature and executive offices. Energy matters affecting the state are to be coordinated by the council.

Examining and Licensing Agencies The volume of legislation enacted by the 64th Legislature relating to state examining and licensing activities in the state was greater than that at any recent session. Occupations affected by new laws or amendments to old laws ranged from the medical and legal professions to bail bondsmen and drivers' license training instructors.

The practice of law is directly affected by two acts: **House Bill 424** amends the State Bar Act to add three categories to those who may, without a license to practice law, assist a licensed attorney in the trial of a case. Under the terms of this act, those who may assist a licensed attorney include (1) a law student who has completed one-half of the required curriculum for graduation and is enrolled in a clinical legal education course for which credit is given; (2) a graduate of an approved law school during the interim between his graduation and the first offering of the state bar examination after his graduation; and (3) a graduate of an approved law school who has taken the state bar examination once but has not
received the result of that examination. Compensation by a county to a court-appointed attorney is affected by House Bill 1569, which sets the minimum of such compensation at $25.

Regulation of the medical profession is the subject of four bills: House Bill 768 (immediate effect—April 29, 1975) establishes the procedure by which a person who attended a medical school outside the United States is licensed to practice medicine in Texas. Senate Bill 309 (immediate effect—June 19, 1975) authorizes the Board of Medical Examiners to receive criminal records or reports pertaining to its licensees from any source. In addition, the bill requires that the board submit to the Department of Public Safety a complete set of fingerprints of each person who applies for a license to practice medicine. The department, in turn, is required to check those fingerprints against its files and report the results to the board. Senate Bill 310 (immediate effect—May 8, 1975) authorizes the Board of Medical Examiners to extend the expiration date of a temporary license for a period not to exceed one year, and Senate Bill 311 (immediate effect—May 8, 1975) establishes a supplementary fee schedule for the board which allows it to collect fees not hitherto authorized.

In one more bill relating to the medical profession, Senate Bill 308 increases the per diem compensation of members of the Board of Medical Examiners from $50 to $100 and also increases from 50 to 60 the maximum number of days in a calendar year for which a member may claim the per diem compensation.

A comprehensive procedure for the licensing of persons who represent themselves as social psychotherapists is set forth in House Bill 247. The act creates the Board of Examiners in Social Psychotherapy and authorizes it to promulgate rules and regulations. The act also establishes licensing requirements and delineates the examination and licensing procedure which the board is to follow.

The nursing profession is the direct subject of two bills, one, House Bill 627, relating to the fees charged by the Board of Nurse Examiners, and the other, House Bill 1841, relating to academic credit for certain educational and clinical experience. House Bill 627 increases the admission fee to examinations from $5 to $20, increases the fee for proctoring examinations of examinees from another state from $20 to $50, increases the fee for certain reregistrations from $2 to $10, and sets a fee of $10 for the issuance of a temporary permit. House Bill 1841 requires that those state institutions of higher education offering nursing education programs give academic credit for certain educational and
clinical experience in the nursing field.

The dental profession also came in for new licensing requirements. **House Bill 1334** (immediate effect—June 19, 1975) adds to the scope of the definition of dentistry for purposes of licensing dentists. **Senate Bill 529** (immediate effect—June 19, 1975) provides a procedure through which dentists in an area may form a local peer review committee to act as arbiter in a dispute between a dentist and a patient or person obligated to pay for dental services. The article also establishes a state appeals committee to hear appeals from the decisions of local peer review committees.

**Senate Bill 405** amends the law applicable to the State Board of Examiners of Psychologists. The act allows the board to certify specialties within the profession and to add certain requirements to the qualifications for licensure. It also adds to the list of persons exempt from license requirements as follows: nurses, licensed optometrists, marriage or family counselors, and employees of certain public and private agencies. The act allows the board, under certain conditions, to require that a licensee or applicant submit to a physical or psychological examination before his license is issued or renewed.

The compensation of members of the State Board of Pharmacy and certain fees charged by the board have been increased by **House Bill 1002**. The daily compensation of members of the board is raised from $25 to $50; the maximum fee the board may charge an applicant for a license is increased from $20 to $50, with the maximum renewal fee increased from $15 to $35. The act also increases from $25 to $50 the maximum fee the board may charge for a permit to operate a pharmacy.

**House Bill 1550** adds a section to the Texas Optometry Act establishing continuing education requirements for optometrists. Optometrists are required to take at least 12 hours of course work per year as a prerequisite to license renewal.

The regulation of persons engaged in the business of providing chiropractic services is the subject of three bills passed during the session. **Senate Bill 39** (immediate effect—March 13, 1975) raises from $25 to $50 the maximum fee that the Texas Board of Chiropractic Examiners may charge each person licensed by the board for annual registration. **Senate Bill 40** (immediate effect—March 13, 1975) relates to academic prerequisites for admission to the examination for a license to practice chiropractic, to the fees that may be charged for the examination, and to the subjects included in the examination. **Senate Bill 717** (immediate
effect—May 22, 1975) establishes a state peer review committee to review and evaluate chiropractic treatment and services and to act as an arbiter in disputes between chiropractors and patients or persons obligated to pay for chiropractic services.

The fee structure in the licensing of physical therapists is the subject of Senate Bill 634 (immediate effect—May 27, 1975) which provides for a nonrefundable application fee for persons who apply for a physical therapist license or physical therapist assistant license. It also increases the examination fee for these two licenses and makes the fee refundable if the applicant does not take the examination. The restoration fee for an expired license is increased from $5 to $50.

Senate Bill 924 (immediate effect—June 19, 1975) amends the Texas Nursing Home Administrators Licensing Act by authorizing the licensing board to revoke, suspend, or refuse to renew a license if the licensee has been grossly negligent as a nursing home administrator. The act provides further that the board may consider a licensee's failure to comply with the Department of Health requirements in determining whether the licensee meets the standards for licensing.

House Bill 532 amends the Texas Engineering Practice Act in four respects, as follows: (1) to require that the roster of professional engineers be published biennially rather than annually; (2) to increase the registration fee from $25 to $50; (3) to allow the regulatory State Board of Registration for Professional Engineers to establish an annual renewal fee not to exceed $45; and (4) to remove the provision that all licenses expire in December.

The date on which an unrenewed architecture license may be revoked is changed by Senate Bill 583 (immediate effect—May 27, 1975) from April 1 of the year following the year in which renewal is due to April 1 of the same year in which renewal is due.

Other measures enacted relating to functions of examining and licensing agencies include House Bill 1059, which requires persons trafficking in secondhand metal to keep a written record of purchases of bronze cemetery vases, receptacles, memorials, or statuary; Senate Bill 1083 (immediate effect—June 19, 1975), which makes bail bondsman licensing requirements applicable to counties with populations between 124,000 and 150,000; Senate Bill 602, which requires a license for persons who sell fruit under certain conditions as discussed in the section of this report on agriculture; Senate Bill 544, which regulates the growing of seeds
or plants as discussed in the agriculture section; *Senate Bill 332* (immediate effect—May 27, 1975), which increases from two to four years the term of a commission issued by the governor to a qualified branch pilot; *House Bill 1925*, which requires a license of auctioneers and establishes a procedure for the licensing and regulation of persons who sell property at auction; *House Bill 1636*, which provides that insurance adjusters’ examination and license fees be deposited in the insurance adjusters fund in the state treasury; *House Bill 1526* (effective January 1, 1976), which requires that certain persons engaged in the business of buying cotton be registered with the commissioner of agriculture; *House Bill 1353* (immediate effect—June 19, 1975), which adds counties with populations between 25,000 and 50,000 to those counties in which motor vehicle driver training instruction may be taught by a supervisory instructor or an instructor not connected with a commercial driver training school; and *House Bill 431* (immediate effect—June 19, 1975), which is an extensive revision of the Private Investigators and Private Security Agencies Act. The act expands the list of occupations covered under terms of the amended law and completely revises the revocation and suspension procedures.

More extensive legislation in the area of examining and licensing boards and agencies includes *Senate Bill 397* (effective September 1, 1975), which is a complete revision of the Texas Mobile Home Standards Act. The act eliminates the Performance Certification Board and vests sole responsibility for the administration and enforcement of the act in the Department of Labor and Standards. It expands the scope of the mobile home standards code as the source of standards applicable to the manufacture and sale of mobile homes. Minimum standards to be included in warranties provided to purchasers of mobile homes are provided, and the act allows the Department of Labor and Standards to establish ports of entry through which a mobile home manufactured outside Texas must pass if the final destination of the unit is in Texas. Finally, the act adds a civil penalty to the existing penalty structure.

Another bill including broad changes is *Senate Bill 344* (immediate effect—May 19, 1975), which is a complete revision of the Real Estate License Act. The act was the result of an interim study conducted by a subcommittee of the Business and Industry Committee of the House of Representatives of the 63rd Legislature.

The law regulating barbers and cosmetologists has been extensively amended by *Senate Bill 86*. It revises much of the law applicable both to the Board of Barber Examiners and the Cosmetology Commission in such areas as license fee structure, education
requirements for licensees, and other administrative matters. In addition to these changes, the act makes two substantial changes in the law: (1) it prohibits licensees of one of the regulatory agencies from working in a shop licensed by the other agency, this section becoming effective on January 31, 1976; and (2) it eliminates the functional distinctions between barbers and cosmetologists and erases sex distinctions which existed heretofore as limitations on the permissible clientele of each trade to the effect that barbers and cosmetologists may perform the same services on the same patrons beginning with the effective date of the act.

**Senate Bill 5** (immediate effect—June 19, 1975) decreases the registration fee for firms engaged in the business of installing or servicing fire extinguisher systems from $225 to $75, decreases the annual renewal fee required of the firms from $150 to $75, decreases the registration fee for an employee of a firm engaged in the business of installing or servicing fire extinguisher systems from $25 to $5, and decreases the annual renewal fee of the employee from $15 to $5.

**House Bill 1886** provides that a violation of the Plumbing License Law of 1947 is a Class C misdemeanor. This legislation was made necessary because the penalty for violation had been deleted from the revised penal code by the 63rd Legislature but had not been transferred to the civil statutes.

A broad revision of the law applicable to the licensing and taxation of persons who own or operate coin-operated machines was brought about with the enactment of **Senate Bill 869**. The name of the agency charged with administration and enforcement of the act is changed by the new legislation from the Texas Vending Commission to the Texas Amusement Machine Commission, and membership of the body is increased from three to six. The act alters the fee and penalty structures of the licensing and registration requirements and allows a city or county to levy a limited license fee. The legislation also broadens the licensing exemption for a person who owns machines that he operates on premises that he occupies. Further, it alters both the discretionary and mandatory grounds under which a license may be denied, or renewal refused, and completely revamps the appeal procedure following such refusal. Certain limitations are removed on persons who operate machines on premises in which alcoholic beverages are sold.

The State Board of Insurance is authorized to regulate the fire alarm and fire detection device business and to appoint a State Fire Marshal by **Senate Bill 925** (immediate effect—May 30, 1975).
The bill gives the board authority to delegate all or part of its responsibility under the act to the State Fire Marshal who, with the assistance of the advisory council, is required to implement rules and regulations deemed necessary by the board for the protection of life and property in controlling registration, examination, and licensing of organizations involved in the fire alarm or fire detection device business.

State Employees
Spiraling inflation during 1974 far outstripped the cushioning effect of pay increases for state employees authorized by the 63rd Legislature. Consequently, early in the regular session of the 64th Legislature the governor called for substantial increases in salaries and fringe benefits for the remainder of the fiscal year and submitted the issue as an emergency matter. The legislature responded swiftly by enacting Senate Bill 1 (effective February 1, 1975) providing for increases in salaries, travel expense reimbursements, and state participation in group insurance premiums for certain state employees. The salary increases did not apply to employees of the house of representatives and senate or employees of members of the legislature.

In other legislation directed toward improving economic conditions of state employees, House Bill 1058 authorizes advance payments to state employees and officers for travel expenses incurred in the exercise of official duties. In addition, the act provides that state agencies may establish a revolving petty cash fund to finance such advance payments.

Existing state law authorizes a local transportation allowance to state employees whose duties customarily require travel within their designated headquarters areas. Senate Bill 881 (immediate effect—June 19, 1975) amends this law to allow employees with physical handicaps to spend more than the standard allowance set by the General Appropriations Act if the physical handicap precludes the personal operation of a privately owned automobile.

Senate Bill 345 (immediate effect—May 27, 1975) permits a lump sum payment for duly accrued vacation time to a state employee who has been continuously employed for six months at the time of separation from state employment.

The addition of longevity pay in the amount of $4 per month for each year of service was provided by House Bill 218 (September 1, 1975) for commissioned law-enforcement personnel of the Department of Public Safety, the State Board of Control, Texas Alcoholic
Beverage Commission, Texas Parks and Wildlife Commission, Texas Department of Corrections, and state institutions of higher learning. This new provision is in lieu of existing longevity pay rates.

**Senate Bill 464 (immediate effect—June 19, 1975)** transfers from the Department of Public Welfare to the Employees Retirement System of Texas responsibility for the operation and administration of programs that provide social security coverage for certain public employees.

Retirement systems also received a share of legislative concern for state employees. Perhaps the major achievement was the passage of **Senate Joint Resolution 3**, subsequently approved by the Texas electorate on April 22, 1975, which revises and consolidates nearly all constitutional provisions relating to state and local retirement systems in a new Section 67 of Article XVI of the Texas Constitution. This new section continues in effect the public retirement and benefit systems already established by the constitution and laws, authorizes the legislature to create other systems and programs, and requires funding and fiduciary standards necessary to maintain such systems and programs on a sound actuarial basis.

Tremendous increases in the cost of living during the past decade have inflicted great hardship on persons with fixed incomes, particularly those drawing retirement pensions based on former purchasing power of the dollar. This new constitutional provision authorizes the legislature, in an emergency situation as determined by the governor, to appropriate such sums as may be actuarially determined to be required to fund additional retirement benefits authorized by law. Under this provision and in response to the governor's recommendation, the legislature enacted two bills which increased benefits to retired public employees: **Senate Bill 56 (immediate effect—February 25, 1975)** authorizes increases ranging from 5 to 18 percent in the levels of Teacher Retirement System benefits paid to various retired members. **Senate Bill 62 (immediate effect—May 9, 1975)** increases by 12 percent annuity benefits for retired members of the Employees Retirement System of Texas. The bill also authorizes the payment of group life and health insurance premiums, within limits of eligibility under state contracts, for persons entitled to receive annuity payments.

Another retirement measure, **Senate Bill 90**, makes numerous changes in the act relating to the Employees Retirement System of Texas. Methods of calculating payment of annuities, death benefits, and insurance premiums are revised to provide greater benefits to state
employees and state officials who retire after February 25, 1975. The amount annually contributed by the state to the system is increased from 6 to 7-1/2 percent of the aggregate compensation of all members. The contribution by members of the legislature is increased by one-third; however, other members' contributions remain at 6 percent of annual salary. System records on individual members and beneficiaries are classified as confidential information under terms of the bill. In addition to benefits outlined, the measure provides that any member who retires under the provisions of the statute is entitled to be paid for any accumulated leave in a lump sum.

The payment of disability retirement and death benefits, as well as the presently authorized proportionate service retirement, is permitted under Senate Bill 61 (immediate effect—April 30, 1975) to eligible employees who have held more than one class of membership in the state employees, judicial, or teachers retirement systems. This legislation also provides that any member of the Employees Retirement System of Texas who served as an employee of a United States senator or congressman and who was paid for this service from public funds may, upon payment of contributions, interest, and fees, be granted up to 60 months creditable service for such employment.

Public Lands

The lease, sale, and transfer of public lands and provisions relating to such transactions are recurrent matters for legislative consideration, and, certainly, the 64th Legislature had to deal with a fair share of amendatory and new legislation pertaining to the state's public lands.

Lease of State Lands

Senate Bill 455 increases from five to ten years the maximum length of leases of public lands set apart for public schools or for certain asylums. The act also permits such lands to be traded as well as sold. By Senate Bill 456, the commissioner of the General Land Office is authorized to acquire for the state improvements made by lessees of public lands.

House Bill 2127 amends state law to provide for forfeiture of certain oil and gas leases on state lands for failure to file required reports and assignments of leases with the General Land Office. It also establishes penalties and interest for late royalty payments due the state.

An act of the 63rd Legislature provided that the payment of royalty
under oil, gas, or other mineral leases issued by a board of lease (other than the Board of Lease of University Lands), the School Land Board, or the Commissioner of the General Land Office may be taken in kind. Senate Bill 604 (immediate effect—May 20, 1975) amends that law to include Relinquishment Act land royalties among those that may be taken in kind.

Sales and Transfers

Under existing law, if a tract of land acquired from the state exceeds the quantity specified in the title or patent, the owner may purchase the excess acreage. Senate Bill 486 (immediate effect—June 19, 1975) also permits the owner of a portion of an original tract of land acquired from the state to purchase any excess acreage in his tract which is not recognized in the original title or patent. The bill designates the School Land Board as the authority to fix the price for excess land purchased under this law.

Senate Bill 547 (immediate effect—May 20, 1975) authorizes the governor to grant to the United States portions of the bed and banks of the Rio Grande within its territorial limits to facilitate relocation and rectification of the river, for construction of works for flood control, and to preserve and make boundary adjustments as provided for in the Treaty to Resolve Pending Boundary Differences and Maintain the Rio Grande and Colorado Rivers as the International Boundary between the United States of America and the United Mexican States and the America–Mexican Boundary Treaty Act of 1972. These grants of land reserve to the State of Texas all minerals except rock, sand, and gravel needed by the United States in construction projects. The act does not affect the property rights of private owners of land abutting the Rio Grande.

Navigation districts which have acquired land from the state through purchase or grant may exchange such land with the state under provisions of Senate Bill 806 (immediate effect—May 27, 1975). The act also makes changes in the requirements for the lease of land from the state by navigation districts.

The School Land Board in conjunction with the General Land Office was authorized by the 63rd Legislature to trade interest in Public Free School Fund Lands under certain circumstances. House Bill 365 extends the deadline for such trades from December 31, 1974, to December 31, 1978. The act also provides that the governor's failure to sign the deed for a proposed trade constitutes a veto of the transaction.
House Bill 1931 (immediate effect—May 20, 1975) authorizes the commissioner of the General Land Office to issue a patent to the surface of a tract of land in Montgomery County to the Board of Regents, State Senior Colleges, for the use and benefit of Sam Houston State University. The act is designed to make the university eligible for grants to finance capital improvements for biological research or other educational activities.

The Texas Parks and Wildlife Department is authorized by House Bill 1305 to sell a certain tract of land in Harris County, with the proceeds from the sale becoming a part of the Special Game and Fish Fund.

Senate Bill 665 (immediate effect—June 19, 1975) authorizes the State Board of Control to convey all interest in a tract of land which is part of Fair Park to the City of Dallas for public museum purposes. Should the land cease to be used for the specified purposes, title will revert to the state.

Under Senate Bill 1011 (immediate effect—May 27, 1975), the Texas Youth Council is authorized to convey property of the Mountain View School for Boys to the Texas Board of Corrections. All funds appropriated to the Texas Youth Council for the Mountain View School not already expended or encumbered are also appropriated by the act to the Texas Department of Corrections for the operation and staffing of the facility for the remainder of the fiscal year ending August 31, 1975.

A tract of land under the control of the Texas Department of Mental Health and Mental Retardation is conveyed to the City of Big Spring by Senate Bill 236 (immediate effect—April 30, 1975) for use as a public park for recreational purposes. House Bill 1597 also allows the department to transfer approximately 29 acres of land to the City of San Antonio for park purposes.

The Texas Department of Mental Health and Mental Retardation is authorized by Senate Bill 212 (immediate effect—May 20, 1975) to sell a tract of land located near the Lufkin State School, but the state is to retain all interest in oil, gas, and other minerals. Proceeds from the sale are to be deposited in the General Revenue Fund. Senate Bill 356 (immediate effect—May 8, 1975) authorizes the department to sell all interest in surplus land, not to exceed 500 acres, in Cherokee County, with proceeds from the sale becoming a part of the department's funds for use in the construction of living quarters for staff personnel at Rusk State Hospital.

The Board of Regents of Midwestern University is authorized by
Senate Bill 264 (immediate effect—April 29, 1975) to sell certain land in Wichita County, with proceeds from the sale to be dedicated to the physical plant funds of the university.

Senate Bill 363 (immediate effect—May 20, 1975) places 110 acres of land in Waller County under the control and supervision of the Board of Directors of the Texas A & M System for the use and benefit of Prairie View A & M University. The board of directors is authorized to lease the land for oil, gas, sulphur, and other mineral development.

Other State law requires a public hearing for conversion of park land to another use by a state department, agency, board or political subdivision. House Bill 342 permits such governmental entities to convert land used for park purposes to another use without a public hearing if the land was originally obtained for the other use.

Water

As in previous sessions, water conservation and development have been important areas of legislative activity. Particular emphasis was placed by the 64th Legislature on the regulation and operation of water districts, but important improvements in the areas of water rights and water development were also achieved.

Water Rights Under Texas law, no person may appropriate state water or construct works that are designed for storing, taking, or diverting state water unless the person first obtains specific authorization from the state through the Texas Water Rights Commission. In Clark v. Briscoe, 200 S.W.2d 674 (Tex. Civ. App.—1947, no writ), the Court of Civil Appeals in Austin held that the State Board of Water Engineers (later the Texas Water Rights Commission) not only had authority to authorize the use of state water specifically but also to exercise continuing supervision over the distribution and use of state water. This continuing supervision by the commission was questioned in 1972, when the Court of Civil Appeals in Austin held that a water district could change the purposes for which it was using state water without approval of the commission. (Nueces County Water Control and Improvement District No. 3 v. Texas Water Rights Commission, 481 S.W.2d 924 (Tex. Civ. App.—1972, writ ref'd n.r.e.)) In response to the confusion created by the later opinion, the legislature adopted House Bill 114 which requires approval of the Texas Water Rights Commission before a person holding a water right under a permit, certified filing, or
certificate of adjudication may change the place of use, purpose of use, diversion point or rates, or acreage to be irrigated or alter a water right in any other manner.

Water rights are held under three separate legal instruments—permits, certified filings, and certificates of adjudication. Under a law adopted in 1953, the Texas Water Rights Commission may cancel water rights held under permits and certified filings. Certificates of adjudication which were not authorized by a 1967 law have not been included under this cancellation statute, making it difficult for the commission to make available full and fairly for appropriation and beneficial use water that is not already being appropriated and beneficially used. To remedy this situation, the legislature adopted House Bill 116 (immediate effect—March 27, 1975) to include certificates of adjudication under the cancellation statute, House Bill 116 also contains some clarifying language to remove problems of administering the cancellation statute.

The Water Rights Adjudication Act requires the Texas Water Rights Commission to send by certified mail to various claimants written notice of adjudication and notice of preliminary determinations of water rights claims. This requirement has resulted in considerable unnecessary expenditure of public funds. Under House Bill 1579, the legislature has amended this requirement to allow notice to be sent by less expensive first-class mail.

Maintaining an adequate ecological environment in the bays and estuaries of the state has been of increasing concern in the conservation and development of water resources. Because of this, the legislature has adopted Senate Bill 137 (immediate effect—June 19, 1975), which requires that the Texas Water Rights Commission consider effects on the bays and estuaries in determining whether or not to grant a permit to store, take, or divert water. The bill also directs the Texas Water Development Board, in cooperation with other state agencies, to investigate the effect of freshwater inflows on the bays and estuaries and to make comprehensive studies regarding the development of methods to protect the environment of bays and estuaries.

Water Development

As the result of a need to provide an adequate supply of water for the entire state, the constitution was amended in 1957 to authorize the issuance of the first Texas Water Development Bonds providing financing for water facilities. On several other occasions since 1957, the constitution has been amended to authorize the issuance of additional bonds, with the
total now $400 million for water development purposes and $100 million for water quality enhancement purposes. Responding to demands for even more funds for water development, the legislature passed Senate Joint Resolution 49, which proposes an amendment to the constitution to increase the amount of bonds available by another $400 million. The proposed amendment would also consolidate and simplify all provisions of the constitution relating to Texas Water Development Bonds, would prohibit the use of bond funds to develop water resources from the Mississippi River, and would limit to $35 million the amount that may be spent on a single project without legislative approval.

The Federal Deepwater Port Act of 1974 (33 U.S.C. 1501 et seq.) includes certain duties and functions to be performed by the states with regard to applications made to the federal government for ownership, operation, and development of deepwater ports. In Senate Bill 809 (immediate effect—June 21, 1975), the legislature provides the framework for the State of Texas to perform and fulfill its responsibilities under this federal law. The commissioner of the General Land Office is made responsible for assuring that applications for deepwater ports comply with state and local law, and the governor is given final approval on applications sent to the federal government.

The Texas Coastal Waterway Act of 1975 (Senate Bill 472) makes the State of Texas the nonfederal sponsor of the main channel of the Gulf Coast Intracoastal Waterway from the Sabine River to the Brownsville Ship Channel. The State Highway Commission is designated to act for the state to carry out the responsibilities as sponsor and to cooperate with the federal government and other governmental entities.

Groundwater

Along the Gulf Coast, a number of major metropolitan areas, including Houston and Galveston, have used groundwater as main sources of water supply for many years, but the withdrawal of groundwater has caused the underground formations from which it is removed to compact, thus causing the land to sink. This sinking phenomenon is known as land subsidence. In Harris and Galveston counties, land subsidence is so severe in some areas that homes and business buildings have been flooded and ruined and some areas made uninhabitable. As the land continues to subside, the threat of flooding increases and the potential disaster from a severe storm has made the need for affirmative action critical. In response to this need, the legislature enacted House Bill 552 (immediate effect—May 23, 1975) and Senate Bill 1054 (immediate effect—June 19, 1975).
Under provisions of House Bill 552 (immediate effect—May 23, 1975), the Harris-Galveston Coastal Subsidence District is created and given authority to regulate the withdrawal of groundwater within the boundaries of the two counties. Through the adoption of a district master plan for groundwater withdrawal, the issuance of individual well permits, and the use of incentives to encourage conversion to surface water use, it is hoped that the new district will be able to stabilize the situation and slow and eventually halt the land subsidence. The district is to be governed by a board of directors with 15 members from various areas in the district. To enforce its action, the district is authorized to bring suits to recover civil penalties and to obtain injunctive relief.

Senate Bill 1054 (immediate effect—June 19, 1975) amends the statute creating the Gulf Coast Waste Disposal Authority to authorize that authority to work with and assist certain legislative committees and to contract with certain state agencies to carry out the first phase of a land subsidence control program. Under this new law, the authority is also required to develop regional information relating to water demand, surface water supply, and groundwater pumping zones, and to prepare methods of redistributing water in the future.

While land subsidence has proved to be the main groundwater problem along the Gulf Coast, the problem for the Edwards Aquifer (comprised of Kinney, Uvalde, Medina, Bexar, Kendall, Comal, and Hays counties) has been the potential for water pollution in the aquifer. House Bill 1321 amends the Texas Water Quality Act to require the Texas Water Quality Board to hold a public hearing on actions to protect the aquifer from pollution once a year in at least one of the counties located in the Edwards Aquifer area. Additional hearings are to be held in any of the other counties in which commissioners courts request them.

Water Districts

General Law

A major portion of the legislature's efforts in the area of water conservation and development has been directed toward the adoption of additional laws to control the operation of water districts and to regulate these operations.

The law has been silent as to who would serve as the appropriate party for service of process, notice, and demand for a water district. House Bill 1349 designates the president of the district and the district's general manager as the agents of the district on whom process, notice, and demand will be served in the future.
A new law providing in detail for the audit of water district finances and the submission of these audits to the Texas Water Rights Commission was enacted by the 63rd Legislature. With the enactment of House Bill 328, the 64th Legislature amended this law to clarify certain provisions and to add some new and needed provisions. The act requires the filing of copies of district audits with the city in whose extraterritorial jurisdiction the district is located, this to be accomplished by filing copies with the city secretary or other designated official. House Bill 321 authorizes a public accountant to perform audits for a district and requires each district to file with the commission an affidavit stating that other copies of the audit have been filed with appropriate entities. This bill also authorizes the district, through the attorney general, to collect civil penalties for violations of the audit law.

House Bill 322 requires all water districts that provide or propose to provide as their principal function water and sewer service, or either of these, to household users, to post at two or more principal entrances to the district signs indicating the existence of the district. The size of, exact location, and information on the signs are to be determined by the Texas Water Rights Commission.

Current law requires the state auditor to audit the accounts, books, and other financial records of the state's river authorities. Senate Bill 608 (immediate effect—May 20, 1975) repeals this requirement and allows each river authority to elect to have its accounts audited by an independent public accountant, certified public accountant, or the state auditor. Audits must be performed annually and filed with the Texas Water Rights Commission.

In Letter Advisory No. 53 and Attorney General's Opinion No. 226, the attorney general stated that certain provisions of Senate Bill 807, enacted by the 63rd Legislature and relating to disqualification of members of governing boards of certain water districts, were constitutionally questionable. In response to these opinions, the 64th Legislature enacted Senate Bill 868 (immediate effect—May 20, 1975), which removes the grounds for disqualification that were considered to be unconstitutional.

House Bill 329 amends the law setting the election date for directors of all water control and improvement districts providing water and sewer service, or either of these services, as the principal function of the district. Under the act, coverage is limited to those districts providing their services to household
users.

Resulting from the considerable expense involved in providing a bond as security for district deposits, the legislature enacted Senate Bill 273 (immediate effect—May 20, 1975) to allow depositories for water control and improvement districts to provide security in a form that is the same as provided by law for counties.

In determining whether or not municipal utility districts should be created, the Texas Water Rights Commission is required to find that a project is feasible and practicable and is necessary and would benefit the land in the district before it grants a petition for creation of the district. House Bill 325 adds provisions to the law establishing criteria to be considered by the commission in determining whether or not a project is feasible and practicable and is necessary and would benefit land in the district.

The 63rd Legislature enacted legislation designed to provide staggered terms for directors of municipal utility districts but, through error, the law did not accomplish this purpose. House Bill 654 was enacted by the 64th Legislature to correct the error and to provide staggered terms.

Under House Bill 326, the legislature extends to counties a voice in the creation of municipal utility districts within their boundaries but outside the extraterritorial jurisdiction of any city. The commissioners court is given authority to review petitions for the creation of these districts and is required to submit comments to the Texas Water Rights Commission within a limited time before consideration of the petition by the commission. Also, the construction work of a district is required to meet standards set by the county to protect local drainage and prevent flooding in flood-prone areas. Applications for issuance of bonds by these districts may be reviewed by the county commissioners and comments submitted to the commission.

Under existing law relating to the creation of utility districts, if a district wishes to include a portion of the extraterritorial jurisdiction of a city, the city must be given an opportunity to consider the request for the inclusion. The time period of 60 days allowed for consideration of the request was deemed insufficient, and House Bill 331 extends the time period to 120 days.

Some of the language in the recodification of the law relating to eminent domain authority of drainage districts needed clarification, and House Bill 427 (immediate effect—April 30,
1975), enacted by the 64th Legislature, accomplishes this clarification.

In certain navigation districts created by general law, limits have been placed on who may sign vouchers for the districts. House Bill 1887 authorizes the district treasurer to pay money on vouchers signed by any two persons delegated the authority by the navigation and canal commission. The commission may limit the signers' authority and may require the signers to submit fidelity bonds.

Senate Bill 806 (immediate effect—May 27, 1975) amends the general navigation district laws relating to land and flats of these districts purchased from the State of Texas. Under these amendments, navigation districts are authorized to exchange state land for other land, special law navigation districts are included under laws relating to lease of state land, provisions relating to environmental impact statements are changed, geothermal energy is reserved to the state on state land, notice requirements are provided for use of certain state land and flats, and some provisions are updated to conform to current law.

Water and Utility Districts

Special Law

Other

The 64th Legislature, Regular Session, passed a number of bills relating to specific local water and utility districts. These covered a broad range of duties and responsibilities of these districts and solved specific problems. Bills enacted in this area by the senate include: Senate Bill 283 (immediate effect—May 1, 1975), relating to dissolution of Nueces County Fresh Water Supply District No. 1; Senate Bill 640 (immediate effect—April 30, 1975), relating to operation of financing of certain facilities by North Texas Municipal Water District; Senate Bill 878 (immediate effect—May 8, 1975), relating to the reorganization of the Dallas County Levee Improvement District No. 16; Senate Bill 988 (immediate effect—May 20, 1975) relating to authority of Trinity Bay Conservation District; Senate Bill 1039 (immediate effect—June 19, 1975), relating to creation, administration, and financing of the Alvarado Water Authority in Johnson County; Senate Bill 1115 (immediate effect—June 19, 1975), relating to election of directors of Escondido Watershed Improvement District; Senate Bill 1116 (immediate effect—June 19, 1975), relating to election of directors of Hondo Creek Watershed District; and Senate Bill 1117 (immediate effect—June 19, 1975), relating to boundaries of and board elections to the Ecleto Creek Watershed District. Similar measures enacted in the house include: House Bill 115 (immediate effect—June 19, 1975), relating to preference in use of water in water control and improvement districts; House Bill 675 (immediate
effect—April 3, 1975), relating to creation, functions, and financing of Matador Water District in Motley County; House Bill 865 (immediate effect—April 28, 1975), relating to authority of Green Belt Municipal and Industrial Water Authority to enter into contracts with U.S. Government; House Bill 1055 (immediate effect—May 8, 1975), relating to bid requirements for purchase and contracts of Brazoria County Drainage District No. 4; House Bill 1137, relating to regulation of certain private sewage facilities by Upper Leon River Municipal Water District; House Bill 1005, relating to time and method for election of directors of certain drainage districts; House Bill 1483 (immediate effect—June 19, 1975), relating to organization, operation, and funding of Velasco Drainage District; House Bill 1570, relating to issuing bonds and certain projects proposed by Harris County Flood Control District; House Bill 1598 (immediate effect—May 13, 1975), relating to compensation of directors of Northeast Texas Municipal Water District; House Bill 2095, relating to eastern boundary of Port Arthur Navigation District; House Bill 2152 (immediate effect—June 19, 1975), relating to interest on bonds of San Patricio Municipal Water District; and House Bill 2226, relating to date for election of commissioners of Nueces County Drainage and Conservation District No. 2.

Other miscellaneous water legislation enacted includes: Senate Bill 437, relating to organization, operation, limitation, and financing of Nueces River Authority; Senate Bill 452 (immediate effect—May 27, 1975), relating to bids and execution of contracts of the San Antonio River Authority; Senate Bill 507 (immediate effect—April 24, 1975), relating to compensation of river authority directors; Senate Bill 677 (immediate effect—May 8, 1975) relating to bonds or notes of the Brazos River Authority being legal investments; Senate Bill 1028 (immediate effect—June 19, 1975) relating to authority, privileges, and functions of Guadalupe-Blanco River Authority; House Bill 1643, relating to creation, financing, and annexation of land to pollution control districts within San Antonio River Authority; and House Bill 2165 (immediate effect—May 19, 1975), relating to boundaries of Red River Authority of Texas.

House Bill 2171 (immediate effect—June 21, 1975) relates to the creation, administration, powers, duties, and functions of the West Cedar Creek Municipal Utility District, and House Bill 2210 (immediate effect—June 19, 1975) provides for changing the name of the Lake Dallas Municipal Utility Authority to Lake Cities Municipal Utility Authority. Senate Bill 996 (immediate effect—May 20, 1975) creates the Parker County, Texas, Utility District.
Public Education

By far the most significant legislative action in the field of public education was the passage of House Bill 1126 (effective September 1, 1975), which revised the Foundation School Program. Under the bill, salaries for most professional personnel are increased by $140 per month and salaries for paraprofessional personnel are increased by $70 per month. School districts are allowed to choose from a variety of staffing positions for personnel to meet the unique needs of their regular education programs. No change is made in the formulas allocating special education and vocational education personnel. Each school district is required to maintain an overall average ratio of not less than one teacher for each 25 students in average daily attendance.

Allocations for maintenance and operating expenses are increased to $90 per student in average daily attendance in 1975-1976 and $95 per student in average daily attendance thereafter. Transportation allotments are increased by 62.5 percent. The bill also provides funding for the first time for educational programs for educationally disadvantaged students and for drivers education programs.

Each district’s share of its Foundation School Program cost is determined by applying an index tax rate to the estimated value of taxable property in the district. The index tax rate is set at 30 cents for the 1975-1976 school year and 35 cents for each school year thereafter. Several save-harmless provisions are included in the bill to cushion the impact of the new plan on school districts during the next two years.

In order to narrow the gap in access to fiscal resources between property-rich districts and property-poor districts, the bill provides equalization aid for program enrichment to school districts that have local fund assignments per student in average daily attendance which are less than 125 percent of the total statewide local fund assignment per student in average daily attendance.

While a number of the provisions contained in House Bill 1126 will reduce the fiscal disparities between rich and poor school districts, the legislature recognized that further modifications are needed. The bill directs the governor to conduct a study to determine methods of allocating state funds to school districts which will insure that each student of this state has access to programs and services that are appropriate to his educational needs regardless of geographical differences and varying local economic
factors. The study is to include a determination of each school district's ability to support public education based on the value of taxable property in the district. The governor is to submit a summary of his recommendations and proposed legislation to implement them to each member of the legislature not later than November 1, 1976.

In addition to changes in the Foundation School Program, House Bill 1126 also includes provisions which extend bilingual education funding to the kindergarten grade level, increase funding for regional education service centers from $2 to $3 per student served by the centers, and exclude illegal aliens from eligibility for a free public education.

A number of bills were passed by the legislature dealing with special pupil populations. In the field of special education, House Bill 1313 authorizes regional education service centers to contract with nonprofit community mental health and mental retardation agencies for the provisions of services to exceptional children. Senate Bill 759 (immediate effect—June 19, 1975) provides that the State Board of Education may contract with private agencies for the education of certain multiply handicapped persons who cannot be effectively cared for or educated through traditional programs for exceptional children. The statutory requirement that salaries for personnel employed in regional day school programs for the deaf be not less than the salaries paid for comparable positions in any school district served by the region is deleted by House Bill 1142 (immediate effect—June 19, 1975). New eligibility criteria for handicapped persons served by rehabilitation districts are established by House Bill 668 which also provides state funding for additional personnel positions for the districts.

In the area of vocational education Senate Bill 267 (effective September 1, 1975) adds three additional members to the Advisory Council for Technical-Vocational Education and provides that the council shall support actions and activities to encourage and strengthen local and regional vocational advisory councils in carrying out their responsibilities. The concept of community education is defined in Senate Bill 366 (immediate effect—May 15, 1975), and the Central Education Agency is directed to develop guidelines and pilot projects for community education programs. The special needs of gifted and talented students is recognized by House Bill 280, which directs the Central Education Agency to establish a program for the provision of educational opportunities for those students commensurate with their capabilities for learning and their special talents. Funding for demonstration
programs for the education of gifted and talented students in various regions of the state is authorized from the Foundation School Fund.

The governance and authority of school districts was the subject of several laws passed by the 64th Legislature. Under the provisions of House Bill 313 (immediate effect—June 21, 1975), school board members of the Houston Independent School District are to be elected from single-member trustee districts which contain as nearly as possible the same number of residents. The requirement that a common school district contain not less than 83 square miles in territory in order to convert to an independent school district is removed by House Bill 426, and common school districts are authorized by House Bill 426 to use assessment ratios for ad valorem tax purposes which are different from those used for state and county tax purposes, although the appraised value of property is to be the same. House Bill 427 removes the limits on compensation which a rural high school district may pay its tax assessor and tax collector, and Senate Bill 304 (immediate effect—June 19, 1975) changes the amount of the surety bond required of certain tax collectors for rural high school districts. The maximum tax rate for the maintenance and operation of certain common school districts in Collin County is increased by House Bill 1139 (immediate effect—June 19, 1975). Sports centers may be constructed or acquired by certain school districts and other governmental units under the provisions of Senate Bill 1089 (immediate effect—June 19, 1975), which also authorizes the issuance of revenue bonds to finance the centers. House Bill 1518 authorizes school districts to contract with public transportation companies for the transportation of students if the contract cost is equal to or below the total cost to the district from state and local funds which the district would incur if it provided its own transportation services. Senate Bill 195 (immediate effect—June 19, 1975) requires the State Board of Control to notify school districts of the availability of surplus or salvage equipment or materials from other state agencies.

Several bills were enacted dealing with county school administration. The most important is House Bill 226 (immediate effect—June 19, 1975) which provides for the elimination of state support for county school administration after December 31, 1978, in counties which contain no common school districts, rural high school districts, or independent school districts with less than 150 students in average daily attendance. The offices of county superintendent and county school boards are abolished on that date in the affected counties unless the offices are supported entirely out of local funds. House Bill 548 authorizes the county board of
school trustees and the commissioners court by joint resolution to appoint a county school superintendent or to abolish the office in counties with one or more common school districts if the elected superintendent fails to qualify for office or resigns or dies during his term of office. Under the provisions of House Bill 715 (immediate effect—June 19, 1975), the number of persons required to initiate a petition to abolish the office of county school superintendent is reduced from 25 percent to 10 percent of the qualified voters in a county with less than 100,000 residents.

The legislature also abolished the offices of county school superintendent in Medina County (House Bill 612, immediate effect—April 30, 1975), Crosby County (House Bill 987, immediate effect—May 20, 1975), Jack County (House Bill 1103), Cameron, Nueces, Tyler, Marion, and Cass counties (House Bill 2141, effective December 31, 1978), LaSalle County (Senate Bill 856, immediate effect—June 21, 1975), and Gonzales and Travis counties (Senate Bill 1110, immediate effect—June 21, 1975). The office of county executive in counties with a population of not less than 95,000 nor more than 97,500 and with only independent school districts was abolished by House Bill 2205.

Other legislation affecting public education includes Senate Bill 35 (immediate effect—February 13, 1975), which abolishes the scholastic census, House Bill 388, which authorizes the transfer of discontinued textbooks to jail libraries, and House Bill 756, which adds municipal courts to those which have jurisdiction to hear complaints concerning truancy. House Bill 575 requires child-caring institutions to pay tuition for children residing at the institutions if they attend public school and if the children's maintenance expenses are paid in whole or in part by another state. Under the provisions of House Bill 1746, children of the Jewish faith are excused from school attendance on the days that Rosh Hashanah and Yom Kippur are observed, but the children are counted as in attendance for purposes of calculating the average daily attendance of students in the district. Finally, House Bill 1238 requires the State Board of Education to provide institutions of higher learning with a statement of the general qualifications required for each area of specialization for which a teaching certificate is authorized.

Teacher Retirement

House Bill 1408 (immediate effect—June 21, 1975) amends the definition of "school year," to enable a member of the Teacher Retirement System, whose employment contract does not coincide with the school year, to take advantage of the retirement benefits for all of the months of service which the
member renders. Also relating to retirement benefits for teachers is House Bill 485 (immediate effect—April 18, 1975), which permits members of the Teacher Retirement System to purchase creditable service in the system for certain military duty rendered before becoming a member of that system. Senate Bill 85 (immediate effect—April 28, 1975) relates to the service, benefits, and accounts of the Teachers Retirement System.

Higher Education

In order to achieve better coordination of the development of postsecondary education in the state, the legislature enacted Senate Bill 706 (immediate effect—June 20, 1975), which delegates additional powers and duties to the Coordinating Board, Texas College and University System. The bill authorizes the board to make recommendations to the legislature with respect to maximum enrollment limits for each public institution of higher education and for any department, school, degree program, or certificate program at individual institutions. Board approval is required before an approved degree or certificate program may be expanded to include additional subject matter courses and before off-campus courses for credit may be offered by a public college or university. The board is also authorized to contract with the State Board of Education for the assumption of administrative responsibilities for technical-vocational education programs in public community colleges, technical institutes, and other eligible public postsecondary institutions, and the board is directed to coordinate credit and noncredit activities of adult and continuing education programs offered by public colleges and universities. In order to assure efficient use of construction funds and the orderly development of physical plants, Senate Bill 706 authorizes the board to approve or disapprove all new construction and repair and rehabilitation of all buildings and facilities financed in whole or in part with state funds, regardless of the proposed use of the facilities, unless the project has been specifically approved by the legislature. The bill also directs the board to ascertain that standards and specifications for new construction and rehabilitation projects conform to statutory standards for the handicapped.

House Bill 493 requires the Coordinating Board to report to the governor and the legislature the statewide needs in higher education. The report is to include information regarding new programs and the restructuring of existing programs to meet changing student needs.

In order to prevent deception of the public through the operation
of fraudulent or substandard degree programs in Texas. **House Bill 1538** (immediate effect—June 19, 1975) prohibits certain private institutions of higher education from offering courses leading to degrees or awarding degrees in Texas without a certificate of authority issued by the Coordinating Board. The board is authorized to establish rules and regulations for the certification of the institutions. A companion bill, **House Bill 1379** (immediate effect—June 19, 1975), requires institutions of higher education established outside of the state boundaries to receive the board's approval before offering a course or grouping of courses within the state.

Tuition and fees at state institutions of higher education were the subject of several bills passed by the 64th Legislature. Under the provisions of **House Bill 31** (immediate effect—June 19, 1975), public senior colleges and universities may not charge a building use fee in excess of $6 per semester hour or the amount being charged on May 1, 1975, whichever is greater, without specific legislative approval. **Senate Bill 193** limits medical service fees to $15 per regular semester and $7.50 per six-week summer term and restricts the use of the fees to providing medical services. Southwest Texas State University is authorized by **Senate Bill 1098** to levy a student fee for bus service at the institution not to exceed $10 per semester or $5 per six-week summer term if the fee is approved by the student body. **House Bill 1892** authorizes East Texas State University to charge a student union fee not exceeding $15 per semester or $7.50 per six-week summer term. A similar fee not exceeding $10 per semester or $5 per summer term is authorized for Texas Tech University by **House Bill 1904** (immediate effect—May 13, 1975).

Reciprocal tuition agreements for certain students who are residents of a state adjacent to Texas counties in which there are public junior colleges are authorized by **Senate Bill 360** (immediate effect—May 6, 1975). The agreements are applicable to students who register at Texas public junior colleges located in a county adjacent to the student's state of residence or who register at an upper level institution located within the junior college district after graduating or completing 45 semester credit hours at the junior college. **House Bill 785** (immediate effect—June 19, 1975) increases tuition for foreign students from $14 to $40 per semester credit hour, but the increase does not apply to students enrolled prior to the effective date of the act. Foreign students holding competitive scholarships of at least $200 for an academic year or summer session are entitled to pay resident tuition fees. The Coordinating Board is directed to adopt rules whereby the governing boards of colleges and universities may set lower tuition fees for
foreign students who are in financial need or for those students from countries which have adopted reciprocal tuition policies. Children of disabled firemen and peace officers are exempted from the payment of all dues fees and other charges at state-supported institutions under the provisions of House Bill 1039. Persons who are 65 years of age or older are allowed to audit courses free of charge on a space available basis under the provisions of House Bill 696.

The 64th Legislature passed three bills relating to student financial assistance. House Bill 688 authorizes two new state student grant programs to be administered by the Coordinating Board—the Texas Assistance Grants Program and the Texas Public Educational Grants Program. Under the Texas Assistance Grants Program, needy students enrolled in approved postsecondary public and private institutions could qualify for grants up to a maximum of $1,000 during any one fiscal year. The Texas Public Education Grants Program authorizes state institutions to set aside 25 cents from each hourly tuition charge and six percent of hourly tuition charges for vocational-technical programs at public community colleges. Each institution may use the funds set aside for student grants or may transfer the funds to the Coordinating Board for matching federal or other grant funds to be awarded to students enrolled at the institution. The Coordinating Board is directed to review institutional guidelines for awarding student grants. The grant programs established by the act replace certain tuition and fee exemption programs enacted in the past.

House Bill 570 authorizes the Coordinating Board to cancel Hinson-Hazlewood loans received by students who earn doctor of medicine or doctor of psychology degrees and who are employed by the Texas Youth Council, State Department of Public Welfare, Texas Department of Corrections, or the Department of Mental Health and Mental Retardation. One-half of the total amount of a loan plus interest due is cancelled following two years of service for one of the designated agencies and the remainder is cancelled after two additional years. Under the provisions of Senate Bill 458 (immediate effect—June 19, 1975), higher education authorities are authorized to sell revenue bonds to obtain funds to purchase student loan notes which are insured through the Federally Insured Student Loan Program.

The 64th legislature devoted considerable attention to the area of medical education and services. House Bill 2136 requires Texas medical schools to establish rules providing for the admission of students who contract with the State Rural Medical Education Board to engage in a general or family practice of medicine in small
towns or rural areas for a period of four years after licensing and medical residency. The bill also provides that students who enter into such contracts will receive a monthly stipend of $100 per month while enrolled in medical school. The Texas College of Osteopathic Medicine in Fort Worth is established as a separate institution under the governance of the Board of Regents of North Texas State University by Senate Bill 216 (immediate effect—May 22, 1975). State institutions of higher education offering nursing education programs are required by House Bill 1841 to plan and incorporate standards and sequential procedures to recognize and grant credit for actual educational and clinical experiences in the nursing field which are equivalent to regular course content. House Bill 1864 (immediate effect—May 13, 1975) allows state institutions of higher education to form cooperative associations with nonprofit, health-related institutions for the operation of certain facilities.

The names of several institutions of higher education were changed by the legislature. Tyler State College became Texas Eastern University (House Bill 630), Midwestern University became Midwestern State University (House Bill 1367), and the State Senior College System became the Texas State University System (Senate Bill 1034, immediate effect—June 19, 1975). Senate Bill 789 changed the name of the Board of Directors of the Texas A & M University System to the Board of Regents and changed the name of the board's presiding officer from president to chairman.

Under the provisions of House Bill 104, the Board of Regents of Texas Tech University and Texas Tech University School of Medicine may lease, manage, control, and use lands set aside for or acquired by the institutions. House Bill 1931 (immediate effect—May 20, 1975) provides for the issuance of a five-year patent title to the surface of a 24-acre tract of Public Free School Land for the use of Sam Houston State University, and House Bill 1938 (immediate effect—June 19, 1975) provides for the acquisition of a 17-acre tract of land for the benefit of Southwest Texas State University. Senate Bill 363 (immediate effect—May 20, 1975) places a 110-acre tract of state-owned land under the control of the Texas A & M University System governing board for the use and benefit of Prairie View A & M University, and Senate Bill 264 (immediate effect—April 29, 1975) authorizes the governing board of Midwestern State University to sell a tract of land in Wichita County. Senate Bill 927 (immediate effect—May 8, 1975) authorizes the conveyance or dedication of certain rights-of-way easements in connection with providing utility service on, over, or through the properties of Texas Tech University and Texas Tech University School of Medicine in Lubbock or Potter counties. Under the terms
of Senate Bill 402 (immediate effect—April 30, 1975), the Board of
Lease of University Lands may sell oil and gas in Austin or any
other location designated by the board.

Junior colleges were the subject of two bills passed by the
legislature. House Bill 2061 (immediate effect—June 20, 1975)
requires junior college districts to receive prior and continuing
approval of the appropriate state educational agency in order to
establish branch centers, or extension facilities or to offer
courses and programs outside the geographic boundaries of their
districts. Senate Bill 365 (immediate effect—June 20, 1975)
provides that before a junior college can offer out-of-district
courses in a county with a population of more than 97,500 and with
no state-supported senior college, it must be established that no
college in the county is able and willing to offer the programs.
Senate Bill 365 also allows the governing board of a countywide
junior or community college district which contains a city with
more than 800,000 residents to establish election dates for
governing board members.

Senate Bill 329 (immediate effect—May 20, 1975) requires
institutions of higher education to file annual, rather than
biennial, financial reports to the governor, treasurer,
comptroller, auditor, and attorney general. The governing board of
the University of Texas System is authorized by House Bill 522
(immediate effect—May 8, 1975) to contract for the construction,
maintenance and operation of a visitor center and related
facilities at McDonald Observatory. Senate Bill 885 (immediate
effect—May 8, 1975) provides that proceeds from the sale or
exchange of crops resulting from agricultural activities at Texas
Tech University shall be applied to defray the expenses of
conducting the agricultural activities. House Bill 176 deletes the
statutory provision which prohibited a historical society or
nonprofit corporation from housing an exhibit in state-owned
museums at state-supported institutions of higher education if a
governing official of the organization had been elected to succeed
himself after serving two consecutive one-year terms. House Bill
1360 (immediate effect—June 19, 1975) authorizes the governing
board of Texas A & M University System to commission certain
employees appointed by the state forester as peace officers.

Family Law

Marriage and Divorce

Title I of the Family Code is amended in several places by House Bill 276.
The application for a marriage license must now contain a
declaration that the applicant has not been divorced within 30 days of the date of the application. The age for marriage with parental consent is reduced from 16 to 14, and the procedure for obtaining judicial consent for marriage has been standardized. The marriage of a person under 14 years of age with court permission is subject to annulment by the child or parent of the underage child. A statutory form for citation by publication in a suit for divorce or annulment is prescribed, and the requirement of notice of the availability of counseling is eliminated. Senate Bill 1053 (immediate effect—June 19, 1975) prohibits a person from marrying a son or daughter of a brother or sister of the whole- or half-blood or by adoption.

House Bill 2153 abolishes the common-law rights of action of criminal conversation, which has been defined as "adultery in the aspect of a tort." The legislation arose from a decision in Felsenthal v. McMillan 498 S.W.2d 729 (Tex. 1973) which upheld this common-law tort action. The court recognized the tort as part of the common law adopted in Article I of the Texas statutes, saying only the legislature could abolish the common-law action. Thus the right of action by one spouse against a third party for criminal conversation is no longer authorized.

Parent and Child Title 2 of the Family Code was amended by House Bill 201. One of the most important additions to this title is the creation of a cause of action for the establishment of a child's paternity. Another addition allows the court to establish jurisdiction of a child and of a nonresident parent under certain circumstances, House Bill 201 also makes some changes in the procedure in a suit affecting the parent-child relationship and provides that failure to support an abandoned child is ground for termination of the parent-child relationship. Several changes are included to facilitate and expedite adoptions. Further, Chapter 35 is amended to permit a physician to examine a child whom the doctor has reason to believe has been abused.

Senate Bill 763 (immediate effect—June 19, 1975) authorizes the Department of Public Welfare to make regulations concerning payments to parents who have adopted hard-to-place children and permits these payments to be made from state funds if the child, previous to the adoption, had been under the care and control of the department. Senate Bill 34 provides a criminal offense for the sale or purchase of a child.
Senate Bill 247 amends Title 3 of the Family Code and alters juvenile delinquency procedures by permitting, under certain circumstances, the use of confessions by children. The bill also provides several new grounds for adjudication of delinquency, including driving while intoxicated and violation of certain court orders subsequent to a finding that the child was in need of supervision.

The definition of school truancy has been cleaned up in the bill to include unexcused absences from school for 10 or more days during a six-month period or 3 or more days during a four-week period. A conforming amendment to the Penal Code clarifies juvenile court jurisdiction. The bill requires that jury verdicts in delinquency cases be unanimous. Also, the juvenile court is given the power, after notice, to prohibit persons from associating with the child.

House Bill 769 (immediate effect—June 19, 1975) and Senate Bill 247 both amend Subsection (d), Section 51.04, Texas Family Code, relating to the qualifications of the presiding judge of a juvenile court. Both bills allow county court judges with four years' experience to sit as the presiding judge in counties of less than 50,000, but does not give authority to such judges to preside in an adjudication, disposition, or certification hearing. House Bill 769 allows a nonlawyer who has completed 60 hours of law school to be a presiding juvenile court judge.

Senate Bill 277 (immediate effect—June 21, 1975) permits the Texas Youth Council to provide local communities with financial and technical assistance for conducting programs for delinquent and predelinquent children.

Welfare

Child Welfare Services

The State Department of Public Welfare is responsible for administering or supervising the administration of numerous programs for children in Texas. Some of these programs are authorized by Texas statutes, and others come under the department's jurisdiction as the single state agency administering federal welfare funds.

During the 64th Legislature's regular session, most of the legislation in the area of child services resulted from documented abuses of children in child care facilities. In 1973, for example, an operator of a child care facility in Texas was indicted for murder in the death of a child in his care. Subsequently, the Committee on Human Resources of the Texas House of Representatives
conducted a study of child care in Texas, and experts in the field testifying before the committee were agreed that corrective legislation was indicated.

Among the several bills enacted to remedy the situation was Senate Bill 965 (effective January 1, 1976). The act provides statewide minimum standards for the safety and protection of children in child care facilities and means of insuring maintenance of these standards. Conditions in the facilities are regulated through a program of licensing established within a designated division of the department, which is also charged with the licensing of child placement agencies and the enforcement of provisions of the act, as well as rules and regulations which the division may promulgate.

The act requires further that the State Department of Health provide the required immunizations of children in areas where no local provision exists to provide these services.

Inspection of licensed or certified child care facilities is required at least once a year, or as often as may be considered necessary, with at least one visit a year to be unannounced. Inspections are also required on receipt of complaints by the division. All applicants for a license, as well as their plans of care for children, are to be investigated by the division before a license is issued.

The act provides both civil and criminal penalties for violation of the act, rule, regulation, or standard of the division, or for operation of a child care facility without a license. Conviction carries a civil penalty of not less than $50 nor more than $1,000 for each day of violation. A person convicted of operating a child care facility or child placing agency without a license is guilty of a Class B misdemeanor; a person placing a public advertisement for an unlicensed facility is guilty of a Class C misdemeanor.

House Bill 569 amends the existing law on child care facilities to require health certificates of persons preparing or dispensing food served in the facilities.

A 1931 law prescribed a cumbersome procedure before the secretary of state could issue a corporation charter to certain child care facilities. This law was amended by Senate Bill 429 to provide that the secretary of state simply give written notice to the State Department of Public Welfare after a charter has been filed.

Testimony before the house committee investigating child care facilities pointed out that hundreds of children from outside Texas
were being placed in substandard facilities in Texas. Two bills were enacted to correct the problem: Senate Bill 407 (effective September 1, 1975) adopts the Interstate Compact on the Placement of Children, a compact already adopted by 24 states which establishes formal guidelines on the care of children placed in facilities in other party states. The commissioner of public welfare is designated the compact administrator. House Bill 1793 (effective September 1, 1975) relates to the placement of children from another state which is not a party to the compact. This bill requires that the commissioner of public welfare approve any placement of a child by an agency outside this state and that the sending agency retain financial responsibility for the child. Another measure, House Bill 2021, repealed outdated sections of the 1931 law relating to bringing a child into the state for adoption which conflicted with Senate Bill 407 and House Bill 1793.

In addition to the duties described above, the State Department of Public Welfare administers a program to encourage adoption of hard-to-place children which is carried out through licensed adoption agencies and county child care or welfare units. Senate Bill 763 (immediate effect—June 19, 1975) authorizes the department to subsidize an adoption in an amount not to exceed the cost for foster child care and authorizes the use of state funds for financial assistance payments by counties for a child placed for adoption by the department or for whom the department serves as managing conservator.

Participation by the State Department of Public Welfare in federal programs is the subject of two bills enacted by the 64th Legislature. One relates to welfare grants and the other pertains to established day care programs. A federal act which becomes effective in January, 1975, requires states receiving federal child support funds, which are obtained for welfare grants to families with needy dependent children on a federal-state matching basis, to establish child support collection, parent locator, and paternity determination services. Senate Bill 943 (immediate effect—June 19, 1975) authorizes the department to establish the necessary plans for participation in the programs to locate sources of income legally due children now receiving welfare grants. House Bill 1308 deals with federally established day care programs and requires the department, as the state administering agency, to adopt certain rules, regulations, and procedures consistent with federal law and regulations.

Direct Assistance
The State Department of Public Welfare provides aid to families with dependent children and social
services. Statutory law prohibits disclosure of the names of persons receiving financial aid. House Bill 2076 (immediate effect—June 19, 1975) adds to this prohibition the names of persons receiving social services.

Miscellaneous

In 1971, the legislature enacted a bill requiring all counties, cities, and hospital districts with populations of 10,000 or more to maintain a uniform system of accounting for any welfare assistance program.

Senate Bill 202 (immediate effect—June 19, 1975) exempts from this act governmental bodies not participating in welfare assistance programs.

Elections, Voting, and Political Campaigns

Perhaps the most controversial of the changes made in Texas election laws by the 64th Legislature was that provided in House Bill 679, the presidential primary or so-called "Bentsen Bill." This bill requires each political party holding primary elections to hold a presidential primary in conjunction with the 1976 May primary. The law expires on March 1, 1977. The measure provides that the state executive committee of the party apportion, in accordance with party rules, 75 percent of the number of national state convention delegates allotted to Texas among the state senatorial districts (or, by a vote of two-thirds of the committee, among the state congressional districts), and that this number of delegates be elected at the presidential primary, each delegate being elected either as pledged to a particular presidential candidate or as an uncommitted delegate. A presidential candidate's participation in the primary is voluntary and the candidate is qualified to participate by filing a petition by voters meeting certain requirements for each senatorial or congressional district in which he wishes to run. The candidate is represented on the ballot in each district in which he qualifies by pledged delegate candidates, in the number apportioned to the district, who are nominated by a delegate selection committee appointed by the presidential candidate. Groups of voters may nominate uncommitted delegate candidates under procedures similar to those for nominating candidates pledged to a particular presidential candidate. Voters may vote for delegate candidates in the number to be elected, and the candidates in that number who receive the highest number of votes are elected. The remaining 25 percent of the delegates to the national convention are chosen at the party's June state convention in accordance with party rules.
A system of permanent voter registration is provided for in Senate Bill 300, a comprehensive new voter registration law. The system calls for a purge of the registration rolls every two years, however, through the mailing of a renewal registration certificate for the succeeding two voting years by each county registrar of voters to each registered voter on the county registration rolls. Certificates are to be sent by nonforwardable mail, and if a certificate is returned undelivered the registrar is to send a forwardable notice to the voter to be completed and returned by the voter within a specified time period. If the notice is not returned or if the returned notice shows the voter no longer entitled to registration in the county, the registrar cancels the registration. The concept of renewal or extension of registration by voting in a primary or general election for state and county officers has been eliminated.

Provisions of existing law for an ongoing purge through cancellation of registrations based on records of deaths, felony convictions, and court adjudications of mental incompetency are carried forward in the new law, which also gives registrars additional authority to make inquiries and to cancel registrations of persons who have moved out of the county or who have become ineligible for registration in the county for other reasons. The new law also authorizes the secretary of state to initiate a computerized statewide file of registered voters and to provide registration services to county registrars.

All registrations expire on February 29, 1976, and all voters must reregister for the 1976 voting year. County registrars will mail application forms in November, 1975, to all voters who are registered as of November 4, 1975.

Senate Bill 165 (immediate effect—May 19, 1975) requires that ballots, instructions to voters, and certain other election materials be printed in both English and Spanish in all elections held in counties in which five percent or more of the inhabitants are persons of Spanish origin or descent. Within a covered county, the election precincts in which persons of Spanish origin or descent comprise less than five percent of the inhabitants are exempt from the requirement when the political subdivision holding the election establishes entitlement to the exemption. Applications for voter registration must also be available in bilingual form.

The Campaign Reporting and Disclosure Act of 1973 was amended extensively by House Bill 4, officially styled the Political Funds Reporting and Disclosure Act of 1975. Some of the changes made by
the 1975 act are:

1. The scope of the law is expanded to include contributions made to elective public officers (and certain appointive officers of state government) for the purpose of assisting the officeholder in the performance of duties or activities in connection with the office which are not reimbursable by the state or political subdivision. The officeholder must make annual reports listing the contributions received and expenditures made therefrom. Political committees making contributions for this purpose must also file reports.

2. Political action committees (called "general purpose political committees" in the bill) are treated separately from the "specific purpose political committees" formed to support or oppose specific candidates or measures, and they file their reports under a different set of rules.

3. The criminal penalty for most violations of the statute have been reduced from felony to misdemeanor grade.

4. The secretary of state is given certain enforcement duties in connection with the administration of the law.

Statutory provisions regulating political advertising have also been amended in a number of respects.

The conduct and financing of primary elections is the subject of Senate Bill 571. These elections have been conducted and financed under temporary statutes since the financing of the elections through assessments against candidates was outlawed by federal court decision in 1970. Senate Bill 571 enacts a permanent law for the conduct and financing of the elections, which is substantially the same as the temporary law under which the primaries were held in 1974. Each political party conducts its primaries through its state and county executive committees, as in the past. A candidate qualifies for a place on the ballot either by paying a filing fee (the schedule of fees has been increased somewhat over the 1974 schedule for all offices except statewide offices, for which the fee remains at $1,000) or by filing a petition of voters bearing signatures in the same number as required in 1974 (5,000 for a statewide office, and two percent of the number of votes cast for governor in the preceding gubernatorial general election for other offices). The state pays the difference between the total cost and the amount received from the candidates' filing fees. The secretary of state supervises the conduct and financing of the elections.
In other election legislation, Senate Bill 1047 updates the Election Code to make its provisions conform to changes in the law already brought about and put into effect by court decisions, constitutional amendments, and federal and state legislation. Examples of the changes include: a restatement of the minimum age for voting as 18 years instead of 21 years, to conform to the 26th Amendment to the United States Constitution; elimination of references to durational residence requirements, to conform to federal court decisions; and revision of provisions relating to absentee voting in presidential elections, to conform to paramount federal statutes. The bill also contains several new, original changes, not mandated by other laws. One such change is the elimination of notarization requirements in connection with absentee voting.

House Bill 1134 (immediate effect—May 13, 1975), enacted as a temporary law to apply only to the constitutional amendments election to be held on November 4, 1975, provides that the ballot positions submitting the amendments are to be numbered in the order designated in the joint resolution by which they are submitted, instead of having the numbers determined by a drawing conducted by the secretary of state as provided by general law. Instead of requiring that the conventions be held on specific dates fixed by statute, House Bill 124 provides that the state executive committee of the party shall set the date for the state conventions of political parties which hold primary elections within a specified time range of approximately two weeks from the previously existing statutory dates of the second Tuesday after the first Saturday in June (in presidential election years only) and the third Tuesday in September (in each election year). This bill was prompted, in part at least, by the fact that the statutory date for the September convention fell on a religious holiday in 1974.

House Bill 275, relating to uniform dates for elections, will be in effect only for the period from January 1, 1976, through the first Monday after the third Saturday in January, 1978. It requires that all general and special elections (with certain exceptions) be held on one of the following dates: the third Saturday in January, the first Saturday in April, the second Saturday in August, or the first Tuesday after the first Monday in November. The requirement does not apply to primary elections, runoff elections, bond elections, and local option elections on sale of alcoholic beverages. A special election to fill a vacancy in office may be held on some other date if the governor finds that an emergency exists. Elections regularly scheduled during March through June will be held on the April date; those scheduled during July through September will be held on the August date, and those scheduled
during October through November will be held on the November date. The bill contains a general authorization for political subdivisions to hold joint elections when two or more elections fall on the same date. Applying only in counties in which voting machines or electronic voting systems are used, House Bill 1455 authorizes the governing body of a city or school district within the county to change the date of the city or school district election to coincide with the date for an election on constitutional amendments if the election is regularly scheduled to be held within 14 days of the constitutional amendment election. The reason for authorizing the change in date is to allow the elections to be held jointly so that the machines and devices will be available for both elections, which might not be the case if held on different dates, since the equipment must remain sealed for a certain period of time after having been used in an election.

House Bill 299 sets a limit on the amount that may be spent by a candidate and the political committees supporting him in a campaign for a statewide office of the state government, as follows: in a general (first) primary, 10 cents multiplied by the voting-age population of the state; in a runoff primary, 4 cents multiplied by the voting-age population; and in a general election, 10 cents multiplied by the voting-age population.

The rules with regard to placing on the ballot the name of a candidate who has died, withdrawn, or been declared ineligible are revised by House Bill 352. The most significant change is included in the rule pertaining to party nominees, which heretofore required that the name of the nominee appear on the ballot unless a substitute nominee was named to fill the vacancy in the nomination, and provided that there would be a vacancy in the office, to be filled as other vacancies, if the deceased, withdrawn, or ineligible nominee received the necessary number of votes for the election. Under the new rule, the nominee's name may remain on the ballot only in instances where the vacancy in nomination arises from death or declaration of ineligibility too late for a substitute nomination to be made.

House Bill 784 reduces the minimum number of registered voters required in an election precinct from 100 to 50 in counties with populations less than 100,000, and further authorizes the establishment of precincts of less than 50 registered voters in counties with populations less than 50,000 upon the petition of 25 or more registered voters within the county.

Each county chairman of each political party with a state organization is required by House Bill 1174 to send to the state
chairman of the party, by February 1 following each general
election for state and county officers, a list of the party's
nominees who were elected to county and precinct offices within the
county.

**Senate Bill 359** (immediate effect—June 19, 1975) permits the
county commissioners court, in a county where the commissioners
court is authorized to issue revenue bonds on behalf of a hospital
district in the county, to call an advisory election for the
purpose of ascertaining whether the voters of the hospital district
favor the issuance of the bonds. However, the outcome of the
election does not affect the authority of the commissioners court
to issue bonds.

**Senate Bill 641** requires that the political party affiliation of
the candidates be shown in the ballot in a special election to fill
a vacancy in any statewide or district office which is regularly
filled at the general election for state and county officers. At
the present time, the offices for which vacancies are filled by
special election are United States senator, United States
representative, state senator, and state representative. The bill
also revises the filing fee schedule and authorizes the filing of a
petition of voters in lieu of paying the filing fee in keeping with
federal court decisions.

**Senate Bill 250** amends the law regulating electronic voting systems
in several respects, the most important of which are to authorize
use of a punch-card ballot for absentee voting by mail and to
authorize the secretary of state to require reexamination of a
previously approved system whenever in his judgment a change in the
system or any other circumstance makes a reexamination desirable.

The effort in the United States Congress to extend the provisions of
the Federal Voting Rights Law for federal supervision of elections
to cover the State of Texas was the motivation, in part at least,
for the enactment of **Senate Bill 1046** (immediate effect—June 20,
1975). The bill is aimed at strengthening enforcement of the
voting rights of all citizens, but especially the rights of
non-English-speaking voters and members of other minority groups.
Two major features of the bill are: (1) the secretary of state is
authorized to appoint inspectors to observe the conduct of
elections (appointment of inspectors is mandatory upon petition of
15 or more citizens of a county) and to issue directives,
 enforceable by injunction, to implement the policies of the
statute; and (2) intimidation or economic or other reprisal against
a voter for having voted for or against any candidate or measure or
for refusing to reveal how the voter voted is made a felony.
Traffic Safety and Motor Vehicles

Rules

The temporary 55-mile-per-hour speed limit is extended by House Bill 139 (immediate effect—March 27, 1975) until the national maximum speed limit of 55-miles-per-hour is repealed by Congress.

House Bill 1364 grants the right-of-way at an unregulated intersection of a through street and a street which terminates at the intersection to the driver approaching the intersection on the through street.

Competitive bicycle races may be held on public roads if the sponsor complies with the provisions of Senate Bill 883 (immediate effect—June 19, 1975) by obtaining permission from local law enforcement agencies.

House Bill 306 (immediate effect—June 19, 1975) authorizes an incorporated city or town to alter maximum prima facie speed limits on a highway, street, or road including a part of the state highway system for that portion which is under repair, construction, or maintenance.

Municipal courts are required under the provisions of House Bill 405 (immediate effect—June 20, 1975) to remit to the state treasury that amount of a speeding fine which exceeds the number of miles per hour that the offender is found to have been speeding times $2. The measure was designed to remedy the situation created by speed traps in certain areas of the state.

Vehicle Registration

House Bill 364 provides for refund of an overpayment of annual registration fees if the claim for the refund is made to the county tax assessor who collected the fee within five years from the date that the excess fee was paid. Prior to the effective date of this act, refunds for overcharges were made only during the registration year in which the overcharge was collected.

A silhouette in the shape of the State of Texas is prescribed to replace the familiar star between the letters and numerals on Texas license plates under the provisions of House Bill 945.

Beginning in 1978, motor vehicle registration will be staggered year-round to help relieve the seasonal workload of the highway department. House Bill 1924 (effective January 11, 1978) amends the vehicle registration law so that beginning in 1978 the highway
department shall establish separate and distinct registration periods for vehicles or classifications of vehicles. License plates may be purchased in the month preceding the month in which the vehicle registration expires. Registration periods are to be for 12 months or less, except that registration fees for periods of more than 12 months may be paid at the option of the owner.

Disabled persons will be able to purchase specially designed symbols, tabs, or other devices to be attached to their license plates for $1 in 1976, under terms of Senate Bill 27. Display of the devices entitles the disabled person to park for unlimited periods in any parking space or parking area designated specifically for the physically handicapped.

The colors of the symbols, tabs, or other devices to be attached to license plates for the 1976 registration year are required by House Bill 915 to be red, white, and blue in honor of the bicentennial of the United States.

Regulations on the issuance of dealers' plates have been changed by Senate Bill 399 (immediate effect—April 3, 1975). Under the act, a dealer having a current distinguishing number and master dealer's license plate may obtain additional or supplemental metal dealer's plates which may be attached to a vehicle which he owns and operates or permits to be operated unregistered. The dealer must be regularly and actively engaged in the business of buying and selling vehicles, maintain a furnished office, and have display space for five vehicles unless he is licensed by the Texas Motor Vehicle Commission or only sells or transfers vehicles to other dealers. The dealer's distinguishing number is no longer required to be displayed on the 20-day temporary cardboard tags issued to a buyer. Dealer's temporary cardboard tags may also be used to convey the vehicle from one dealer's place of business to another or from the point of purchase by the dealer to his place of business or to road test the vehicle. The fee for the distinguishing number and master dealer's license plate is increased from $25 to $100.

Vehicles and Traffic  House Bill 827 (immediate effect—April 30, 1975) allows home-rule cities having a population of more than 800,000 to issue temporary taxicab permits to otherwise qualified persons who do not have a chauffeur's license. The permit so issued is valid for not more than 10 days and is to be used to bolster existing transportation facilities when the need arises but may not be used to provide services otherwise suspended by a dispute between employees and their employer.
The Department of Public Safety is authorized by Senate Bill 26 (immediate effect—June 19, 1975) to issue a specially notated personal identification certificate on which appears words, symbols, or codes indicating a physical handicap or health condition. The fee for the certificate is $5.

Safety

Senate Bill 192 (immediate effect—June 19, 1975) provides hearing procedures for the Department of Public Safety in cases under the Texas Motor Vehicle Safety—Responsibility Act. If the department finds that there is a reasonable probability of a judgment being rendered against the person as a result of an accident, the department determines the amount of security to be deposited to satisfy a judgment for damages resulting from the accident. The minimum deposit is set at $250. No deposit is required if the department finds that there is not a reasonable probability of a judgment being rendered.

Equipment

The certificate of appointment of a state-appointed inspection station or the certificate of a person performing an inspection may be suspended or cancelled under provisions of House Bill 750 (effective January 1, 1976) if that person fraudulently represents that a mechanism or item of equipment required to be inspected must be repaired, adjusted, or replaced before the vehicle passes inspection.

Miscellaneous

Other bills dealing with vehicles and traffic include Senate Bill 58 (immediate effect—April 30, 1975), which sets out the procedure and conditions under which an occupational driver's license may be granted to a person who has been convicted of an offense for which his driver's license was automatically suspended, and Senate Bill 89 (effective March 18, 1975), which changes the maximum weight limits on commercial motor vehicles, truck-tractors, trailers or semitrailers, or combinations of these vehicles. House Bill 899 adds off-street motorcycles, except those designed and used on golf courses, to vehicles subject to the Certificate of Title Act.

Highways and Public Roads

Several bills concerning highways were enacted by the 64th Legislature. These bills range from local bills affecting a single county to measures applicable to public mass transportation. Perhaps the most significant of the latter is Senate Bill 761 (immediate effect—June 20, 1975), which abolishes the Texas Mass Transportation Commission and transfers its functions and duties to
the highway department, which becomes the State Department of Highways and Public Transportation. The planning and development of mass transportation in Texas become the responsibility of the Department of Highways and Public Transportation, and names of the State Highway Commission and State Highway Engineer are changed to the State Highway and Public Transportation Commission and State Engineer—Director for Highways and Public Transportation, respectively.

Funding for public mass transportation is provided by Senate Bill 762 (immediate effect—June 20, 1975), with the State Department of Highways and Public Transportation administering the public transportation fund to be used in developing public mass transportation. Federal and state funds for public mass transportation are allocated according to two programs: the formula program is for urban areas having a population of more than 200,000, and 60 percent of the money in the public transportation fund is allocated to this program. Under the second program, the remaining 40 percent is allocated to areas having a population of less than 200,000. The sum of $31 million is appropriated to carry out these programs during the next biennium.

Senate Bill 908 brings Texas into line with recent amendments to the federal highway beautification program with respect to outdoor advertising located more than 660 feet from an interstate or primary system highway. Failure to have enacted this bill would have resulted in loss of certain federal highway funds.

With respect to the local bills, House Bill 2177 (immediate effect—June 19, 1975) allows San Patricio County to expend up to $125,000 of the excess from the sale of certificates of indebtedness needed for utility right-of-way acquisition for construction, maintenance, or improvement of state highways, farm-to-market roads, federal highways, and county roads in that county.

The Wildflower Trail is designated in Cass County by House Bill 1699, and Senate Bill 113 (immediate effect—June 19, 1975) designates a Bicentennial Trail in Harris County.

Senate Bill 440 permits the Texas Highway Department, state treasurer, and a contractor to agree to deposit the five percent of the contract price retained pending completion of the work in a trust account in a bank with the bank acting as escrow agent. The contractor may direct the bank to invest the deposit in certificates of deposit with interest paid to the contractor unless otherwise stated in the trust agreement. Charges made by the
escrow agent are payable by the contractor.

**Senate Bill 938** (immediate effect—June 19, 1975) increases the minimum expenditure which can be made by the Commissioners Court of Harris County to carry out the purposes of the Harris County Road Law from $1,000 to $5,000. The county purchasing agent takes over the function of the county auditor with respect to these purchases.

**House Bill 1957** provides that if a county bordering a river between Texas and Mexico acquires a toll bridge, the commissioners court may determine that the bridge could be better operated by an operating board, which may be appointed by the commissioners court.

**Criminal Law and Procedure**

Penal Laws, One of the distinguished accomplishments of the 64th Legislature was the enactment of **House Bill 284**, which provides that evidence of a victim's

Controlled Substances, past sexual conduct in the trial of a sexual offense is admissible only to the extent that the court finds the evidence material to an issue of fact and that its probative value outweighs the inflammatory or prejudicial nature of the evidence. The judge must hear the evidence out of the hearing of the jury before making these findings and is required to limit questioning before the jury to that evidence which he finds admissible. The bill provides further that a conviction for a sexual offense may be had on the uncorroborated testimony of the victim if the victim informs someone of the alleged offense within six months after it occurred. The bill extends the statute of limitations for sexual offenses from one year to three years. The elements of the offenses of rape and sexual abuse are amended, and, finally, the bill authorizes a prosecution for an attempt to commit an aggravated offense if the defendant's conduct includes an element that aggravates the offense.

**Senate Bill 127** makes various amendments to the Penal Code, but the major impact of the bill is on the offenses of bribery, compensation of a public servant for past official behavior, and gifts to a public servant by a person subject to his jurisdiction. Amendments based on the Proposed Federal Criminal Code and the Model Penal Code emphasize the bargain aspect of bribery. The object of the bill is to clarify bribery offenses and to exclude conduct prohibited by other sections of the Penal Code. The bill also seeks to clarify and correct problems which have been found to exist in the Penal Code by eliminating or correcting unnecessary, confusing, or conflicting offenses, defenses, definitions, and
presumptions.

In July, 1973, the United States Supreme Court announced new standards for the definition of obscene materials in *Miller v. California*. *House Bill 589* amends the Texas Penal Code to reflect the new standards. To be obscene, material must have a dominant theme that (1) appeals to the prurient interest of the average person applying contemporary community standards, (2) depicts or describes sexual conduct in a patently offensive way, and (3) lacks serious literary, artistic, political, or scientific value. The last requirement is significantly different from former law which required material to be utterly without redeeming social value.

The Texas Controlled Substances Act is amended by three pieces of legislation. To prevent abuses of codeine-based drugs, especially cough syrups, *House Bill 1372* requires that they must be dispensed either directly to a patient by a doctor or by prescription. The prescription may not be refilled more than five times or more than six months after the date of the prescription. *Senate Bill 219* (immediate effect—May 27, 1975) allows certain controlled substances to be forfeited to the state without notice or hearing if the owner is unknown or if he consents. The bill also allows any law enforcement agency designated by a judge to dispose of the seized property. Every person who handles a controlled substance must possess a valid registration and pay a fee which is deposited in the General Revenue Fund. *House Bill 564* (immediate effect—June 19, 1975) provides that the fee be deposited in the operators' and chauffeurs' license fund and be used by the Department of Public Safety in the administration of the Texas Controlled Substances Act.

*House Bill 652* amends Section 32.42 of the Texas Penal Code by reducing several deceptive business practices from Class A to Class C misdemeanors.

Other

*Senate Bill 59* prohibits smoking in public schools, elevators, theaters, movie houses, libraries, museums, hospitals, and interstate buses, planes, and trains. It is a defense to prosecution that there are no warning signs posted and no facility for extinguishing the smoking material.

With the enactment of *Senate Bill 382*, courts are authorized to place a defendant on probation following a plea of guilty or nolo contendere without entering an adjudication of guilt. If the defendant successfully completes his probation the proceedings against him will be dismissed.
The Interstate Agreement on Detainers has been adopted by the State of Texas with the enactment of Senate Bill 130 (immediate effect—June 19, 1975) by the 64th Legislature. A detainer is a hold on a prisoner because of a pending criminal charge. When prisoners with detainers against them finish serving sentence, they are released to the custody of the police of the jurisdiction where the charges are pending. Thus trials are often delayed while an accused person serves a prison term in another state. The Interstate Agreement on Detainers will allow a speedy disposition of charges pending in one state while the prisoner serves a sentence in another state.

Under Texas law, counties are obligated to pay for appointed counsel for indigent defendants. Counties in which Department of Corrections units are located have incurred serious financial obligations in providing attorneys for inmates charged with crimes committed within the unit. House Bill 1749 helps relieve these counties by providing that they pay only the first $250 of attorney's fees in defense of an inmate who was committed to the Texas Department of Corrections facility from another county. Any excess is to be paid by the state.

House Bill 154 provides that a felony trial without a jury may, with the consent of the parties, be held in any county of the judicial district for the county where venue is otherwise authorized by law.

The commissioners court in counties having two or more county courts at law is authorized by Senate Bill 1074 (immediate effect—June 19, 1975) to appoint a special judge of a county court at law to serve during the absence or disability of the regular judge.

Several changes in the jury system in Texas were made by the 64th Legislature: House Bill 669 allows the jury to assess the period of probation for those eligible. Previously the jury could only recommend probation while the period would be set by the court. Under the new law, the jury may also assess a fine when it recommends probation. House Bill 207 allows a defendant to dictate his objections to the court's charge to the jury to the court reporter. This procedure will satisfy the requirement that these objections be in writing. House Bill 159 amends statutory jury qualifications in civil and criminal trials by permitting a party to challenge a legally blind person for cause. House Bill 245 protects a private employee from being fired because he had served on a jury unless the employer's circumstances changed to such an extent during the employee's absence that reemployment is
unreasonable or impossible.

Several pieces of legislation affect the status of peace officers and private security guards. **Senate Bill 596** (immediate effect—June 19, 1975) gives qualified airport security officers authority to act as peace officers while they are at an airport or while in the scope of their employment. **House Bill 717** (immediate effect—April 15, 1975) authorizes guards or messengers of armored car companies, banks, or financial institutions to carry handguns when actually employed in the protection of valuables if they wear distinctive uniforms and keep the weapon in plain view. **House Bill 341** grants peace officer status to qualified park and recreational patrolmen of all municipalities, eliminating the requirement that the municipality exceed 1.2 million population.

The Water Safety Act is amended by **House Bill 146** (immediate effect—April 15, 1975) by adding a possible jail sentence and increasing the maximum fine for failure by an operator of a boat involved in an accident to stop and render aid.

Under the Texas Education Code, an attendance officer may bring a complaint in the county court or justice court where the parent resides against a parent who fails to require a school-age child to attend school. **House Bill 756** provides that the complaint may also be brought in municipal court.

**House Bill 9** (immediate effect—June 19, 1975) provides that a probation revocation hearing be held within 10 days of the arrest of the probationer. Under prior law, there was no time limit between time of arrest and time of hearing.

A Commission on Jail Standards to see that county jails meet statewide standards has been created by the enactment of **House Bill 272** (immediate effect—June 19, 1975).

Per diem of between $5 and $50 for grand and petit jurors in all Texas courts is provided by **House Bill 651**. The exact amount is to be fixed by the commissioners court of each county.

To prevent the waste of game fish, birds, and animals, **House Bill 793** makes it unlawful to kill or wound a game bird or animal and make no effort to retrieve it and include it in the hunter's limit. The bill also makes it unlawful to take a game bird, fish, or animal and fail to keep the edible portions in an edible condition.

To allow time for a medical examination, **House Bill 1325** imposes a 48-hour waiting period after death before a body may be cremated.
The waiting period does not apply if death was caused by certain contagious diseases or if it is waived by the county medical examiner.

House Bill 1907 allows the courts to dismiss a prosecution for certain misdemeanor traffic offenses if the defendant completes a driver safety course.

The workload of the three-member Board of Pardons and Paroles has been increasing to such an extent that the legislature, through the enactment of Senate Bill 240, decided to create six parole commissioners to provide assistance to the board.

Criminal Procedure

to conform Texas law with recent federal court opinions concerning the trial and commitment of persons found insane at the time of the offense or incompetent to stand trial, Senate Bill 901 (immediate effect—June 19, 1975) substantially amends Chapter 42 of the Code of Criminal Procedure. The bill provides due process and equal protection guarantees in the commitment, treatment, and release of such persons. Because of widespread confusion between "insanity at the time of trial" and "insanity at the time of the offense," these terms are redesignated "incompetency to stand trial" and "the insanity defense." Proceedings relating to each are set out in separate articles.

Senate Bill 122 (immediate effect—June 19, 1975) proposes to clarify and correct problems which have been found to exist in the Code of Criminal Procedure. Among the more significant changes is an amendment to Article 21.09, which eliminates the requirement that specific items alleged to have been stolen be set out in an indictment when they are not known. As merchants and other victims of bad checks rarely keep detailed records of the items stolen, this amendment removes a serious obstacle from prosecutions of theft by a bad check. Article 26.13 is amended to simplify the language and procedure in admonishing the defendant prior to accepting a plea of guilty or nolo contendere. Article 42.12 is amended to provide that as a condition of probation the defendant may be required to serve a short jail period. Article 42.13 is amended so that a misdemeanor probation may be granted regardless of the prior probation of a defendant except for a similar offense in the last five years.

House Bill 253 amends Article 42.01 of the Code of Criminal Procedure to allow the judge to prepare the judgment or to order the clerk, prosecuting attorney, or defense attorney to prepare it.
House Bill 10 corrects an error in the numbering of the sections of Article 42.12 of the Code of Criminal Procedure.

Only those persons designated by Article 2.12 of the Code of Criminal Procedure may be certified as peace officers by the Commission on Law Enforcement Officer Standards and Education according to the provisions of House Bill 1202.

Courts and Court Officers and Employees

New Courts

The 64th Legislature made an effort to relieve congestion in numerous state courts by the creation of additional statutory courts in 15 different counties. New county courts at law were created in Nacogdoches County (House Bill 353, immediate effect—April 30, 1975), Montgomery County (House Bill 399), Bell County (House Bill 690, immediate effect—April 3, 1975; and House Bill 2209, immediate effect—May 20, 1975), Collin County (House Bill 866, effective January 1, 1976), Houston County (House Bill 2178), Potter County (House Bill 2179, effective January 1, 1977), Henderson County (House Bill 2208, immediate effect—June 19, 1975), Grayson County (House Bill 2244), Smith County (House Bill 2249), Brazos County (Senate Bill 87, effective January 1, 1977), Webb County (Senate Bill 284), and Fort Bend County (Senate Bill 667, effective November 1, 1975). The legislature also created the Probate Court No. 3 of Dallas County (Senate Bill 720, immediate effect—May 8, 1975), the County Criminal Court No. 4 of Tarrant County (House Bill 1396), and the Harris County Criminal Courts at Law Nos. 8, 9, and 10 (Senate Bill 190, effective January 1, 1976).

House Bill 1327 is designed to relieve the judgment debtor of the burden of an ever-present judgment over him by providing a vehicle for payment if he meets certain requisites. A new section is added whereby if a judgment remains unpaid and whereabouts of the plaintiff are unknown, the defendant must use due diligence in an attempt to find the plaintiff, but if he cannot be located, the defendant may secure a release by depositing the funds into the registry of the court. If the plaintiff fails to claim the payment of his judgment within two years from the date of the deposit, the money escheats to the state.

Prior to the regular session of the 64th Legislature, only the City of Wichita Falls had a municipal court of record. Senate Bill 354 authorizes the governing body of the City of Midland to create municipal courts of record in that city, with appeal from a conviction in the municipal court to be determined by the appellate court solely on the basis of errors presented in the defendant's
motion for new trial, transcript, and statement of facts. No appeal from such a municipal court may be by trial de novo.

Existing Courts

An effort to equalize case loads was made in three bills altering the jurisdiction of the county court and district court in the counties of Falls, Titus, and Hill. House Bill 81 (immediate effect—April 8, 1975) transfers the criminal jurisdiction of the county court in Falls County to the district court, which makes the county court only a probate court because the civil jurisdiction of the county court previously was transferred to the district court. House Bill 881 (immediate effect—June 19, 1975) restores the full jurisdiction of a county court to the county court of Titus County, which had had no civil jurisdiction except in probate matters and no criminal jurisdiction except to receive pleas of guilty in misdemeanor cases. House Bill 1637 (immediate effect—May 20, 1975) vests the district court and the county court in Hill County with concurrent jurisdiction over all matters of original and appellate jurisdiction in civil and criminal matters over which the county court would have original or appellate jurisdiction. Also, to equalize case loads, Senate Bill 1070 (immediate effect—June 19, 1975) authorizes the judge of the Court of Domestic Relations of Galveston County to transfer cases to other courts of competent jurisdiction in Galveston County with the provision that the case may not be transferred back to the domestic relations court without the permission of the judge of the domestic relations court.

By the enactment of House Bill 525, Senate Bill 79 (immediate effect—April 30, 1975), Senate Bill 289 (immediate effect—May 15, 1975), and Senate Bill 425, the terms of court of the 63rd, 27th, 146th, 169th, 187th, 208th, and 209th District Courts are altered to coincide with the terms of the other district courts in the same county that give preference to criminal cases or to otherwise make them more efficient.

The Court of Civil Appeals for the Thirteenth Supreme Judicial District is authorized to transact business in places other than the city of Corpus Christi under the provisions of House Bill 1019, and the clerk of that court is authorized to provide a plan, to be approved by the court, for the reproduction by microfilm or other process of records for which the clerk of that court is responsible (House Bill 873).

Judges

The State Judicial Qualifications Commission was created and directed by the state constitution to take action to eliminate willful or persistent conduct by a state judge which is clearly inconsistent
with the proper performance of the judge's duties. **House Bill 965** is a statutory declaration by the legislature that a failure, without justifiable cause, to execute the business of the court in a timely manner constitutes willful or persistent conduct that is inconsistent with the performance of the judge's duties, but expressly is not an exclusive definition of such conduct.

Suits against judges of the state courts are becoming a more common problem. **House Bill 1738** makes it the responsibility of the office of the attorney general to defend a state district judge, if the judge so requests, in any action in federal court where the judge is a defendant because of his office as district judge.

The state is divided into administrative judicial districts to supervise the business before the district courts. **House Bill 1816** removes Angelina County from the First Administrative Judicial District and places it in the Second Administrative Judicial District. **Senate Bill 1081** allows appellate judges with experience on a district court, in addition to district judges, to be appointed and compensated for service as the presiding judge of an administrative judicial district. **House Bill 1244** authorizes the presiding judge of an administrative judicial district to appoint a retired judge of a domestic relations court or special juvenile court to sit for the regular judge of a domestic relations court or special juvenile court who is absent, disabled, or disqualified from presiding or when the docket of such a court becomes so excessive that the presiding judge deems it an emergency.

Several bills enacted by the 64th Legislature provide for the appointment of special judges for either the constitutional county court or certain statutory county courts, or both. **Senate Bill 1074** (immediate effect—June 19, 1975), which amends the Code of Criminal Procedure, is general law applying to all counties and authorizes the commissioners court to appoint a person who is an attorney and who possesses the qualifications required of the regular judge to serve as special judge during the time that a county judge or the regular judge of a county court at law in that county is absent or disabled from presiding. **Senate Bill 498** (immediate effect—May 20, 1975) applies only to Dallas County and authorizes the presiding judge of the First Administrative Judicial District to appoint a qualified, retired judge to sit for the regular judge of certain statutory county courts in Dallas County when the regular judge is absent, disabled, or disqualified, or when the docket of such a court becomes so excessive that the presiding judge deems it an emergency. The purpose of **House Bill 197**, which applies only to counties in which there is no statutory county court at law or statutory probate court, is the improvement
of the administration of justice in the constitutional county courts. Judges of constitutional county courts are not required to be licensed attorneys although they are confronted with complex legal questions and are burdened with nonjudicial duties and crowded judicial dockets. The county judge in such counties may appoint a person who is a licensed attorney to serve as a special county judge for a pending civil or criminal matter on motion of any counsel of record or on the court's own motion.

Many bills were enacted relating to supplemental compensation of district judges in certain counties. District judges affected by such legislation include those serving in El Paso County (Senate Bill 462, immediate effect—May 8, 1975); the 103rd, 107th, 138th, and 197th Judicial Districts of Cameron County (Senate Bill 222, immediate effect—April 18, 1975); the 10th, 56th, 122nd, and 212th Judicial Districts of Galveston County (House Bill 513); the 58th, 60th, 136th, and 172nd Judicial Districts and Criminal District Court of Jefferson County (House Bill 1096); and the 43rd Judicial District of Parker County (House Bill 2150).

Additionally, the compensation of various county judges is the subject of a number of bills. Those whose salaries were revised include the judges of the Probate Court, County Court at Law, Domestic Relations Court, and County Court of Galveston County (House Bill 458); judges of the County Court at Law of Grayson County (House Bill 592); judges of the county courts at law in Brazoria County (House Bill 602); judges of the county courts at law and Court of Domestic Relations of Nueces County (House Bill 2151); judges of the county courts at law and County Court of El Paso County (House Bill 977); and judges of the probate courts, county courts at law, and county criminal courts at law of Dallas County (House Bill 930, immediate effect—June 21, 1975).

Increased compensation of members of the juvenile board in Lamar County is the subject of House Bill 2055 (immediate effect—June 19, 1975), compensation of juvenile boards in each county in the 36th and 156th Judicial Districts is increased by House Bill 2031 (immediate effect—June 19, 1975), and in the 38th and 63rd Judicial Districts by House Bill 222 (immediate effect—April 30, 1975).

Judicial retirement was the subject of a number of bills. House Bill 887 authorizes a contributing member of the Judicial Retirement System, who has completed eight or more years of creditable service and who is not receiving nor eligible to receive a federal military retirement based upon 20 or more years of federal military active duty, to receive judicial retirement credit.
for not more than 48 months of federal military active duty service performed during time of armed conflict by paying into the Judicial Retirement System an amount equal to 6 percent of his current monthly salary for each month of such military service established. House Bill 1324 amends the existing law on contributions of state judges to the Employees Retirement System to increase the percentage contribution from 5 percent of his annual salary to the 6 percent contribution made by other members of the Texas Employees Retirement System.

Court Officers

Programs designed to promote judicial efficiency, especially in counties with large populations, are the subject of several bills enacted by the 64th Legislature. To expedite the processing of criminal cases through the district courts, Senate Bill 587 (immediate effect—May 20, 1975) authorizes the criminal district courts and district courts of general jurisdiction giving preference to criminal cases in counties with a population in excess of 700,000 to maintain a system of court coordinators to be appointed by the district courts and paid by the county. Only Harris, Dallas, Bexar, and Tarrant counties are affected by the bill. House Bill 651, which applies only to Dallas County, will enable the judges of the Dallas County criminal courts and the County Criminal Court of Appeals to perform their duties more efficiently by providing an administrative assistant for each of the judges of the county criminal courts. To ease the burden of the domestic relations courts in Dallas County, House Bill 2159 (immediate effect—June 19, 1975) authorizes the appointment and use of a master in each Dallas County domestic relations court to hear evidence, make findings of fact, formulate conclusions of law, and recommend judgment. The domestic relations court may adopt, modify, correct, or reject the master’s report, but the findings of the master become the decree of the court if a hearing before the judge is not requested. State law provided for the appointment of an assignment clerk by a majority of the judges of four of the district courts in Bexar County to serve in setting and disposing of cases on the general docket. House Bill 2065 allows a majority of all the 11 district judges in Bexar County to appoint an assignment clerk and sets a minimum salary to be paid the assignment clerk.

In the past, district clerks with duties in more than one district court were required to keep a separate book for the minutes of each court. Senate Bill 1052 (immediate effect—June 19, 1975) will simplify the duties of such district clerks by allowing them to combine all the minutes of the civil business of the several district courts in one record book and to combine the criminal minutes of the several district courts in another record book, with
entries in each book to be made sequentially, regardless of the district court from which the business originates. Civil minutes must be kept separate from criminal minutes.

Several changes are made in the general law prescribing duties and fees of court reporters by House Bill 920 (immediate effect—May 27, 1975). A court reporter is required to preserve the notes taken in court for three years instead of one year. The reporter's fee for a transcript, which is to be supplied on written demand, is to be a reasonable amount, subject to reduction by the judge, instead of the statutory fee of 30 cents per 100 words. The reporter will be liable for refund of the actual amount of any overpayment rather than four times the amount of the excess. Except as provided by law, the supreme court, under its rulemaking power, will provide for the fees and duties of court reporters in civil judicial proceedings. Senate Bill 632 (immediate effect—May 27, 1975), which applies only to the expenses of the court reporter for the 31st Judicial District, adds allowances for meals and removes the limit for all allowances in any one year.

Senate Bill 683 (immediate effect—June 19, 1975) eliminates a maximum salary for the court reporter of the County Court at Law of Hidalgo County and provides instead that the reporter's salary be set by the judge as provided under general law for reporters of district courts.

Numerous new statutes affect individual prosecuting attorneys, Representation of the state in Marion County only is changed by House Bill 1494, which divests the District Attorney of the 76th Judicial District of his duties in Marion County and invests the duties of a district attorney in the County Attorney of Marion County. House Bill 361 (immediate effect—April 30, 1975), House Bill 1549, and Senate Bill 654 make changes in the compensation provisions for the offices of district attorney of the 34th Judicial District, the 47th Judicial District, and the 49th Judicial District, with the latter authorized to establish offices for assistant district attorneys in Dimmit and Zapata counties. To resolve confusion concerning the proper prosecuting authority in Harris County, Senate Bill 574 (immediate effect—June 19, 1975) amends Article 322 to eliminate any mention of the office of criminal district attorney in Harris County in that article, which leaves the office of District Attorney for the Criminal District Court of Harris County as the only office of a prosecuting attorney for criminal matters in that county.

The office of criminal district attorney was created in four
counties by House Bill 486 (effective September 1, 1975), House Bill 1950, House Bill 2182 (immediate effect—June 19, 1975), and Senate Bill 797 (immediate effect—June 19, 1975), with each of the criminal district attorneys to be compensated for his services by the state in the same manner and amount as the state pays its district attorneys. In each of those counties, Fort Bend, Rockwall, Van Zandt, and Hays, the office of county attorney is abolished. House Bill 721 is a local bill which prohibits the Criminal District Attorney of Collin County from engaging in the private practice of law after January 1, 1979. The Criminal District Attorney of Jefferson County also is prohibited from practicing law in a court of record by the provisions of House Bill 1296, which also changes the compensation of that criminal district attorney. His salary is to be determined and paid by the county, and Jefferson County in turn will receive from the state an amount equal to the amount paid district attorneys by the state. Under the provisions of Senate Bill 459 (immediate effect—May 20, 1975) and House Bill 1023, the criminal district attorneys of Deaf Smith and Harrison counties will receive the same compensation from the state as the salary paid to district attorneys by the state. Either the County Attorney of Oldham County or the Criminal District Attorney of Deaf Smith County, or both, will represent the state in the district court in Oldham County. House Bill 2197 further provides that the Criminal District Attorney of Deaf Smith County will receive the same expenses and allowances as the state pays district attorneys who serve more than one county, and Oldham County will receive a sum equal to 30 percent of the salary that the state pays district attorneys, with an appropriation of $13,990 and $14,440, respectively, for the next two fiscal years for those purposes. An act passed by the 63rd Legislature, codified as Article 332b (Vernon's Texas Civil Statutes), provided that Victoria County and six other named counties receive annually from the state an amount equal to the compensation paid by the state to district attorneys, with the prosecuting attorney to be paid by the county an amount at least equal to the sum paid to the county by the state. House Bill 2173 removes Victoria County from the provisions of that act and provides instead that the Criminal District Attorney of Victoria County will receive as compensation an annual salary from the state in the same amount as the salary paid to district attorneys by the state. Article 332b is also amended by House Bill 1674 (effective September 1, 1975) to provide that Lamar and Fannin counties, both of which have a county attorney performing duties of a district attorney, shall each receive $5,000 annually from the state and to appropriate that amount to each county for the next biennium. House Bill 1484 provides that in the five named counties of Brazoria, Ellis, Limestone, Hidalgo, and Rusk, the criminal district attorney or
county attorney performing the duties of a district attorney will be compensated for his services by the state in the same manner and amount as the salary paid to district attorneys by the state.

Compensation of the criminal district attorney in Eastland County is the subject of House Bill 1294. In Senate Bill 994, the Commissioners Court of Brazos County is authorized to supplement the salary paid by the state to the district attorney of the 85th Judicial District. The act also relates to the personnel and administration of the office of the district attorney.

Juries

A new law relating to petit juries that will be of interest to the numerous counties in the state with two district courts is Senate Bill 226 (immediate effect—May 8, 1975). Presently, the provisions of Article 2101 (Vernon's Texas Civil Statutes) require the use of interchangeable petit juries in counties with three or more district courts, with a general jury panel for service in all county courts and district courts in the county. Senate Bill 226 adds a new section to Article 2101 granting permissive authority to the district judges in a county in which two district courts have jurisdiction to act together in carrying out the provisions authorizing a general panel for service in either of the two district courts. One of the district judges will be designated to control and supervise such juries. The new section also provides that, with the approval of both district judges, such jurors may constitute a general jury panel for service as jurors in all county courts and statutory county courts in the county and may be used interchangeably in all district and county courts.

Another new law relating to compensation of grand jurors and petit jurors will be of statewide interest. The amount of compensation varies between $1 per day and $10 per day under the several statutes that presently prescribe the pay for jurors, depending on whether service is in a justice court, county court, or district court, whether the case is civil or criminal, and whether the jury is a petit jury or a grand jury. House Bill 671 repeals all but one such statute and amends Article 2122 (Vernon's Texas Civil Statutes) to provide that each grand juror and each petit juror in a civil or criminal case in any state court will receive not less than $5 nor more than $30 for each day he serves, with the amount within those limits to be determined annually by the commissioners court of each county.

Juvenile Boards

The 64th Legislature created a separate juvenile board in each of the counties of Colorado, Lavaca, Gonzales, Guadalupe, Rockwall,
and Webb by the enactment of House Bill 868, Senate Bill 699 (immediate effect—May 29, 1975), and Senate Bill 14 (immediate effect—March 13, 1975). Each such board will be composed of the county judge and district judges having jurisdiction in that county. Senate Bill 14 also created the East Texas Juvenile Board, which has jurisdiction in all of the counties of Jasper, Newton, Sabine, and San Augustine and is composed of the county judges and district judges in all of those counties. Other bills made changes in the composition of juvenile boards already in existence. Senate Bill 796 (immediate effect—June 19, 1975) alters the membership of the Hays County Juvenile Board by adding the judge of the Hays County Court at Law and the Criminal District Attorney of Hays County. Senate Bill 358 (effective September 1, 1975) makes the district attorney for the 173rd Judicial District a member of the juvenile boards in the counties of Anderson, Henderson, and Houston. The Juvenile Board of Henderson County is the subject of Senate Bill 1076 (immediate effect—June 19, 1976), which authorizes that board to appoint and compensate a juvenile officer in Henderson County. House Bill 222 (immediate effect—April 20, 1975), House Bill 2206, and Senate Bill 303 (immediate effect—May 8, 1975) amend the existing law providing for compensation of members of the juvenile boards in Smith County, in the counties comprising the 38th Judicial District and the 63rd Judicial District, and in counties with a population of from 110,000 to 125,000 persons. The legislature changed the name of the Wichita County Probation Department to the Wichita County Family Court Services Department, and changed the positions of the chief probation officer and assistant probation officers to that of an administrator and assistants. In addition to the name changes, Senate Bill 444 (immediate effect—May 20, 1975) makes changes in the furnishing of operational funds needed for that department by the commissioners court in Wichita County and the collection of a child support service fee where the payor of child support is a member of the armed services. Senate Bill 1040 (immediate effect—June 19, 1976) likewise provides for the assessment and collection of a fee for the receipt and disbursement of child and wife support payments, but relates only to support payments handled by the Chief Juvenile Probation Officer of Harris County.

Judicial Council

The Texas Civil Judicial Council, which originally was created to study the civil judicial system, presently is responsible for statistics and investigation of both the civil and criminal judicial systems. Senate Bill 164 (immediate effect—April 24, 1975) changes the name of the council to the Texas Judicial Council and the language of the law to reflect the council's current activities more accurately.
Probate

General Probate Legislation Recent Constitutional and Probate Code amendments created certain problems and conflicts in the jurisdiction of probate matters, especially in those sections that referred to appeal to district court. A special committee of the State Bar of Texas studied the need for additional Probate Code amendments to resolve those problems. The committee’s recommendations to carry out the intent of Section 5 of the Probate Code, as amended last session, were enacted into law by the 64th Legislature in Senate Bill 534 (immediate effect—June 21, 1975). Six sections of the Probate Code have new amendments relating to original probate jurisdiction, the transfer of contested probate proceedings to the district court for trial in counties in which there is no statutory court with probate jurisdiction, and the appeal to the court of civil appeals of all final orders of a court of original probate jurisdiction. Section 30 of the Probate Code, providing for review by certiorari, and Article 1007 of the civil statutes, relating to matters of probate in the district court, are repealed by Senate Bill 534.

House Bill 407 amends another three sections of the Probate Code relating to the definition of a minor for probate purposes and the bond of a married person under 18 years of age who qualifies as executor, administrator, or guardian. Section 36 of the Probate Code required the judge of each county court to examine annually each estate in his control, which was burdensome, if not impossible. Senate Bill 567 (immediate effect—June 19, 1975) amends Section 36 to provide that county and probate courts shall examine estates annually if they think it necessary for the well-being of the estate or the ward, and changes liability from failure of the judge to use reasonable diligence in the performance of his duty to gross neglect of the judge to use reasonable diligence.

Estates of Decedents The 64th Legislature made changes in the law concerning estates of decedents in House Bill 1157, Senate Bill 563 (immediate effect—June 19, 1975), and Senate Bill 568 (immediate effect—June 19, 1975). House Bill 1157 amends Section 137 of the Probate Code to increase the size of small estates that can be collected on affidavit from $2,500 to $5,000, without waiting for appointment of a personal representative. Senate Bill 563 amends Section 341 of the Probate Code to delete the requirement that there be an undivided interest in real property in the estate of a decedent in order for it to be sold. Henceforth, any interest in the real property of the estate of a decedent may be disposed of when it is
in the best interest of the estate to dispose of it. Senate Bill 568 amends Section 147 of the Probate Code, which allows a creditor or claimant against a decedent's estate to enforce payment by suit against the independent executor. Previously, the executor was not required to answer such a suit until after one year from the date of the probate of the will, but that period has been shortened from one year to six months.

Guardians

Several bills enacted have the effect of increasing the powers of guardians. Senate Bill 566 (immediate effect—June 19, 1975) alleviates the limitation on the court to approve expenditures where a guardian has made prior expenditures from the corpus of the ward's estate without prior court approval. The limitation in Section 236 of the Probate Code is changed from $1,000 to $2,000, so that henceforth the court may approve such an expenditure in the same manner as if the expenditure were made by the guardian out of the income from the ward's estate, provided the expenditure does not exceed $2,000. Previously, under the provisions of Section 388(f) of the Probate Code, if the guardian of the estate of a ward deemed it in the best interest of the ward that realty owned by the ward and others in joint ownership be partitioned, the guardian must apply to the court in which the guardianship proceedings were pending for authority to bring a separate suit in the district court to partition the property. As amended by the 64th Legislature in Senate Bill 991 (immediate effect—June 19, 1975), Section 388(f) will allow the guardian to file suit for the partition of realty in the guardianship proceeding itself, which may allow the probate court in which the guardianship is pending to partition property in another county. The powers of the guardian of the estate of a ward are increased also by House Bill 919 (immediate effect—April 30, 1975), which amends Section 230 of the Probate Code and provides for authority to a guardian, by order of the court, to make tax-motivated gifts from the principal or income of the ward's estate. Previously, Texas was the only major state, and one of only two states, in which the guardian of an incompetent was precluded from making tax-motivated transfers of the incompetent's property after, of course, a hearing and on a court order.

Estate of Wards

Certain estates of a ward are affected by House Bill 1270, which will allow creditors of an insolvent ward to petition the probate court at any time before the claim is barred by limitations for an order directing payment of their claims. Previously, the code did not provide a method by which creditors of an insolvent ward's estate could force payment of
their claims against the estate. That bill also establishes the order of priority by which claims against the insolvent ward's estate will be paid, with claims for care, maintenance, or education of the ward or his dependents being given preference over other claims, including the expenses of administration.

**Senate Bill 564** deals with the sale by a parent of real estate of a minor without guardianship. The provisions of Section 341 of the Probate Code provided for application to the court for an order to sell the minor's property by a parent without guardianship when the value does not exceed $1,500. The purpose of **Senate Bill 564** is to fix venue for such application and to require the parent to make application for the sale under oath.

Local Law

One local law, **Senate Bill 926** (immediate effect—June 19, 1975), is applicable only to Harris County and deletes the statutory requirement that every fifth case filed in the probate courts of Harris County be filed in the County Court of Harris County. It further repeals the designation of the judge of the County Court of Harris County as the presiding judge of the courts of probate in Harris County.

**Civil Remedies, Liabilities, and Procedures**

**Gifts to Minors**

The 64th Legislature enacted **House Bill 1509** (immediate effect—June 19, 1975) to correct certain deficiencies in the Texas Uniform Gift to Minors Act. As amended, the act will permit gifts of real property, tangible personal property, and mineral interests, and will permit gifts by wills. It sets forth the language to be used for making such gifts, gives the custodian of real property interests specific powers, and enacts new provisions relating to successor custodians.

**Civil Liability**

**House Bill 974** enacts a major change in the case law of the state. The Texas courts have given a narrow statutory construction to death statutes, Articles 4671 and 4678 (Vernon's Texas Civil Statutes), and have felt bound by the doctrine of *stare decisis*. Therefore, our wrongful death statutes have not been an available remedy where the injury causing death did not occur in Texas. **House Bill 974** changes the law to provide expressly that those statutes may be applied to accidents that occur outside the state, which will allow Texas courts to give extraterritorial application to our wrongful death statutes in appropriate cases.
Texas statutes provide a time limitation of 10 years within which actions must be brought against an engineer or architect performing or furnishing design, or planning or inspecting construction. House Bill 1105 extends the application of such a 10-year limitation to require that suits for injury because of faulty construction work on realty also shall be brought within 10 years of completion of the work. The bill should reduce the cost of insurance, since it will no longer be necessary for a builder to maintain insurance against liability beyond the 10-year period.

It has not been permissible to advance payments on tort claims in Texas. Senate Bill 453 (immediate effect—June 19, 1975) is intended to alleviate hardship and avoid delays by permitting advance payments on tort claims without permitting introduction of the fact or the amount at the trial. Such an advance payment is a credit against any sum judicially established as the claimant's damages.

Many employees of various departments, commissions, and institutions of the state face the possibility of personal judgments in actions brought against them individually. Senate Bill 704 (immediate effect—May 27, 1975) will indemnify such employees by appropriation or by the purchase of insurance for judgments based on medical malpractice or civil rights actions, provided the damages are not caused by the employee's willful or wrongful act or gross negligence. It also provides for the defense of such employees by the attorney general in suits covered by the act.

The legislature dealt with the satisfaction of judgments and judgments liens in several bills. Senate Bill 755 (immediate effect—June 19, 1975) is the enactment of new law to provide a means by which a bankrupt may discharge and cancel liens remaining of record after one year from his discharge in bankruptcy in order to permit the sale of his homestead property. Senate Bill 327 (immediate effect—May 20, 1975) abolishes an obsolete board, which was authorized to sell judgments held by the state against insolvent persons, by repealing Article 4405 of the civil statutes. House Bill 409 increases the rate of interest on all judgments of the courts of this state from six percent per annum to nine percent per annum from the date of the judgment.

Evidence and Procedure

It has seemed wasteful and unnecessary to require that the records of the state legislature be accompanied by the presiding officer or his deputy when introduced in court as evidence. House Bill 2122 will allow admission in court of attested written or electronic
records of the proceedings of the state legislature, or copies or
duplications thereof, without requiring the presence of the
presiding officer or his deputy in court. Some attorneys have been
required to pay court costs in civil suits personally, and House
Bill 504 will prevent an attorney who is not a party to a civil
suit from being liable for the court costs. Senate Bill 339
(immediate effect—June 19, 1975) relates only to a workmen's
compensation case on appeal from an award of the Industrial
Accident Board. It provides that at any time before the jury has
retired in the trial of such a case, or before the decision is
announced if tried without a jury, the plaintiff may take a nonsuit
after notice to the other parties to the suit and a hearing. House
Bill 1687 makes the comptroller of public accounts the lawful agent
and attorney for nonresident delinquent taxpayers, and provides a
procedure for service of process by use of certified mail. Without
a method for serving process, the state could collect the
delinquent taxes of a nonresident who has no agent in the state
only by selling the property and applying the money from the sale
to pay or partially pay the tax.

Miscellaneous

Beginning January 1, 1976, House Bill
916 (effective January 1, 1976) pro-
vides a method for making a gift of any needed parts of a person's
own body by executing a statement on the reverse side of a Texas
driver's license. The gift is valid during the period that the
driver's license is valid, and the statement must be executed each
time the license is replaced, reinstated, or renewed. House Bill
2186 (immediate effect—June 19, 1975) amends Article 4667 of the
civil statutes to expressly allow city attorneys to bring suit to
enjoin public nuisances. The statute previously authorized such a
suit by the attorney general, or a district or county attorney, or
a citizen of the state in his own name.

Property Interests

Private Property

A significant piece of legislation
greatly alters the writ of
sequestration in Texas to provide a sequestration statute that will
conform to recent decisions of the United States Supreme Court
relative to taking a person's property without an opportunity for a
hearing. House Bill 46 amends Article 6840 of the civil statutes
to provide for issuance of the writ by judges only on affidavit
showing specific facts alleged, for dissolution of the writ after a
hearing, for notice to the debtor of his right to replevy the
property, and for penalties for wrongful sequestration. House Bill
351 also relates to consumer protection but deals with certain
interest rates. It specifies that, for the purpose of applying
usury law, the interest rate on a real property mortgage loan will be determined by spreading all interest paid at any time in equal parts over the full term of the loan. It also provides for refund of any amount collected that exceeds the maximum lawful rate, and provides that persons may be charged the same interest rates as corporations on loans of $500,000 or more. Effective January 1, 1976, the statutory law in Article 3810 concerning notice of sale under a deed of trust on a contract lien is substantially amended by House Bill 932 to change the notice provisions and provide greater protection for the debtor. For sales made after that date, one notice shall be posted on the courthouse door and another must be sent by certified mail to each debtor.

House Bill 199 will provide a convenience to members of the Armed Forces of the United States and their families, and to the persons, agencies, or entities that need affidavits from such persons. Statutory law provided that an oath, affidavit, or affirmation made by a member of the armed forces may be administered by any commissioned officer in the armed forces, but contained no mention of the spouse of a member of the armed forces. Article 26 of the civil statutes is amended to expressly include an oath, affidavit, or affirmation made by the husband or wife of a member of the armed forces. The State Bar of Texas endorsed House Bill 179 (immediate effect—April 3, 1975) to enable employees in this state to take advantage of certain provisions of the Internal Revenue Code. This bill clarifies Texas law so that employee death benefits payable to a trust are not subject to the debts of the employee or his estate, except as provided in the trust instrument, and, therefore, such benefits from an employee benefit plan are not subject to federal estate taxes.

House Bill 534 will be of interest to owners of cemetery property. Besides defining "lawn crypt," which was not previously defined by statute, it increases filing and examination fees to be paid to the Banking Commission by perpetual care cemeteries, and increases the capital stock and guaranty fund requirements imposed on perpetual care cemeteries.

Public Property With the shortage of natural gas, the passage of Senate Bill 3 (immediate effect—April 7, 1975) not only attracted statewide attention, but also received the attention of other states. Texas holds title or a mineral interest in millions of acres of land, and this bill requires future mineral leases on state-owned land or mineral classified land to prohibit the interstate sale of gas unless the Railroad Commission finds that the gas is not needed by the lessor, certain health care facilities, public and private schools, state
and other public facilities, food and fiber producers, or any resident of Texas requiring the gas to meet the needs for fuel or raw material.

*House Bill 839* amends the Penal Code to make it a misdemeanor for an officer of government or a candidate for nomination or election to public office to fail to make public disclosure, by filing an affidavit with the county clerk, of any legal or equitable interest he may have in property that is acquired from him with public funds.

Four bills authorize specific transfers of state-owned property. At the request of the former owner, *House Bill 1305* authorizes the Texas Parks and Wildlife Department to sell and reconvey certain land in Harris County. *Senate Bill 205* (immediate effect—June 19, 1975), *Senate Bill 435* (immediate effect—May 27, 1975), and *Senate Bill 1008* (immediate effect—May 20, 1975) authorize the Texas Board of Mental Health and Mental Retardation to transfer surplus personal property to community centers for mental health and mental retardation services, to convey certain real and personal property in Dallas and Tarrant counties to the Dallas County Mental Health and Mental Retardation Center and the Tarrant County Hospital District Mental Health and Mental Retardation Center, and to convey a sanitary sewer main and easement in Wichita County to the City of Wichita Falls.

### Local Government

A great volume of legislation, both general and local bills, was enacted by the 64th Legislature concerning local government.

**Cities**

City authority to approve subdivision plats is enhanced by *House Bill 305*. Current law provides that no person may create a new subdivision in a city or in its extraterritorial jurisdiction unless a plat, that is, a scale drawing, of the planned subdivision is first approved by the city's planning commission, if one exists, or otherwise by the city's governing body. *House Bill 305* permits cities with planning commissions to require approval by both the planning commission and governing body. The purpose of requiring that subdivision plats be approved is to insure that new land development in and around cities is done in a manner consistent with the overall plan of the city. Dual approval by the city planning commission and governing body will provide a mechanism for more thorough review of proposed subdivisions.

*House Bill 340* provides that a home-rule city by ordinance may
require that substandard or dilapidated structures be demolished or repaired by the owner. If the owner fails to remove or repair the structure after notice and hearing, the city may remove the building at the expense of the city and levy an assessment against the property on which it stood to recover the expense of removal. The assessment would be a lien against the property, but the city is prohibited from enforcing the lien by forced sale.

House Bill 34 authorizes any city in the state to provide for the preservation of public records by use of microfilm or microphotograph, provided the public is guaranteed free access to the records as guaranteed by law. The records may be destroyed after they become five years old.

A municipality is permitted to purchase liability insurance to cover municipal officers and employees operating emergency vehicles in the line of duty by the provisions of Senate Bill 499 (immediate effect—June 19, 1975). The issuance of revenue bonds by coastal cities to finance various types of harbor and port facilities is the subject of Senate Bill 643. Article 1187f (Vernon’s Texas Civil Statutes) is amended by the act to permit the sale of the bonds at any public or private sale.

Cities and towns operating under general law or special charter are permitted to lease oil and mineral property under Article 1267, Revised Civil Statutes of Texas, 1925. In the past, this statute prohibited these municipalities from issuing leases for property dedicated to public use. Senate Bill 1032 (immediate effect—May 27, 1975) amends this statute by removing this prohibition and also making it clear that gas leases are authorized.

When the revenues or property of a municipally owned transit system are encumbered, Article 1118w, Vernon’s Texas Civil Statutes, provides that the system may be under the control of the city’s governing body or a board of trustees. In the past, the statute limited the board of trustees to a maximum of five members. Senate Bill 1068 (immediate effect—June 19, 1975) allows greater flexibility as to the number of trustees, permitting a board of from three to nine members.

House Bill 860 relates to the governing bodies of cities operating under Chapter 11, Title 28, Revised Civil Statutes of Texas, 1925, as amended. Generally, only relatively small municipalities operate under this chapter. Current law provides that a quorum of the board of aldermen consists of the mayor and at least three aldermen. The board of aldermen cannot act when the mayor is absent. House Bill 860 authorizes the board of aldermen to elect a
mayor pro tempore to act when the mayor fails, refuses, or is unable to act. Also, the bill provides that in the mayor's absence, any four aldermen constitute a quorum and if the mayor is also absent, the quorum may itself appoint a presiding officer.

**House Bill 367** (immediate effect—March 20, 1975) amends existing law permitting cities to issue revenue bonds for airport purposes by eliminating the requirement that the city must have a population of 500,000 or more to take advantage of the law. Now, any city, regardless of population, may issue airport revenue bonds.

**Senate Bill 290** is intended to clarify the authority of home-rule cities to appoint environmental health officers. Amending Article 4477-1, Vernon's Texas Civil Statutes, which relates to minimum standards of sanitation, **Senate Bill 290** expressly provides that home-rule cities with a population of 800,000 or more may appoint such officers. Actually, the statute amended by this bill already provides that it does not limit the power of home-rule cities and, presumably, any home-rule city, regardless of population, could appoint an environmental health officer before the bill was enacted.

Among the bills enacted affecting cities in specific population brackets, **House Bill 2221** (immediate effect—June 19, 1975) amends Article 1015j-1, Vernon's Texas Civil Statutes, which permits cities with a population of 500,000 or less to appropriate city funds for advertising the city and promoting its growth. The amendment authorizes the governing body of a city taking advantage of this statute to appoint a person to manage municipal promotional programs or to designate another municipal officer to perform that function.

The Municipal Annexation Act prohibits a city from annexing territory that is less than 500 feet wide at its narrowest point. This prohibition is intended to prevent so-called "spoke annexation," that is, annexation of a narrow strip of territory extending outward from the city as a spoke extends from the hub of a wheel. **House Bill 1530** provides that a city with a population of 12,000 or less may annex land narrower than 500 feet if two sides of the tract are contiguous with the city. Such a tract of land would not actually constitute a "spoke" because of the requirement that two sides touch the city.

Under current law, in any general law city, regardless of its population, or in a city chartered by special law and having a population of less than 10,000, an election to abolish the city's
legal existence must be called on petition of 400 qualified voters of the city or, if there are not that many voters, on the petition of three-fourths of the voters. House Bill 1037 amends this provision to reduce the required number of signatures on the petition in a city with fewer than 400 qualified voters to two-thirds, rather than three-fourths, of the total number of voters.

House Bill 830 authorizes any city with a population of 1,200,000 or more to finance park projects by issuing revenue bonds. At this time only Houston has a population large enough to take advantage of this act.

The same is true with respect to House Bill 526, which authorizes cities in the 1,200,000 or over classification to finance waste treatment projects by the issuance of revenue bonds.

Under House Bill 827 (immediate effect—April 30, 1975), cities with a population of 800,000 or more may issue temporary taxicab permits to persons who meet all qualifications to drive a taxicab except the requirement that they hold a chauffeur's license, provided they do hold a valid Texas operator's license. These permits are valid for not more than 10 days, and no person may be issued more than one permit every 90 days. Permits may only be issued by a city for a time when a special event is in progress in the city which brings in a large number of out-of-city visitors, thereby requiring additional transportation service.

House Bill 1195 updates a number of provisions of the statute governing the Texas Municipal Retirement System which relate to prior service. It adds the right of participants to redeposit previous withdrawals and redefines time frames for allowing special prior service credits and antecedent service credits. Participating municipalities are also authorized to increase prior service annuities now being paid to retired employees and to beneficiaries of deceased employees.

Under the new Section 67, Article XVI, of the Texas Constitution, the legislature is directed to provide by law for the creation by any city or county of a system of benefits for its officers and employees. The 64th Legislature accomplished this mandate by enactment of Senate Bill 982 (effective on adoption of Senate Joint Resolution 3, April 22, 1975). The bill also provides that such systems created under constitutional provisions repealed by Senate Joint Resolution 3 or under general powers of home-rule cities remain in effect, subject to power granted by law to alter or abolish the systems.
The law which creates and regulates municipal pension systems in cities with a population of 900,000 or more was amended by House Bill 648 to apply only to cities of 1,200,000 or more population. Other changes made by the bill include increasing the percentage paid by the city into the pension fund for its employees and setting a minimum amount of $100 per month total pension for each member of the system who retires with 25 years or more credited service at age 50, or 20 years or more credited service at age 55, or 10 years or more credited service at age 60. Persons retiring under these conditions, on or after January 1, 1976, have their pensions adjusted annually in accordance with the Consumer Price Index. These cost-of-living increases are limited to two percent annually. Additionally, if a person ceases to be employed by the city before becoming eligible to receive pension payments, he now has the option of leaving his contribution in the pension fund to collect benefits upon reaching the age of 50.

Another measure enacted which is applicable only in cities with a population of more than 1,200,000, is House Bill 398, which relates to the operation, establishment, and jurisdiction of municipal courts of record in such cities.

Counties

As with legislation relating to Texas cities, bills enacted by the 64th Legislature with respect to county government included those general in character as well as bills affecting specific counties, so designated by name or by population brackets. The range of subjects covered by the general laws varied from prescribing county seals and authorizing county regulatory authority to such subjects as providing for county involvement in historical preservation and authorizing a change in the county fiscal year.

House Bill 2020 gives additional flexibility in fiscal matters by authorizing the commissioners court to adopt a fiscal year that begins on October 1 rather than January 1. Counties may continue to budget on a calendar year basis if the commissioners court so desires. County involvement in historical preservation has been enhanced by Senate Bill 353 (immediate effect—April 18, 1975). The act changes the name of the County Historical Survey Committee in each county to the County Historical Commission. The commissioners court is authorized to appoint the members of the commission, but if it fails to do so the Texas Historical Commission, on 30 days' notice, may appoint them. The bill emphasizes that the commission is an ongoing body responsible for a continuing survey of the county's historical resources. Counties are given increased authority to spend county funds for the erection of historical markers, monuments, and medallions; the
purchase of historical objects and collections; and the preparation and publication of county histories.

*Senate Bill 225* (immediate effect—March 20, 1975) deals with official county seals. Previously the official seal of each county consisted of a five-pointed star and the words "Commissioners Court, _________ County, Texas." Now, with the approval of the secretary of state, the commissioners court is permitted to select a design other than a five-pointed star. This bill was in response to a desire by some county officials to have the option of adopting a distinctive county seal.

The fees of office received by sheriffs and constables for exercising various official duties, such as serving civil process and carrying out court orders, are increased by the provisions of *House Bill 392*. The state constitution requires that county law enforcement officers be compensated on a salary, as opposed to a fee, basis. Fees of office are paid into the county treasury, and increasing them will increase the amount going into the county treasury but will not directly affect the compensation of sheriffs and constables.

The commissioners court of any county is authorized by *House Bill 1076* (immediate effect—May 8, 1975) to enter an order to hire and provide compensation for adequate secretarial personnel for any district, county, or precinct officer.

Two bills were passed relating to county regulation of parking. *Senate Bill 355* (immediate effect—May 20, 1975) applies to all counties in the state. It authorizes the commissioners court to adopt parking regulations applicable to the parking of vehicles on any property owned or leased by the county. Violation of a parking regulation is punishable by a fine of up to $200. *Senate Bill 653* authorizes the commissioners court of any county having a population of 235,000 or more to adopt parking regulations applicable to any parking lot owned or leased by the county that is at or near the location of the county courthouse. Violation of a parking regulation is punishable by a fine of from $1 to $20.

The payment of travel expenses for county auditors and their assistants is treated by *Senate Bill 1072* (immediate effect—June 19, 1975). Current law provides for compensating county auditors for travel expenses in all counties, but makes no provision for paying the travel expenses of assistant county auditors. *Senate Bill 1072* amends current law to provide for paying travel expenses of assistant county auditors, but is applicable only in counties with a population of 1,500,000 or more. At this time, only Harris
County has a population that large. The compensation of the county auditor in any county with a population of more than 90,000 but not more than 97,500, according to the most recent federal census, is affected by Senate Bill 1119 (immediate effect—June 19, 1975). The bill, applicable at present to Potter, Ector, and Smith counties according to population bracket limitations, provides that the salary of the county auditor will continue to be set by the district judge or judges having jurisdiction of the county, as was formerly provided for all counties. However, while former law limited the salary of the county auditor to an amount not more than the salary of the assessor-collector of taxes, in counties affected by this bill the maximum salary is to be an amount equal to the salary of the county judge. While Senate Bill 1119 took effect immediately, the salary of the county auditors in affected counties will remain unchanged until action is taken by the appropriate district judge or judges.

Heretofore, only cities have held urban renewal authority in Texas by legislative act. Senate Bill 233 extends this power to counties with a population of more than 700,000. Four Texas counties now have populations this large: Harris, Dallas, Bexar, and Tarrant. Before a county may exercise the power, a countywide referendum must be held. Voter approval is required not only by a majority of the voters voting in the county as a whole, but also by a majority of those voting on the issue in each incorporated city or town in the county. In the case of cities or towns located only partly in the county, only those citizens who reside in the county holding the election may vote. If the required approval is given by the voters, the county has the same authority in unincorporated areas of the county that cities have within their corporate limits under the Urban Renewal Law.

Senate Bill 938 amends the Harris County Road Law as it relates to county contracts to purchase materials for road construction and maintenance. Formerly, competitive bidding was required for all purchases of more than $1,000. This requirement now applies only to purchases of more than $2,000. The county purchasing agent is responsible for accepting bids. Senate Bill 937 (immediate effect—June 19, 1975) deals with the purchase of materials and supplies by counties having a population of 800,000 or more. Current law requiring competitive bidding on all contracts for more than $1,000 is changed to require bidding only on contracts for more than $2,000, taking into account the effect of inflation since the original requirement was imposed. Also, provision is made that in case of public calamity or other emergency the bidding procedure is not mandatory.
Senate Bill 170 (immediate effect—May 27, 1975) eliminates the statutory ceiling on the salary of county purchasing agents in counties with a population of 74,000 or more. The maximum salary that could be paid before this legislation was enacted was $21,500 a year.

The existing law relating to county-operated toll bridges on the Rio Grande has been amended by House Bill 1957, which permits the commissioners courts in the affected counties to delegate administrative authority over the bridge to an operating board.

Article 1702j, Vernon's Texas Civil Statutes, is one of several laws authorizing counties in various population classifications to establish county law libraries financed by special court costs. The article formerly applied only to counties with a population between 750,000 and 1,000,000. Only Bexar County is in that bracket. With the enactment of House Bill 1705, however, the minimum population is lowered to 700,000, thereby bringing Tarrant County within its applicability.

Various powers of counties, with a population of 350,000 or more, relative to acquiring, improving, financing, and administering county parks are authorized under Article 6079e, Vernon's Texas Civil Statutes. House Bill 1580 expands the coverage of the act to include all counties with a population of 70,000 or more.

Two bills were enacted by the 64th Legislature to clarify the location of specific county boundaries: House Bill 1554, relating to the southern boundary of Orange County, and House Bill 2096, relating to the eastern boundary of Jefferson County. Each of the bills deals with the part of the county adjoining the state of Louisiana and declares the boundaries to pass along the geographical center of Sabine Lake and the Sabine River.

Counties having a population of more than 1,000,000 (Dallas and Harris) are authorized by House Bill 1547 to issue up to $2 million in certificates of indebtedness for building, furnishing, and improving county buildings and other facilities, and up to $3.5 million in certificates of indebtedness to purchase highway rights-of-way and for the construction of curbs, gutters, and drainage facilities on highways. The authority expires on January 1, 1980.

House Bill 1119 permits the Commissioners Court of Galveston County to pay for road improvements by levying special assessments against adjoining property. Extending this authority to a county is somewhat novel, as this method of financing road improvements has
traditionally been available only to cities and towns.

Article 1605a, Vernon's Texas Civil Statutes, which relates to county authority to establish branch county office buildings and jails in cities other than the county seat, is amended by House Bill 951. Applicability of the existing article was limited to cities other than the county seat having a population of 20,000 or more, but House Bill 951 lowers the minimum population to 15,000. Also, the bill eliminates the current $200,000 maximum on the cost of the building, replacing it with a provision that the cost may not be greater than two percent of the taxable value of property in the county.

House Bill 968 allows the commissioners court of any county having a population of 20,000 or more to authorize payroll deductions upon each employee's written request to pay fees for parking in county-owned facilities.

The commissioners court in counties of more than 1,500,000 population are authorized by Senate Bill 1072 (immediate effect—June 19, 1975) to reimburse the county auditor and his assistants for expenses incurred in traveling to and from the county seat in their personal automobiles to perform official duties and to attend conferences and seminars relating to the performance of official duties. The commissioners court shall fix the rate of reimbursement.

The minimum compensation for commissioners of drainage districts which may be set by commissioners courts in counties of 150,000 to 350,000 population is increased by Senate Bill 1088 (immediate effect—June 19, 1975). Senate Bill 374 (immediate effect—May 20, 1975) raises the maximum salary for the county engineer which may be set by the Commissioners Court of Limestone County from $12,000 to $16,000.

The County and District Retirement System was the subject of a number of bills. Senate Bill 627 (immediate effect—June 19, 1975) provides for reinstatement of service credit in the system. A member who had terminated a previous membership by withdrawal of then-accumulated deposits may seek reinstatement by depositing in a lump sum payment the amount withdrawn, plus the amount of a withdrawal charge of five percent per annum from the date of withdrawal to the date of redepot.

Senate Bill 553 (immediate effect—May 20, 1975) amends the right of deferred service retirement in the system so that those with 20 years service with more than one participating subdivision are now
eligible. The right of deferred service retirement is also now available for employees who are at least age 60 and have 12 years service with a participating subdivision. The bill provides additionally for a new system of credit for military service during wartime or police action.

**House Bill 1945** extends coverage under the Texas County and District Retirement System to employees of the Texas Association of Counties.

Under **House Bill 57**, county commissioners courts are given authority to regulate outdoor lighting and subdivision development in any unincorporated portion of the county within 75 miles of a major astronomical observatory, regardless of whether the observatory is in the same county. At present, McDonald Observatory in Jeff Davis County is the state's only major observatory. The bill's purpose is to provide a method of preventing the unregulated development of land near an observatory in a way that would interfere with the use of the observatory. While light interference has not been a major problem as yet at McDonald Observatory, it has significantly limited the effectiveness of observatories in other parts of the country.

**General**

While the legislature's most significant action regarding local government was submitting to the voters a proposed revision of the local government provisions of the Texas Constitution as a part of a comprehensive article-by-article revision of the document, several bills affecting local government were enacted into law.

Group life, health, and accident insurance for officers, employees, and retirees of counties and other political subdivisions was treated in **House Bill 1633**. This legislation amends current law on the subject to accomplish three things: (1) It makes clear that all political subdivisions of the state may participate in group insurance programs. Existing law was somewhat ambiguous as to whether certain special districts could participate. (2) The bill permits eligible local governments to cover retired officers and employees. A recent opinion by the attorney general had held that the then current law did not permit coverage of retired persons. (3) The bill increases the maximum amount of group life insurance that may be provided for an individual from $10,000 to $25,000.

Under **House Bill 2198**, in a county having a city with a population of more than 20,000 that is not the county seat, the county or city, or both acting jointly, may establish in the city a criminal justice center that may include any type of facilities related to
the administration of criminal justice, including court and detention facilities. Any county officer may maintain an office at the facility in addition to the office maintained at the county seat. Participating governmental entities may finance participation in a project by issuing general obligation bonds, certificates of obligation, or a combination of the two.

The authority of political subdivisions in two or more adjacent counties jointly to acquire, construct, and maintain recreational facilities is enhanced by House Bill 2220. Article 6081t, Vernon's Texas Civil Statutes, permits political subdivisions in the same or adjacent counties to undertake joint recreational projects, and House Bill 2220 amends this statute by specifying that when two or more political subdivisions in adjacent counties operate under it they also may use the authority of two other statutes that authorize the establishment of various types of self-liquidating recreational projects and the financing of recreational projects by the issuance of revenue bonds.

In April of this year (1975) the voters of the state approved a constitutional amendment revising and consolidating constitutional provisions relating to state and local retirement systems. In response, the legislature enacted Senate Bill 982, which provides counties, cities, and towns with the option of creating a retirement system at the local level to cover employees and appointive officers. This act is permissive and does not affect the ability of counties or municipalities to continue to operate under existing retirement systems. Voter approval is required before a county or municipality may create a system. In the municipal system created under Senate Bill 982, no member may be required to contribute more than 7-1/2 percent of his annual salary to the retirement fund. The municipality must match member contributions. Members of municipal systems may retire at age 65 or, with at least 25 years of service, as early as age 60. Members of county systems created under this act may not be required to contribute more than five percent of their annual salary to the retirement fund, and the county must match member contributions. The bill does not deal with the age of retirement for county employees and appointive officers.

Under Senate Bill 1089 (immediate effect—June 19, 1975), in counties having a population of more than 650,000, the county, an incorporated city or town, or an independent school district, or any combination of those local governmental entities, may construct and operate a sports center financed by the issuance of revenue bonds. A sports center is defined as "a facility used for sporting activities and events, including auxiliary facilities such as
parking areas and restaurants."

The execution of coal or lignite leases by political subdivisions of the state is dealt with by Senate Bill 1102 (immediate effect—June 19, 1975), which amends existing law to make it clear that political subdivisions may lease land owned by them for the development of coal or lignite and to spell out the manner in which coal and lignite leases are to be made.

Senate Bill 1109 (immediate effect—June 19, 1975) expands the scope of the Interlocal Cooperation Act to permit cities, towns, school districts, and other political subdivisions in this state to cooperate not only with other political subdivisions and state agencies in Texas but with those in adjoining states as well. Primarily, this bill would affect those political subdivisions such as those in Texarkana, Texas, which are closely associated with political subdivisions in neighboring states.

Governmental administration procedure is the subject of House Bill 13. This act allows a political subdivision of the state to establish a formal procedure for processing a charge of discriminatory employment practices by an officer or employee of the governmental entity. The established procedure must include provisions for an impartial hearing and the appointment of a hearing officer or board.

Senate Bill 596 (immediate effect—June 19, 1975) extends the police power of airport police officers to areas outside the property under the control of the airport when an officer is acting "in the actual course and scope of his employment."

Two or more public entities are authorized to create a joint power agency and to finance such agencies through the issuance of revenue bonds under provisions of Senate Bill 371 (immediate effect—May 8, 1975). The act declares the obligations issued by such power agencies to be legal investments for financial institutions and reserves to the state limited power in the regulation of rates for electrical energy supplied by the agencies.

Senate Bill 734 is designed to aid in the development of viable urban communities by providing decent housing and a suitable living environment for residents. It provides that any municipality is authorized to implement a community development program upon adoption by the governing body of an ordinance or resolution enacting such a program. The powers and restrictions of power are defined, as well as certain procedures required of the governing body of the municipality.
The definition of an "industrial development agency" is the subject of **House Bill 333**. The act (Article 5190.2, Vernon's Texas Civil Statutes) providing for the creation of such agencies is amended to define an "Industrial Development Agency" as a corporation established under the Texas Non-Profit Corporation Tax to promote and encourage industrial development within the state or a designated area of the state whose articles of incorporation provide that on dissolution or winding up of its corporate affairs any property remaining after payment of debts of the corporation shall be conveyed, transferred, or vested in the Rural Industrial Development Fund of the State, a school district, a city, or a county, or be conveyed to a nonprofit corporation established for similar purposes.

Firemen and Policemen and supervisory personnel in a county jail controlled by an administrator and park and recreational patrolmen and security officers are added by **House Bill 98** to the list of law enforcement officers whose survivors are eligible for payment of assistance if the officer is killed in the line of duty. The amount of lump sum payment is increased from $10,000 to $20,000 on the effective date of the amendment. Monthly benefits to surviving children receiving payments on or after the effective date of the amendment are also doubled.

**House Bill 732** provides for payment of attorney's fees, court costs, and lost wages in a case involving suspension, dismissal, or demotion of a fireman or policeman by the civil service commission.

**House Bill 923** incorporates several amendments to the firemen and policemen pension fund in El Paso.

**Senate Bill 413** provides for the lump sum payment of the full amount of a San Antonio fireman's or policeman's salary for the period of his accumulated sick leave when he leaves the classified service or to his beneficiaries if he loses his life as a result of a line-of-duty injury or sickness. San Antonio firemen and policemen are also affected by **Senate Bill 751** (immediate effect—May 20, 1975), which increases the pension of firemen and policemen who retired before September 1, 1971, in the amount of $60.

Austin and Houston firemen are no longer governed by the provisions of the statewide relief and retirement system since enactment by the 64th Legislature of **Senate Bills 598 and 1027** (both immediate effect—May 13, 1975 and June 19, 1975, respectively) providing separate relief and retirement systems for each city.
The three percent cost-of-living adjustment applies to all pension payments to San Antonio firemen and policemen, and all pensions granted on or before December 31, 1974, are validated as to amount by Senate Bill 400 (immediate effect—April 10, 1975).

The amount of the city contribution and the retirement age of Houston policemen are changed by House Bill 1575 (immediate effect—June 19, 1975).

House Bill 2194 permits the legislative body of any city with a population of 1,200,000 or more to authorize either educational or training incentive pay for police officers or members of the fire department.

The act relating to pension systems for firemen, policemen, and fire alarm operators is amended by Senate Bill 581 (immediate effect—May 27, 1975), which adds provisions authorizing the Board of Trustees of the Firemen, Policemen, and Fire Alarm Operators' Pension Fund to appoint an administrator and defines his duties, to contract for assistance of professional investment managers, and to make related custody account agreements with banks.

Agriculture and Livestock

Agriculture is a vital segment of the Texas business community and contributes over $10 billion annually to the state's economy. The vitality of all phases of agribusiness is extremely important to an overall healthy economic condition in the state. Cognizant of this fact, the 64th Legislature enacted a number of bills designed to benefit and encourage Texas agriculture.

Few have been hurt more by a national economy characterized by inflation and recession than the state's dairymen and cattlemen. Foreign competition has been a major factor contributing to their difficulties. In a move to alleviate this situation, the legislature enacted House Bill 614, which prohibits a state agency or subdivision from purchasing dairy products imported from outside the United States. The act does not apply to the purchase of milk powder when domestic milk powder is not readily available. House Bill 318 (immediate effect—May 8, 1975) prohibits the purchase of foreign beef by state agencies and political subdivisions.

The rapid urbanization and industrialization of Texas in recent years has greatly increased the market value of land close to urban centers and along highways connecting major cities. Under the present property tax system, there is a strong incentive for many to sell land formerly used to produce food, fiber, and livestock to
those who would convert its use to industrial, commercial, or residential purposes. **House Bill 1535** (effective January 1, 1977) provides that valuations for ad valorem tax purposes of open-space land used to support livestock, farm crops, or forest products be based on actual productive value rather than any speculative value. Implementation of this act is contingent on the adoption by the voters in November of the finance article of the proposed new Texas Constitution (**Senate Joint Resolution 11**).

**Senate Bill 544** (effective September 1, 1975) consolidates and updates state law on the certification of the genetic purity and identity of seeds and plants. The State Seed and Plant Board may now establish standards of genetic purity and identity for classes of certified seeds and plants for which the board determines that standards are desirable, and the act sets out the procedures involved in establishing such standards. The bill also promotes coordination between the board and the Department of Agriculture which certifies seeds and plants under the act. Additionally, special provisions are included for registration of new varieties of cotton.

Certain sections of the Texas Seed Law are clarified and reorganized by **Senate Bill 595** (immediate effect—June 19, 1975) to conform with federal regulations. The bill revises labeling requirements for certain agriculture and vegetable seed and changes inspection fees and exemptions.

The Texas Supreme Court ruled on January 15, 1975, that the assessment provision of the Commodity Referendum Act of 1971 was unconstitutional. The statute had set up a method whereby a nonprofit organization representing the producers of a particular agricultural commodity could, after a referendum among the producers, levy an assessment upon themselves to finance programs encouraging production, marketing, and consumption. **Senate Bill 728** reenacts the assessment provision of the act contingent on the adoption by the voters of the finance article of **Senate Joint Resolution 11**. The new assessment provision provides the means for a producer to obtain a full refund within 60 days after the payment of an assessment, ** Senate Bill 845** (immediate effect—May 30, 1975) removes broiler fryers from the list of commodities exempted from the act. The bill also provides a means by which producers of any agricultural commodity may exempt their product's sales from assessment. This exemption provision will expire if Section 5 of **Senate Joint Resolution 11** is adopted by the voters.

**Senate Bill 1104** (immediate effect—June 21, 1975) amends various parts of the Texas Structural Pest Control Act. The bill changes
fees and procedures for obtaining a license from the Structural Pest Control Board and strengthens testing requirements for persons using pesticides classified for restricted use by federal or state government. One important feature is the requirement that after February 29, 1976, license applicants must file a policy or contract of insurance of not less than $30,000 to cover liability for damages occurring as a result of business operations.

The federal Environmental Protection Agency ruled that certain pesticide applicators and dealers must be licensed and certified. To bring the state into compliance with federal regulations, the legislature enacted Senate Bill 616, the Texas Pesticide Control Act (effective two dates: January 1, 1976; Sections 32 and 34 on November 1, 1976). The act regulates the labeling, distribution, transportation, storage, use, and disposal of pesticides and assigns licensure and coordinating responsibilities to the Department of Agriculture. The Texas Animal Health Commission, Texas Water Quality Board, and State Department of Health are also charged with certain enforcement responsibilities.

House Bill 499 (immediate effect—April 3, 1975) deletes certain definitions in the state law regulating milk grading and pasteurization to prevent conflict with federal definitions. The bill also changes from 30 to 60 the number of days notice required before the Department of Health may change specifications, rules, or regulations relating to this matter.

The law pertaining to the coloring of citrus fruit was amended by Senate Bill 601 (immediate effect—June 19, 1975). The bill changes the size of the standard packed box of oranges which may be colored and the percent of imperfect marked fruit from not more than 10 percent to not more than 45 percent.

The problem involving the sale of substandard and illegal citrus fruit by door-to-door and street vendors prompted the legislature to pass Senate Bill 602 (immediate effect—June 19, 1975). The bill authorizes the Department of Agriculture to license and inspect the sale of citrus fruits by persons selling door-to-door or from temporary locations. Such licensees are exempted from obtaining a surety bond required of commission merchants and contract dealers.

To prevent the representation of an imitation honey product as "pure" honey, House Bill 1540 was enacted to regulate the labeling and sale of honey, honey products, and imitation honey. The act makes it a misdemeanor to falsely represent a product as pure honey.
To offset increased administrative costs, House Bill 1532 raises from $5 to $10 the fee which may be collected by the commissioner of agriculture for testing propane and butane devices.

House Bill 2063 changes the name of the Natural Fibers and Food Protein Committee to the Natural Fibers and Food Protein Commission. The act also authorizes the commission chairman, with the approval of the other members, to appoint three special advisory committees.

Senate Bill 326 (immediate effect—May 20, 1975) abolishes the Inactive Compensation Claim Board which was created in 1917 to compensate cotton growers for losses and expenses incurred by compliance with the Pink Bollworm Act.

Alcoholic Beverage Control

Probably the most notable aspect of alcoholic beverage legislation passed by the 64th Legislature, Regular Session, was that only six bills passed—three senate bills and three house bills. This is not to say that only six bills affected alcoholic beverage regulation, as many bills of general application will, to some extent, affect the industry or the Alcoholic Beverage Commission. An example of a bill not dealing directly with alcoholic beverages that will nevertheless have a significant impact in the area is Senate Bill 41, the Administrative Procedure and Texas Register Act (effective January 1, 1976). This bill, which will affect the rulemaking function of the Alcoholic Beverage Commission and administrative practice before it, is discussed in this publication under the subject "State Officials, State Departments and Agencies, State Employees, and Examining and Licensing Agencies."

Each of the three house bills relating to alcoholic beverage regulation deals with the operations of Mixed Beverage Permittees, that is, those permittees authorized to sell mixed drinks.

House Bill 558 relaxes restrictions relating to the renewal of a Mixed Beverage Permit by a corporation. Generally, a corporation may not renew a Mixed Beverage Permit if over 50 percent of its shares have changed hands since the permit was first issued. The corporation is not barred from obtaining a new permit if it is otherwise qualified, but obtaining a new permit is much more expensive than simply renewing an existing permit, as the annual permit fee is much higher during the first three years after the permit is issued. House Bill 558 permits a corporate permittee to continue to renew its Mixed Beverage Permit notwithstanding a change in stock ownership if the new owner of the stock is or has
been an officer of the corporation and the corporation is otherwise qualified to hold a permit.

Under House Bill 942, the Alcoholic Beverage Commission or its administrator is authorized to allow two or more mixed beverage establishments located in the same county and substantially under the same ownership to maintain business records at a central location in the county. The commission or administrator may impose any conditions deemed appropriate in granting the permission. Proponents of the bill argued that central recordkeeping will benefit both permittees and the commission, in that it will result in greater efficiency and consequent cost savings to permittees and will enable the commission to make required tax audits more expeditiously.

The sound of breaking glass where mixed beverages are served may be diminished by House Bill 1194, which eliminates the requirement that the permittee destroy every distilled spirits bottle as soon as it becomes empty. The bottle-breaking requirement was intended to prevent unscrupulous operators from refilling empty containers with untaxed liquor or with a cheaper brand of spirits. House Bill 1194 imposes in place of this requirement a requirement that the permittee destroy the identification stamp, required by law to be on each bottle, as soon as the bottle is emptied.

Under Texas law, beer is sold to retailers by distributors, who themselves obtain the beer from manufacturers or other distributors. Under Senate Bill 140, each manufacturer of beer is required to designate territorial limits within which distributors may sell its brands of beer. Distributors must sign written agreements with the manufacturer that set forth these territorial limits.

Senate Bill 470 (immediate effect—April 18, 1975) will ease the transition to the metric system with regard to liquor taxation in Texas. This bill does not impose the metric system on the bottling of liquor. However, it provides that if the federal government imposes this system of measure—which seems likely at some time in the future—the Alcoholic Beverage Commission must adopt rules and regulations regarding the taxation of liquor in metric containers that will result in the collection of the state tax at the same rate now applicable to liquor bottled in quarts, fifths, and other units of the English system of measure.

Holders of Non-resident Seller's Permits and Manufacturer's Agents Permits are exempted by Senate Bill 471 (immediate effect—May 20, 1975) from the requirement of posting a surety bond with the
Alcoholic Beverage Commission. The theory behind the exemption is that a surety bond is unnecessary for either of these permittees as neither is responsible for the payment of state alcoholic beverage taxes.

Environmental Protection

Water Quality With the Texas Water Quality Board in the best position to know the problems encountered in trying to control water quality in the state, the legislature passed Senate Bill 726 (immediate effect—June 19, 1975) which requires the board to submit with its report to the governor and the legislature suggestions for new laws and amendments for present laws that the board believes is needed to provide better enforcement of water quality controls.

The Texas Water Quality Board is authorized by law to delegate to its executive director or to any local government whose boundaries include a regional waste disposal system or that has been designated to develop such a system, the authority to license and administer the licensing systems for private sewage facilities. Under House Bill 1618 (immediate effect—June 19, 1975), the board is authorized to further delegate the licensing and administration of private sewage facilities to special districts that own or operate dam or reservoir projects in the area regulated.

Before the adoption of House Bill 1619 (immediate effect—June 19, 1975), the penalties for violations of the laws relating to private sewage facilities came under the general criminal penalty for violation of the Texas Water Quality Act. House Bill 1619 provides a special criminal penalty of not less than $10 nor more than $200 for violation of private sewage facility laws and jurisdiction is placed in the justice of the peace courts and venue in the justice court in the precinct in which the violation is alleged to have occurred.

In 1973, the legislature directed the Texas Water Quality Board to adopt regulations relating to the disposal of boat sewage in Texas. Since adoption of that law, the federal government has issued some new guidelines. To provide compliance with the federal law and to assure an adequate number of pump-out facilities for boat sewage, the legislature passed House Bill 1017, which allows the board to require the establishment of boat pump-out stations by local governments having fresh water in their jurisdictions. The bill also provides general authority for the local governments to operate such stations under the board's direction and to issue revenue bonds and collect charges relative to their operations.
In Chapter 21, Subchapter D, of the Water Code, the Texas Water Quality Board is authorized to create regional or area-wide waste collection, treatment, and disposal systems in places it considers necessary in the state. In designating these systems, the board is required to consider a number of factors. To assure that financial factors are adequately considered in establishing and operating these systems, Senate Bill 839 (immediate effect—June 19, 1975) requires the board to find affirmatively that the inclusion of an entity in a regional or area-wide system will not result in undue financial hardship. An entity excluded for this reason may be added at a later time.

The financing, construction, and operation of waste treatment and disposal projects constitutes a very expensive and complex problem for many metropolitan areas of the state. Although federal and state funds have been made available for these projects, there is still a need for substantial local funding. House Bill 526 authorizes cities with a population of more than 1,200,000 to issue revenue bonds for the purpose of financing these projects and to collect certain fees and pledge certain revenues, incomes, receipts, and fees.

Surface Mining

One of the most important pieces of legislation to come out of the 64th Legislature is the Texas Surface Mining and Reclamation Act, Senate Bill 55 (effective January 1, 1976), which provides for controlling and regulating the exploration for and the surface mining of coal, lignite, uranium, and uranium ore. The control and regulatory authority is placed in the Railroad Commission of Texas, and the commission is given the responsibility for issuing rules and regulations governing surface mining and is charged with the issuance of permits covering surface mining operations. The commission is also authorized to designate certain land unsuitable for all or certain types of surface mining operations. Applicants for permits must submit with their permit applications a reclamation plan for the area to be mined and must submit a performance bond before the permit is issued.

In addition to legislation regulating surface mining, the legislature passed Senate Bill 211 (immediate effect—May 8, 1975), which makes Texas a member of the Interstate Mining Compact. Through this compact, Texas and the other member states hope to cooperate in providing an efficient and effective mining industry while at the same time sharing ideas and solutions that will minimize the adverse impact of the industry's activities in these states.
Prior to this session, a person violating the provisions of Chapter 22 of the Water Code or rules and regulations or permits issued under this chapter was subject to a civil penalty of up to $1,000 for each day of noncompliance and each act of noncompliance. Under House Bill 1595, the maximum limit of this civil penalty has been raised to $5,000, which is in line with federal guidelines.

Traffic on the high seas and development of oil and gas offshore in the Gulf of Mexico increases the possibility of spills and discharges of oil and hazardous substances off the Texas coast.

Senate Bill 17 (immediate effect—June 19, 1975) charges the Texas Water Quality Board with the responsibility of attempting to prevent oil and hazardous spills and discharges in coastal water and for the cleanup of spills and discharges in the event they do occur. The Texas Coastal Protection Fund is also created by the bill.

House Bill 1089 amends the Weather Modification Act to provide that upon the request of at least 25 persons, the Texas Water Development Board will hold a public hearing in the area in which a weather modification permit is being requested before the permit is issued. The bill also extends from one year to four years the period for which a permit may be issued for a contracted operation.

Animals

The 64th Legislature passed several bills relating to animals. Senate Bill 433 provides a method for the disposition of animals found to have been cruelly treated. Under preexisting law, an owner could be found guilty of the misdemeanor offense of cruelty to animals, but no procedure existed for removing an animal from his possession or ownership either pending his trial or after a conviction. The new law authorizes the county sheriff or city animal control officer to initiate a separate civil proceeding by getting a warrant to impound an animal where probable cause exists to believe that the animal has been cruelly treated. A hearing is held on the issue within 10 days of issuance of the warrant. If the court finds that the animal has been cruelly treated, the court shall order the animal sold at public auction. If the decision is not reversed on appeal, the animal is sold, and the proceeds, minus expenses, are delivered to the former owner. The new law provides protection for the animal and makes available an alternative to the lengthy and severe procedures of the criminal law (the criminal penalty may include a large fine and jail confinement for up to one year).
The legislature also revised the procedures for disposing of estrays. **House Bill 2044** (immediate effect—June 19, 1975) provides a method for the reporting of the finding of a stray horse, mule, jack, jennet, hog, sheep, goat, or species of cattle to the local sheriff, and for a subsequent search for an owner and, if necessary, newspaper advertisement of the impoundment of an estray. After 14 days after final publication of the newspaper advertisement, the estray shall be sold at public auction. Provision is made for the recovery of the sale proceeds by the former owner if he is found within 12 months of the public sale.

**House Bill 2203** (immediate effect—June 19, 1975) includes Kleberg County in the list of counties in which the Parks and Wildlife Department may issue permits for the use of aircraft in animal predator control.

Four bills were passed relating specifically to livestock. **House Bill 318** (immediate effect—May 8, 1975) prohibits state agencies and subdivisions, including school districts, from purchasing beef products which have been imported from outside the country. The Texas Department of Health Resources (formerly the State Department of Health) has responsibility for enforcing the act.

**House Bill 1346** (immediate effect—June 19, 1975) authorizes the commissioner of agriculture and his agents to grade livestock while alive, using standards of the U.S. Department of Agriculture, on request and for a fee.

**House Bill 1590** (immediate effect—June 19, 1975) relates to the program of the Texas Animal Health Commission for the control and eradication of bovine brucellosis, and allows the commission to formulate procedures for compensating owners of cattle exposed to brucellosis, up to a maximum of $40 per head.

A method for the prompt payment to owners of the purchase price of livestock is provided in **House Bill 1743**. The bill establishes a 12 percent penalty in damages for late payments and provides the seller with a lien on livestock sold to secure payment of the purchase price.

**Business Regulations**

General Commerce  An active and viable small business community is vital to a healthy economy. In a move to assist small business in Texas, the legislature enacted **House Bill 366** (effective September 1, 1975) which assigns additional responsibilities to the Texas Industrial
Commission in regard to small business and creates the Advisory Council on Small Business Assistance to aid the commission in the administration of its duties under this act. The commission is directed to offer advice and counsel to small business; to make available information concerning the management, financing, and operation of small business; and to conduct research relevant to the purpose of assisting small business. The bill also takes positive steps in the area of governmental bidding and procurement of contracts to improve the ability of small business to conduct business with the state.

In an effort to alleviate problems which have arisen in sale transactions involving livestock, House Bill 1743 requires purchasers of livestock for slaughter to pay the purchase price on the same day the seller transfers possession or, in certain situations, on the first business day following the transfer of possession. The seller and purchaser may agree to an alternate method of payment, but the agreement may be cancelled by either party. The bill entitles a seller to obtain damages and attorneys fees from a purchaser who fails to make proper payment. The bill also provides that a seller has a lien on the livestock, carcass, or proceeds therefrom to secure the purchase price of the animal.

The law of secured transactions, contained in Chapter 9 of the Texas Business and Commerce Code, is revised by Senate Bill 302 (immediate effect—June 19, 1975). In addition to making some minor changes, the bill clarifies the requirements for the filing of financing statements with respect to certain types of collateral.

House Bill 2027 authorizes the Amarillo Trade Zone, Inc., to apply for and accept a grant to establish a foreign-trade zone in Potter and Randall counties.

To facilitate the investigation of thefts of bronze cemetery pieces, House Bill 1059 requires secondhand metal dealers to keep records of their purchases of bronze cemetery vases, memorials, and statuaries; to make the records available for inspection by peace officers; and to report the recorded information to the Department of Public Safety.

Corporations and Associations

The Securities Act is amended by Senate Bill 15 to provide that in certain specific circumstances the sale of securities options is exempt from the act. The bill adds a provision authorizing and prescribing procedures for the promulgation of rules and regulations by the State Securities
Board. The requirements imposed on persons who bring suit to recover commissions on the sale or purchase of securities is clarified, and a procedure for the appointment of receivers for persons or assets of persons acting as securities dealers is prescribed.

The Texas Professional Corporation Act is amended by House Bill 191 (immediate effect—April 30, 1975) to allow a professional corporation to use the initials "P.C. in its corporate name in lieu of the word "corporation," "company," or "incorporated."

Senate Bill 157 revises numerous portions of the Texas Business Corporation Act. Some of the revisions are aimed at assuring that notice is given of restrictions on the transfer of shares of a corporation. Other sections of the bill substantially revise the law relating to close corporations.

House Bill 619 allows the directors of a cooperative marketing association to elect, as officers, a chairman and vice-chairman if they do not wish to elect a president and vice-president.

The Cooperative Association Act, House Bill 643, authorizes the incorporation of various types of cooperative associations. The act specifies the characteristics of an association entitled to incorporate under the bill and prescribes the organization, powers, and duties of an association so incorporated.

The incorporation of nonprofit prepaid legal services corporations is authorized by Senate Bill 28. Certain duties and restrictions are placed on these corporations, which are to be regulated by the State Board of Insurance.

Financial

The rate of interest on a loan secured by a lien on real property is now determined, under House Bill 351, by amortizing and prorating all interest contracted for or received over the full stated term of the loan. The bill provides, however, that if the loan is fully repaid before the end of the stated term, the lender must refund any interest received that is in excess of the maximum lawful interest that may be charged for the actual term of existence of the loan. Additionally, any person may agree to pay the maximum rate of interest that corporations may pay if the principal amount of the loan is $500,000 and the loan is made for certain purposes related to real estate.

House Bill 810 (effective September 1, 1975) deals with the escheat of dormant deposits and inactive accounts in banks, savings and loan associations, and similar financial institutions. Prior to
the enactment of this bill, only those dormant accounts of $25 or less escheated to the state; now, dormant accounts in any amount escheat to the state.

The prohibition against branch banking is not removed by **House Bill 1212**, but it does permit a bank to operate facilities to which it has access by closed circuit television or other physically connected delivery device. The bill also permits a bank to operate connected drive-in facilities within 2,000 feet of the central bank building and provides that any bank adversely affected by a violation of the branch banking prohibition may bring suit to enjoin the violation.

Banks are authorized by **House Bill 1330** to purchase insurance covering the indemnification of its officers, directors, or employees. Under the bill, a bank may refuse to indemnify an officer, director, or employee only if the person is guilty of willful misconduct, gross neglect, or a criminal act.

**House Bill 890** raises from $25 to $50 the fee for filing a financial statement by a trust company or a mortgage banking company with the banking commissioner and raises from a maximum of $25 to a maximum of $50 the per diem fee paid the Banking Department for each examiner from the department.

State depository banks are given the option under **Senate Bill 711** (immediate effect—June 19, 1975) of depositing pledged securities with the Federal Reserve Bank of Dallas. The state depository board is granted authority to audit and inspect the records of the Federal Reserve Bank with respect to the pledged securities. **Senate Bill 1015** (immediate effect—June 19, 1975), the Bond Registration Act, regulates the various forms of securities issued by governmental entities in the state. It also provides for the registration, exchange, and replacement of public securities.

Two bills relate specifically to savings and loan associations. **Senate Bill 241** exempts certain interest in savings and loan associations from the Securities Act and exempts officers of such associations from the registration and licensing requirements of that act. **House Bill 471** makes it clear that savings and loan associations may act as trustees or custodians under self-employment retirement plans authorized by federal law.

State law relating to credit unions is substantially revised by **Senate Bill 940**. The new Texas Credit Union Act deals comprehensively with the chartering, organization, administration, membership, powers, and regulation of credit unions. **Senate Bill**
allows credit unions to invest credit union funds in certificates or accounts of state or national banks and savings and loan associations. This investment is subject to regulation by the credit union commissioner.

Utilities

Undoubtedly one of the most significant bills enacted by the 64th Legislature is House Bill 819 (effective September 1, 1975) which creates a three-member Texas Public Utility Commission. This commission will regulate electric, water, and sewer utilities operating within the unincorporated areas of the state; municipalities retain jurisdiction over such utilities operating within their incorporated areas but may surrender that jurisdiction, by election or ordinance, at any time two years after the effective date of the bill. The commission will also regulate all telecommunications utilities within the state and is granted the power to make rules and regulations and other powers necessary to the performance of its duties. Under the bill, the Railroad Commission will regulate gas utilities operating within the unincorporated areas of the state, while municipalities retain jurisdiction over such utilities operating within their incorporated areas. Additionally, the bill provides comprehensive standards for the determination of a public utility's rate base and rate of return, requires certain utilities to obtain certificates of convenience and necessity, and imposes duties and restrictions on all public utilities.

The regulation of rates and services of private water companies in a county with a population of more than 1,500,000 is the subject of House Bill 2168. The bill provides that such utilities shall be regulated by the commissioners court if (1) the company is charging or proposes to charge residential rates in any service area which exceed by 30 percent or more the highest residential rates charged by the water department of the largest city in the county; or (2) a petition is submitted to the commissioners court signed by at least 30 percent of the persons residing in one or more of the service areas served by a private water company requesting that the commissioners court exercise regulatory authority over the company.

Two or more public entities are authorized by Senate Bill 371 (immediate effect—May 8, 1975) to create a joint power agency to be known as a municipal power agency. The bill prescribes the method for the creation of the agency and what its powers and duties may be.

The Houston Area Rapid Authority bill passed in 1971 is amended by House Bill 50 (immediate effect—June 21, 1975). The scope of the
original act is broadened to facilitate the establishment of rapid transit authorities in other areas of the state. **Senate Bill 1073** (immediate effect—June 6, 1975) changes the number of members required to serve on the board of trustees of an encumbered street transportation system. Such boards may now consist of not less than three nor more than nine members.

Telephone cooperatives are the subject of two bills. **Senate Bill 426** (immediate effect—May 8, 1975) adds some flexibility to the present law relating to the terms of office of directors of such cooperatives. The bylaws of a telephone cooperative may now provide for directors to serve annual terms, staggered two-year terms, or staggered three-year terms. **Senate Bill 427** (immediate effect—May 8, 1975) allows a telephone cooperative to continue to furnish telephone exchange service within the boundaries of a municipality having more than 1,500 inhabitants if the area received service from the cooperative before the area increased in population to more than 1,500 or the area was annexed by a municipality having more than 1,500 inhabitants.

The coverage of the Deceptive Trade Practices—Consumer Protection Act is expanded by **Senate Bill 48**. The act now applies not only to the purchase but also to the lease of tangible goods, labor, and services and to the purchase or lease of real property for personal use. Partnerships and corporations are now included among the consumers who may benefit from the act. The bill also restricts and clarifies those situations in which a consumer may be denied an award of damages.

**House Bill 381** (effective December 31, 1975) is designed to coordinate state and federal consumer credit protection laws. The bill provides a method for determining finance charges and annual percentage rates and provides for administrative enforcement of state consumer protection laws and imposes civil and criminal penalties for their violation.

Real estate transactions negotiated by the individual who owns the property being sold is exempted by **House Bill 719** from the requirements of the state's home solicitation law.

Section 32.42 of the Texas Penal Code is amended by **House Bill 652** to change the status of some violations in the section on deceptive business practices from Class A to Class C misdemeanors with a maximum fine of $200 and no confinement. These violations include those situations where the pricing error is less than $5 and first offenses in cases of misrepresentation of property or services.
false or misleading advertising, and deceptive sales contests.

Mental Health and Mental Retardation

Provisions of the Mental Health Code relating to the commitment of the mentally ill are the subjects of four bills passed by the 64th Legislature. House Bill 917 gives the judge conducting a temporary commitment hearing the discretion to order a person found to be mentally ill to submit to treatment, observation, or care on an outpatient basis as an alternative to committing the person to a mental hospital. If the mentally ill person fails to fulfill the terms of the court order, the act provides that the judge may commit him to a mental hospital. Senate Bill 902 (immediate effect—June 19, 1975) requires that the commitment proceeding for a proposed patient charged with a criminal offense be before a jury and that the application for temporary hospitalization or petition for indefinite commitment note that the proposed patient has been charged with a criminal offense and that his case has been transferred from the criminal court to the civil court for commitment proceedings. Senate Bill 569 (immediate effect—June 19, 1975) permits a proposed patient to have a temporary or indefinite commitment proceeding filed in any constitutional county court transferred to a district court in those counties which do not have statutory courts exercising the jurisdiction of a probate court in mental health matters; requires a judge issuing an order of temporary hospitalization to find that the proposed patient is not dangerous to himself or others before staying the order pending its appeal; and provides that appeals from orders of temporary or indefinite hospitalization be made to a court of civil appeals rather than to a district court. House Bill 1569 provides that the compensation allowed by a county judge to an attorney ad litem appointed to represent a proposed patient at a commitment hearing may not be less than $25.

The commitment proceedings for alleged alcoholics are revised by House Bill 511. It requires that an alleged alcoholic be represented by an attorney in a commitment proceeding if he has not expressly waived his right to counsel. If the alleged alcoholic does not have an attorney of his own choosing, the court is directed to appoint counsel to represent him during the proceeding.

Before the enactment of House Bill 1854, health or peace officers who had taken a mentally ill person into protective custody were required to transport him to the nearest hospital. House Bill 1864 authorizes the county health officer to designate other facilities suitable for use in detaining mentally ill persons and authorizes health and peace officers to transport mentally ill persons taken
into protective custody to the designated facilities.

Two bills were passed relating to community mental health and mental retardation centers. **Senate Bill 205** (immediate effect—June 19, 1975) allows the Department of Mental Health and Mental Retardation to transfer surplus property to community centers. **Senate Bill 208** makes the meetings of the board of trustees of a community center open to the public in accordance with the open meetings act.

**Senate Bill 435** authorizes the Texas Board of Mental Health and Mental Retardation to convey the title of certain real property, drugs, supplies, equipment, and other personal property under its control to the Dallas County Mental Health and Mental Retardation Center and the Tarrant County Hospital Mental Health and Mental Retardation Center.

The San Antonio State School for the education, care, and treatment of mentally retarded persons is established by **Senate Bill 276** (immediate effect—June 21, 1976).

**Health and Hospitals**

Public Health

The Texas Health Maintenance Organization Act, **[Senate Bill 180]** (effective December 1, 1975), is indeed one of the most significant achievements of this legislature. The act provides for the establishment, certification, organization, and regulation of health maintenance organizations. Applications for a certificate of authority required to establish and operate an HMO must be approved by both the commissioner of insurance and the State Board of Health.

The Texas Kidney Health Care Act is amended by **House Bill 1581** to provide that the reimbursements required to be paid in the act are returned to funds available to the Kidney Health Care Program. The bill also relieves those end-stage kidney patients who receive assistance under the program of their obligation to repay the first $500 of assistance received in each fiscal year, and a provision is added to the act requiring that all other resources available to a person eligible for benefits under the act be disclosed and utilized prior to his receiving payments from the state.

**Senate Bill 729** (immediate effect—June 29, 1975) requires any person in charge of a hospital laboratory, blood bank, mobile unit, or other facility to report evidence suggestive of venereal disease to the Communicable Disease Services Section of the State
Department of Health. Formerly, only clinical laboratories were specifically required to report such evidence.

The possession of a burning tobacco product or the smoking of tobacco is prohibited by Senate Bill 59 in a facility of a public primary or secondary school, an elevator, enclosed theater or movie house, library, museum, hospital, transit system bus, or intrastate bus, plane, or train. Designated smoking areas may be established in such places. An offense under this act is punishable as a Class C misdemeanor.

Home-rule cities having a population of 800,000 or more are permitted by Senate Bill 290 to appoint an environmental health officer who is a registered professional engineer to assist the State Board of Health in the task of eradicating health nuisances.

Senate Bill 705 (immediate effect—June 19, 1975) provides that, when the Department of Health distributes immunization notices for children, the notices shall be addressed without any indication of the legitimacy of the child or marital status of the addressee. Under House Bill 53, the natural mother of an illegitimate child is authorized to acquire a certified copy of the birth certificate disclosing illegitimacy without an order from the county court provided that the child has not been adopted by other parties.

All prescription drugs manufactured and sold or distributed to a pharmacist in the state are required by House Bill 809 to have affixed to the labeling the name and business address of the original manufacturer of the finished dosage form and the names and business addresses of all repackers or distributors of the drug prior to its delivery to the pharmacist.

The Texas Health Planning and Development Act, House Bill 2164 (immediate effect—May 28, 1975), which makes important changes in the structure and duties of the State Board of Health is discussed in the section on state departments and agencies.

Hospitals

Of major significance in this subject area is Senate Bill 243 which authorizes nonprofit hospital corporations to fund construction of health care facilities and support facilities, including office buildings for doctors, through revenue bonds issued by certain political subdivisions or hospital authorities. The political subdivisions or hospital authorities are granted many permissive powers including vesting title of a hospital project in a nonprofit hospital corporation. The legislature adopted two other bills with the purpose of furthering the aims of Senate Bill 243. House Bill
amends the Hospital Authority Act to change the definition of "hospital" to that of a hospital project as defined in Senate Bill 243. The bill also removes some bonding restrictions and authorizes management agreements and leases of hospital projects. House Bill 1779 amends the County Hospital Authority Act in a similar manner.

Most of the legislation in this area relates to individual hospital districts. The legislature authorized the creation of 11 hospital districts: Lavaca (House Bill 502, immediate effect—March 13, 1975); Gainesville (House Bill 1293, immediate effect—May 15, 1975); Sabine County (House Bill 1333); Gonzales County (House Bill 1543); Val Verde County (House Bill 2217, immediate effect—June 19, 1975); Maiton (House Bill 2223); Menard County (House Bill 2232, immediate effect—June 19, 1975); Higgins (House Bill 2233); Lipscomb (House Bill 2234); Folley (House Bill 2235); Farwell (Senate Bill 235, immediate effect—April 25, 1975); and Teague (Senate Bill 1029, immediate effect—June 19, 1975). The boundaries of the Muenster Hospital District are changed by House Bill 1388 (immediate effect—May 15, 1975).

Several bills modify the bonding requirements of certain districts. Senate Bill 359 (immediate effect—June 19, 1975) permits a commissioners court authorized to issue revenue bonds for a hospital district to hold an advisory election prior to issuing the bonds. Senate Bill 1044 (immediate effect—June 19, 1975) provides for the issuance and sale of revenue bonds as special obligations of the Hospital District of the City of Amarillo. House Bill 1567 (immediate effect—May 20, 1975) authorizes commissioners courts of counties with a population of one million or more and meeting specific requirements to execute revenue anticipation agreements for a countywide hospital district in order to receive advances of operating funds from the depository of the district. Some restrictions on the issuance of bonds by the Muenster Hospital District are removed by House Bill 1388 (immediate effect—May 15, 1975).

The administration of certain hospital districts is also the subject of a number of bills. House Bill 1486 increases the permissible membership to 15 for a board of hospital managers of a district created pursuant to Article IX, Section 4, of the Texas Constitution. New powers and duties for the Parker County Hospital District are enumerated in Senate Bill 1067 (immediate effect—June 19, 1975). Senate Bill 1064 (immediate effect—May 27, 1975) permits the directors of Fisher County Hospital District to be elected by precincts. Nixon Hospital District is authorized by House Bill 2088 to operate a clinic.
Fees and charges collected by each state chest hospital for physician services are to be retained under Senate Bill 521 (immediate effect—June 21, 1975) by the hospital and used for purposes of recruiting, retaining, and supplementing the salaries of the hospital's medical staff. Distribution of these fees shall be subject to rules and regulations adopted by the medical staff.

In 1971, legislation was passed allowing the creation of Hospital Laundry Cooperative Associations by health-related state-supported institutions and nonprofit health-related institutions in any county having a population in excess of 1,600,000. House Bill 1864 (immediate effect—May 13, 1975) expands the scope of activities of such associations to include, in addition to laundry facilities, central heating and cooling systems, cable television and other communication systems, parking systems and parking garages, traffic control on private streets, and food processing and supply systems.

House Bill 446 establishes a criminal penalty for an officer or employee of a general public hospital denying a seriously ill or injured person emergency treatment because of the person's inability to pay for the services.

**Handicapped Persons**

The 64th Legislature, Regular Session, was a landmark session for legislation enacted to improve the educational and employment opportunities for the state's handicapped citizens.

The major piece of legislation in this area was House Bill 1673 (immediate effect—June 21, 1975). The act is a big step toward assuring equal educational opportunity for all handicapped children by requiring school districts to make available for the education of each handicapped child in the district the average amount spent on the education of a normal student. Programs are also established to improve vocational education service for the handicapped and provide increased state funding of such service. A large number of programs and services are created to aid the visually handicapped: a program for the early identification and registration of individuals with visual handicaps in need of special services; a comprehensive diagnostic and evaluation center and program for multiply handicapped blind children; a state program of purchasing goods manufactured by the handicapped in nonprofit sheltered workshops; and a centralized media depository for Braille, large print, recorded materials, and other media required by persons unable to read regular print. The Governor's Coordinating Office for the Visually Handicapped is created to oversee the programs created by the act, to insure coordination and
cooperation among organizations that provide services to the visually handicapped, to provide specialized services to the visually handicapped, and to report to the governor and the legislature on the status of state programs for these persons. The act also reorganizes and defines the functions and purposes of the Texas School for the Blind. The office of Director of Education for the Visually Handicapped is created in the Central Education Agency and directed to establish a state program for the education of blind adults. The State Commission for the Blind is authorized additional staffing and is prohibited from refusing to enter into certain interagency agreements.

Another piece of legislation that promises to have a major impact is Senate Bill 271 (immediate effect—June 19, 1975) which prohibits employers who conduct business in the state from discriminating in their employment practices regarding the handicapped if a person's ability to perform the task required by the job is not impaired by his handicap and he is otherwise qualified for the job.

The Texas Committee on Purchases of Blind-made Products and Services is created by House Bill 2016 to determine the fair market price of products and services produced in workshops for the blind. The committee will also promote the state's purchase of such products and services and study the feasibility of extending the program to assist handicapped persons whose disabilities are not visual.

Greater educational opportunity for handicapped individuals is the aim of two other bills enacted by this legislature. House Bill 668 makes rehabilitation districts eligible to receive state funds to educate certain handicapped or nonhandicapped scholastics who are in need of an alternative school setting. The definitions of "handicapped persons" and "handicapped scholastic" in regard to rehabilitation districts are broadened to include those with generic handicapping conditions. Senate Bill 759 (immediate effect—June 19, 1975) authorizes the State Board of Education to provide for the maintenance, care, and education of certain multiply handicapped persons; to contract with institutions equipped to provide specialized facilities and personnel necessary to care for and educate these persons; and to provide transportation to and from the institutions for individuals in the program. Prior to the enactment of this bill, the board was limited to providing such services only for the totally deaf and blind or totally blind and nonspeaking.

House Bill 2169 (immediate effect—June 21, 1975), relating to
standards for ramp lights and exit signs in certain buildings, amends Article 678g (Vernon's Texas Civil Statutes) to provide that exit signs in certain buildings be in accordance with specifications of American Standards, Incorporated, except as modified by the Act which provides for simultaneous audible and visual warning signals.

**Insurance**

During the 64th Legislature, Regular Session, a number of important bills were adopted concerning the operation of insurance companies, the regulation of insurance personnel, insurance policies and benefits, and various aspects of specific types of insurance.

Insurance Companies

Prior to this legislative session, the State Board of Insurance and the commissioner of insurance were not authorized to take specific action to require insurance companies in hazardous financial condition to rectify their situations before they were forced out of business. Under *Senate Bill 689* (immediate effect—June 19, 1975) the insurance commissioner is now able to direct a financially troubled insurance company to take steps to correct problems, and the State Board of Insurance is able to adopt rules and regulations to provide early warning of the financially hazardous condition of any company. Additionally, the commissioner may enter into agreements with insurance officials in other jurisdictions to solve problems in this area.

Article 14.17 of the Insurance Code exempts certain associations with limited memberships or certain relationships with the federal government from the requirement that they be certified by the State Board of Insurance if their operating expenses do not exceed a prescribed amount. As a result of inflation, it had become very difficult for these associations to operate on the prescribed $300 a month limit. *House Bill 727* authorizes them to spend up to $1,000 per month for operating expenses without having to be certified.

*House Bill 1837* amends the Insurance Code relating to notification to the Commissioner of Insurance by insurance companies of orders or judgments issued in other states. The insurer is required to deliver a copy of any such order or judgment to the commissioner within 30 days.

*Senate Bill 249* (immediate effect—May 15, 1975) authorizes life insurance companies and fire and casualty insurance companies to name a nominee to handle certain financial transactions under
restrictions and limitations prescribed in the bill and by the State Board of Insurance.

Life insurance companies are limited in the amount of assets in their separate variable annuity accounts that they can invest in certain interests. House Bill 960 allows life insurance companies, with the approval of the State Board of Insurance, to invest all assets in their separate variable annuity accounts in shares of open-end investments companies and mutual funds.

A percentage limitation is placed by Senate Bill 912 (immediate effect—June 19, 1975) on individual and aggregate amounts that may be invested by life, health, and accident insurers in loans secured by first liens on real estate. There had been no limitation on such investments.

Chapter 15 of the Insurance Code is amended by Senate Bill 490 (immediate effect—May 8, 1975) to allow mutual insurance companies also to be governed by the Texas Non-Profit Corporation Act; however, these companies on approval of the commissioner of insurance may pay dividends to their members. The commissioner will perform the duties and functions of the secretary of state in regulating mutual insurance companies, other than life, under the Texas Non-Profit Corporation Act.

Agents and Adjusters

Before a person, firm, or corporation may act as a managing general agent for any insurance company, he must have a license issued as provided in the Insurance Code. Senate Bill 893 amends this law to exempt from license requirements, provided certain conditions are met, corporations whose outstanding stock is owned solely by an insurance company, whose business affairs are completely controlled by the insurance company, and whose principal purpose is to facilitate the accumulation of commissions from the insurance company for payment to an agent who would otherwise receive the commission directly from the company. This bill also authorizes assessments paid by insurers under the Property and Casualty Insurance Guaranty Act to be allowed as credit against the insurers premium tax and the balance not taken as such a credit to be reflected in the insurers records as an asset.

Licensing examinations for health and accident insurance agents, life insurance agents, and local recording agents and solicitors have been conducted only in the English language. Because of the large number of Spanish-speaking people in Texas, House Bill 1350 now provides for administering these examinations also in the
Spanish language.

Under Senate Bill 306, local recording agents are authorized to enter into retail charge agreements with purchasers of insurance. These agreements are subject to the time price differential charges set by law and at no time may the time price differential charged exceed 10 cents on each $10 a month. The defense of usury is prohibited in covered instances.

The 63rd Legislature authorized the licensure of insurance adjusters and the collection of certain fees which were placed in the General Revenue Fund. House Bill 1636 specifically provides that in the future adjuster's fees collected under the licensing law will be placed in a special insurance adjuster's fund and spent as provided in the General Appropriations Act.

Policies and Benefits The consumer's inability to understand the complicated language of the varying policy forms has led to serious problems in the accident and sickness insurance field. In an effort to solve this problem, the legislature passed Senate Bill 696 which provides for reasonable standardization, readability, and simplification of accident and sickness insurance policies under the supervision of the State Board of Insurance.

Mutual assessment and stipulated premium insurance companies may issue policies of life insurance that provide for reduced benefits under certain conditions and that may result in an insured's benefits being less than premiums paid for the policy. Because of numerous problems and complaints regarding these policies, the legislature passed Senate Bill 777 (effective November 1, 1975) which places additional conditions and further limitations on such policies.

Group life insurers had not been authorized to continue paying benefits on dependents or family members of an insured in the group after the death of the insured. Senate Bill 423 (immediate effect—June 21, 1975) amends state law to allow the payment of benefits on members of the family or dependents of the insured after the insured's death and provides that these benefits will not be construed as life insurance for determining the amount of term insurance that may be issued on any one life.

Under Chapter 3 of the Insurance Code, stipulated premium insurance companies had not been authorized to issue annuity contracts. Under Senate Bill 959 (immediate effect—June 19, 1975), stipulated premium companies that have capital and unencumbered surplus of at
least $100,000 over all liabilities are now allowed to issue annuity contracts under Chapter 3 of the Insurance Code. These companies are required to maintain certain reserves and are considered insolvent if they fail to retain the minimum amount of capital and surplus.

Medical Malpractice The skyrocketing cost of malpractice insurance has caused many doctors to retire or give up their practices and thus has contributed to the serious shortage of doctors and the increasingly higher costs for health care. In response to the problem of insuring that malpractice insurance is available at reasonable prices, the legislature passed two bills of major significance.

Under Senate Bill 466 (immediate effect—June 3, 1975), the State Board of Insurance is granted regulatory power over rates for professional liability insurance for doctors and hospitals. Rates are to be filed with the board and are to comply with certain standards set by the act. A two-year statute of limitations is placed on the filing of malpractice claims. Insurers are required to annually provide the board with certain information regarding their malpractice claims. Policies will be written on not less than an annual premium basis, and the insured must be given 90 days' notice on premium increase or a policy cancellation.

A joint underwriting association is created by Senate Bill 491 (immediate effect—June 3, 1975), and those companies writing liability insurance in Texas are required to become members of the association. The association may issue medical liability coverage to those persons who are eligible under the provisions of the act. The bill also creates a Medical Professional Liability Study Commission composed of a cross-section of all concerned parties—insurers, doctors, lawyers, hospital administrators, insurance agents, and others. The commission is to study the overall medical malpractice problem and submit to the governor and the legislature specific recommendations on or before December 1, 1976.

Group Insurance To provide a uniform system of group life, accident, and health benefit insurance coverage for state employees, the legislature adopted Senate Bill 18 (effective September 1, 1975). Previously, such insurance coverage for state employees was provided only on an agency basis. Under this bill, the trustees of the state employee retirement system are the trustees for the state employees' uniform group insurance program and are given broad authority, in cooperation with the State Board of Insurance, to study, purchase,
and provide group life, health, and accident insurance coverages for state employees. A group insurance advisory committee composed of 21 state employees is created to provide advice to the program trustee. Employee and state contributions are to be placed in the Employees Life, Accident, and Health Insurance Benefits Fund to pay benefits and administrative costs.

The maximum amount of term life insurance for an employee under group life insurance policies is increased by Senate Bill 348 (immediate effect—May 27, 1975). The limit on such policies is now $50,000, unless 200 percent of the employee's annual compensation exceeds $50,000, in which case such term insurance may not exceed $100,000.

Senate Bill 871 provides for the payment of group life and health insurance premiums for retired employees of the Texas Central Education Agency, the Texas Rehabilitation Commission, the Texas Department of Mental Health and Mental Retardation, the Texas Youth Council, Texas senior colleges and universities, and the Coordinating Board, Texas College and University System. The payments are to be made from funds of the agency from which the eligible person retired, Senate Bill 746 (immediate effect—June 19, 1975), similarly, provides for payment of premiums for group life, health, and accident insurance for retired employees of the Texas Department of Mental Health and Mental Retardation, the Texas Youth Council, and the Teacher Retirement System who retired under the Teacher Retirement System.

Article 3.51-6 is added to the Insurance Code by Senate Bill 923 to provide for group and blanket accident and health insurance. The act defines the groups of persons that may be covered by group accident and health insurance and blanket accident and health insurance and establishes conditions and limitations on such insurance.

House Bill 1633 authorizes counties and other political subdivisions of the state to procure and pay the premiums on certain group insurance coverages for their officers, employees, and retirees.

Other

An innovative approach to providing legal services is through the prepaid legal services corporation. Senate Bill 28 authorizes the incorporation of nonprofit legal service plans to provide legal services through contracting attorneys. Regulation of these corporations is assigned to the State Board of Insurance. The bill also provides for the mode of operation and financing of these
corporations and allows certain insurers to issue prepaid legal services contracts.

Chapter 9 of the Insurance Code relates to the regulation of the title insurance business. Senate Bill 880 adopts a completely rewritten Chapter 9 with new provisions strengthening the regulation of the title insurance business.

In Senate Bill 258 (immediate effect—April 3, 1975), the 64th Legislature provided for the regulation of the home warranty insurance business. The insurance is to be used to assure the performance by builders of residential property of their warranty obligations to purchasers of the property and against certain defects arising from failure of the builder to construct residential property in accordance with specified construction standards. This type of insurance will be governed in the same manner as inland marine insurance.

Workmen's Compensation

The 64th Legislature enacted a number of bills which refined various provisions of the state's workmen's compensation program, a program extensively reformed by the previous legislature. Several of these changes relate to the program's coverage of employees of political subdivisions. Senate Bill 479 (immediate effect—May 27, 1975) incorporates sections of the general workmen's compensation law into the provisions for employees of political subdivisions. Senate Bill 827 declares that a joint insurance fund for workmen's compensation in political subdivisions is not subject to the regulation of the State Board of Insurance. Senate Bill 828 (immediate effect—June 19, 1975) provides that payment made for work-related incapacity under other statutory plans for such employees are to be credited against benefits due under the workmen's compensation program.

Two changes are made in the administration of the workmen's compensation program for state employees by Senate Bill 829. First, the definition of "employee" is broadened to include state officials and those persons who are paid through special funds rather than by warrants issued by the comptroller. Second, the attorney general, who has the responsibility of administering the program, is granted the discretionary power of contracting with a qualified firm to perform the administrative duties.

Senate Bill 1037 (immediate effect—June 19, 1975) extends coverage under the Texas Workmen's Compensation Assigned Risk Pool to individuals subject to the Federal Coal Mine Health and Safety Act
of 1969, as amended.

Under Senate Bill 1010, certain written reports are required to be made to the Industrial Accident Board by pre-hearing officers and all interested parties in workmen's compensation cases not settled at the pre-hearing conference.

Two changes are made in the coverage of workmen's compensation insurance contracts by Senate Bill 301. The period of permissive coverage of company officials or of officers of a state educational institution is changed from a beginning date when the individual is employed to a beginning date when he is endorsed in the insurance contract. The bill also authorizes permissive coverage of real estate salesmen who are compensated solely by commissions.

Labor

Of major significance in this subject area is Senate Bill 509 (immediate effect—May 13, 1975), which expands the regulation of labor agents by the state Commissioner of Labor and Standards. The bill was adopted in response to reported abuse of agricultural workers by labor agents. It specifically includes within the scope of state regulation agents who, for a fee, supply laborers to third persons for agricultural employment or perform certain other services for third persons in connection with such laborers.

Various definitions in the law relating to the licensing of migrant labor camps by the Department of Health are revised by Senate Bill 398 (immediate effect—June 19, 1975). The bill also prescribes misdemeanor penalties for failure to obtain a license to operate a migrant labor camp and for vandalism of any migrant labor camp.

The more efficient registration of labor unions is the aim of Senate Bill 606, which requires a union to file with the secretary of state a duplicate of its report to the United States Secretary of Labor instead of the form specified in a 1943 statute.

Senate Bill 1114 (immediate effect—June 19, 1975) exempts from the provisions of the Texas Minimum Wage Act of 1970 an individual who, with his spouse, is employed by a nonprofit educational institution to serve as a parent of certain children.

The Governor's Committee on Aging has the power to contract for the employment of older citizens to perform certain services for governmental entities. House Bill 1246 adds public service employment positions to the list of authorized services and includes school districts among the entities for which such
corporations and allows certain insurers to issue prepaid legal services contracts.

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**Workmen's Compensation**

The 64th Legislature enacted a number of bills which refined various provisions of the state's workmen's compensation program, a program extensively reformed by the previous legislature. Several of these changes relate to the program's coverage of employees of political subdivisions. **Senate Bill 479** (immediate effect—May 27, 1975) incorporates sections of the general workmen's compensation law into the provisions for employees of political subdivisions. **Senate Bill 827** declares that a joint insurance fund for workmen's compensation in political subdivisions is not subject to the regulation of the State Board of Insurance. **Senate Bill 828** (immediate effect—June 19, 1975) provides that payment made for work-related incapacity under other statutory plans for such employees are to be credited against benefits due under the workmen's compensation program.

Two changes are made in the administration of the workmen's compensation program for state employees by **Senate Bill 829**. First, the definition of "employee" is broadened to include state officials and those persons who are paid through special funds rather than by warrants issued by the comptroller. Second, the attorney general, who has the responsibility of administering the program, is granted the discretionary power of contracting with a qualified firm to perform the administrative duties.

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Various definitions in the law relating to the licensing of migrant labor camps by the Department of Health are revised by **Senate Bill 398** (immediate effect—June 19, 1975). The bill also prescribes misdemeanor penalties for failure to obtain a license to operate a migrant labor camp and for vandalism of any migrant labor camp.

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The Governor's Committee on Aging has the power to contract for the employment of older citizens to perform certain services for governmental entities. **House Bill 1246** adds public service employment positions to the list of authorized services and includes school districts among the entities for which such
services may be performed.

**Oil, Gas, and Other Minerals**

Through the dramatic increase in their utility bills, most Texans have become keenly aware of the serious shortage of natural gas that has developed in the last few years. Because Texas currently supplies a significant portion of all natural gas consumed in the United States, there is growing concern that Texas may be required to send increasing amounts of the precious fuel to other states without regard to Texas needs. In an effort to retain sufficient natural gas to maintain the state's high standard of living and continue its economic growth, the legislature passed Senate Bill 3 (immediate effect—April 7, 1975), which requires state agencies, state universities, and certain local entities that execute oil, gas, and mineral leases to include a clause requiring that natural gas produced from state-owned and certain locally owned land be sold for use only in Texas. The gas may be released for sale outside the state if the Railroad Commission of Texas finds, after notice and hearing, that the gas is not needed for use in the state. The Commissioner of the General Land Office is prohibited from filing leases that do not include the clause, and leases without the clause are of no force or effect.

Another measure aimed at helping the state meet its future energy needs is Senate Bill 685 (immediate effect—May 20, 1975). The bill charges the Railroad Commission with the responsibility of regulating the exploration, development, and production of geothermal energy and associated resources on public and private land for the purposes of conservation of the resource and protection of correlative rights. To facilitate and encourage the development of geothermal energy, the commissioner of the General Land Office is granted authority to provide for the orderly exploration of land belonging to the Permanent School Fund of Texas, excluding wildlife refuges and recreational areas.

**Parks and Wildlife Regulation**

Administrative The major achievement in this area was the passage of House Bill 1185 (effective September 1, 1975) and Senate Bill 1094 (effective September 1, 1975). These two bills form the new Parks and Wildlife Code, a formal revision and compilation of all laws relating to state parks, game and fish conservation, water safety, and the duties and powers of the Parks and Wildlife Commission and Department. The new code does not alter the effect of present law but does combine all relevant statutory provisions into a

123
meaningful and useful format.

Under House Bill 297 (effective January 1, 1976), certificates of title are required for motorboats and outboard motors. Such certificates of title are to be issued and recorded by the Parks and Wildlife Department. The act does not apply to outboard motors of less than 12 horsepower or to motorboats 14 feet or less in length.

The Parks and Wildlife Department is granted regulatory power by House Bill 1278 (immediate effect—June 19, 1975) over the importation, sale, and possession of noxious aquatic plants, such as hydrilla, which have infested some Texas waterways.

State Parks

A state parklands passport was created by Senate Bill 22 (effective June 3, 1975) to permit persons 65 years of age or older to enter state parks without payment of admission fees. Senate Bill 1003 (immediate effect—June 21, 1975) allows persons seeking access to public beaches to pass through state parks without payment of entrance fees.

The Parks and Wildlife Department is authorized by Senate Bill 142 to issue regulations for the safety and protection of persons and property on water within the boundaries of state parks, historic sites, or other state recreational areas. Funds received for the sale of minerals removed from state park land are to be deposited in the State Park Fund under House Bill 1316.

Licensure

To generate revenue for the promotion of archery hunting in the state, Senate Bill 147 (immediate effect—May 8, 1975) requires archers to purchase a special hunting stamp. The $3.25 fee for the stamp is additional to the fee for a regular hunting license. Senate Bill 166 permits the Parks and Wildlife Department to use money received from the sale of white-winged dove stamps for the lease and development of white-winged dove habitat.

The law requiring licensure of shooting preserves and shooting resorts is amended by Senate Bill 169 to change the fee to an amount proportionate to the acreage of each preserve or resort in a single county. The bill also removes the requirement that the operator of a shooting resort release five percent of the birds taken during the season and eliminates the requirement of keeping records and making certain reports.

The game bird breeders license act is amended by Senate Bill 230 to
require a license of all persons holding more than 12 birds for
propagation and to require the banding of all birds by a licensee
before their sale. Also, game bird breeders are now required to
give information as to the source of birds in their possession.
Senate Bill 231 (immediate effect—May 20, 1975) provides for the
licensing of persons holding game animals in captivity.

Persons desiring to engage in retriever dog training or competition
may now acquire, under Senate Bill 658 (immediate effect—June 19,
1975), a special license permitting the taking of some game birds
during the closed season.

The requirement that certain affidavits be filed with an
application for a hunting boat license and a private bird shooting
area license is removed by Senate Bill 229, and a requirement of
certification has been substituted.

Fish Laws

Through the enactment of House Bill 516 (effective September 1, 1975) and
House Bill 1489 (immediate effect—June 19, 1975), the 64th
Legislature made significant changes in the Texas Shrimp
Conservation Act. Both bills provide for the confiscation of
unlawfully taken aquatic life. House Bill 516 permits the use of
longer trawls and clarifies the responsibility of a vessel's
captain for violations of the act. House Bill 1489 authorizes the
Parks and Wildlife Commission to set a summer closed shrimp season
as determined by biological studies, but not exceeding 60 days. In
some circumstances, the commission is also permitted by the bill to
regulate the taking of shrimp outside the state's territorial
water. Senate Bill 151 relates to retention size and retention
limits of certain fish.

The Parks and Wildlife Department is allowed by House Bill 1280 to
close certain areas to the taking of oysters by posting three-days
notice in a newspaper and at oyster houses in at least two towns.
House Bill 261 limits to three the number of crabs that may be
taken in certain small bays in Harris County.

The species of fish to which catch limits apply are more precisely
defined by Senate Bill 143, and the bill alters certain catch
limits. Senate Bill 150 (immediate effect—May 8, 1975) prohibits
the sale or purchase of certain game fish; however, an exemption is
provided for fish raised in private water.

Game Laws

The period of time a fur trapper may
possess green pelts without a
presumption that the pelts were taken out of season is extended by
Senate Bill 153. Senate Bill 149 (immediate effect—May 27, 1975) grants to the Parks and Wildlife Commission the authority to contract for the taking of fur-bearing animals in game management areas.

The state law regulating the taking of alligators is repealed by Senate Bill 179 (immediate effect—May 20, 1975) because it has been superseded by federal endangered species regulations.

Those species of birds designated as game birds are more precisely defined by Senate Bill 143.

Several provisions of the Uniform Wildlife Regulatory Act are amended by bills enacted this session. House Bill 1893 allows the commissioners courts of various counties to accept or reject the game and fish proclamations of the Parks and Wildlife Commission for their county. If a proclamation is rejected, the commissioners court may choose to have the county governed under the proclamation of the previous year or under general law. A mandatory quail season is set for Cottle County by House Bill 517. A requirement that antlerless deer permits be issued at least 10 days before the beginning of the deer season is removed by House Bill 1045. House Bill 1640 relates to the taking of doe deer in Edwards County. House Bill 2219 removes deer from the definition of wildlife resources in the Uniform Wildlife Regulatory Act for a period of two years. House Bill 2246 repeals a provision relating to taking of deer in a portion of Cherokee County.

A large number of local game bills were passed by the 64th Legislature. House Bill 508 modifies the quail season in Refugio County; the quail season in McMullen County is expanded by Senate Bill 1092 (immediate effect—June 19, 1975); and House Bill 1522 establishes the quail season in Lamb County. House Bill 1061 changes the open archery season in Blanco, Burnet, Gillespie, Kendall, Llano, Mason, McCulloch, San Saba, and Travis counties and permits the taking of bearded turkey hens during the season. The general law archery season is applied to Leon County by House Bill 2229 (immediate effect—September 1, 1975), and House Bill 2219 requires the Parks and Wildlife Commission to set a special archery season for deer in Leon County. Blanco County is removed from the special archery season law by House Bill 2229.

Turkey hunting in Marion County is prohibited by House Bill 2245 for a five-year period, and the bill opens a portion of Cherokee County to deer hunting. The present prohibition on deer hunting in Chambers County is extended through November 16, 1980, by House Bill 1356.
Other

In an effort to prevent the needless waste of precious game animals and certain fish, the legislature adopted House Bill 723. The act makes it unlawful for a person to kill or wound a game bird or game animal and intentionally fail to make a reasonable effort to retrieve the animal or bird and include it in the person's daily or season bag limit. Additionally, it is unlawful for a person who takes a game bird, game animal, or a fish, other than a rough fish, to fail intentionally to keep the edible portions in an edible condition. A violation of this act is a misdemeanor punishable by a fine of not less than $25 nor more than $200.

Veterans Benefits and Military Affairs

The Texas Code of Military Justice is substantially revised by House Bill 224 (immediate effect—May 22, 1975) to conform it to the federal Uniform Code of Military Justice. This action greatly enlarges the rights of Texas guardsmen to legal counsel, notice, and a full trial when accused of a violation of the code. The bill also adopts the numbering system of the federal code.

Senate Bill 724 (immediate effect—May 20, 1975) creates the Texas State Guard Service Medal to be awarded to persons who have completed three consecutive years of honorable service as a member of the Texas Guard.

Texas voters in 1973 approved a constitutional amendment authorizing the Veteran's Land Board to issue and sell an additional $100 million in bonds and obligations to finance the purchase of land by qualified veterans. To bring the Veteran's Land Program up to date with current market values, the limitation on the amount of loans to veterans under the program is raised by Senate Bill 387 from $10,000 to $15,000.

Validating Acts

Several bills were enacted as validating acts. These include: House Bill 413, validating all assessments and reassessments for improvements to the highway, sewer system, and water system levied by cities; House Bill 611 (immediate effect—May 8, 1975), validating all governmental proceedings involved in the consolidation of certain cities; House Bill 1440, validating boundaries, incorporation, and governmental proceedings of certain cities and towns, with certain exceptions; House Bill 1660, validating the incorporation, charter and charter amendment, boundaries, and all governmental proceedings of cities and towns including home-rule cities; Senate Bill 1041 (immediate effect—May
20, 1975), validating all proceedings relating to the creation and organization of Brazos Municipal Utility District No. 1; Senate Bill 1086 (immediate effect—June 19, 1975), validating contracts, scripts warrants, and time warrants, and refunding bonds authorized by counties, cities, and towns with certain exceptions; Senate Bill 1113 (immediate effect—June 19, 1975), validating all proceedings of the board of directors of Northwest Harris County Public Utility District No. 3 relating to certain Harris County roads.
Governor's Veto Proclamation on Certain Line Items

in General Appropriation Bill—Senate Bill 52
PROCLAMATION
BY THE
Governor of the State of Texas

TO ALL TO WHOM THESE PRESENTS SHALL COME:

With the passage of this general appropriations act and other measures, most notably those relating to the financing of public school education, the financing of public mass transportation, and the strengthening of planning for post-secondary educational needs, the Sixty-fourth Legislature must be credited with having had a most productive legislative session. I commend the Lieutenant Governor, the Speaker of the House of Representatives and all members of the Legislature who devoted many hours of hard work to the development and passage of this legislation. The benefits of this legislation should be felt for many years to come.

The consideration and determination of appropriations for the biennium beginning September 1, 1975, were made even more difficult than in former times because of an unprecedented rate of growth in the cost of living that has drastically eroded the purchasing power of the State dollar. This erosion in purchasing power, however, has not been felt by State government alone. Each and every wage earner in Texas has been similarly affected by these increases in the cost of living.

I am particularly pleased that the general appropriations bill does not require the imposition of the additional burden of new or increased taxes on the taxpayer. Again, I can say that my pledge not to increase taxes has been fulfilled. However, the Governor's powers to direct and control State spending are limited by present Constitutional constraints. The authority to reduce items of appropriation and to properly administer the expenditure of State funds in the periods between legislative sessions should be granted to the Governor. With such authority, there would be less dependence on contingency appropriations, many of which are included in this bill, and State government could be more responsive to constantly changing needs.

The general appropriations bill provides a biennial all funds appropriation level of $12.1 billion, which represents a $1.7 billion increase over the current level of expenditure. Biennial appropriations from general revenue and federal revenue sharing funds total $3.6 billion, an increase of $1.2 billion over the 1974-1975 biennial spending level.

The level of appropriations authorized by this bill for the 1976-1977 biennium exceeds the level I prefer, and this continued rapid growth of State government concerns me immensely. However, I might point out that for the first time since World War II, State government has been financed for four consecutive years without requiring the burden of new or increased taxes. With continued prudent management of the State dollar, I am very optimistic that the current trend of financing State government within revenues available under the existing tax structure will continue.

There are several items in Senate Bill 52 that are unnecessary in the provision of essential State services for the next biennium. Therefore, by authority granted me by Article IV, Section 14 of the Texas Constitution, I hereby veto those certain items from Senate Bill 52, Acts of the Sixty-fourth Legislature, Regular Session.
SUMMARY OF ITEMS VETOED

For the Years Ending
August 31, 1976  August 31, 1977

ARTICLE II -

DEPARTMENT OF MENTAL HEALTH AND MENTAL
   RETARDATION, CONSTRUCTION PROGRAM

Austin State Hospital

Item 11 - Construct additional classroom and
   office space Children's Psychiatric
   Unit Building No. 637
   $ 251,433  $

TEXAS YOUTH COUNCIL, CENTRAL OFFICE

Item 4 - Ombudsman Project
   18,288  19,366

TEXAS YOUTH COUNCIL BUILDING AND REPAIR PROGRAM

Page II - 64 (Rider)
   2,500,000  U. B.

   There is hereby appropriated a sum not to
   exceed $2,500,000 to the Texas Youth Council for
   the biennium beginning September 1, 1975 out of
   unobligated balances as of August 31, 1975 in
   appropriations made by House Bill No. 139, Acts
   of the Sixty-third Legislature, Regular Session,
   to the Youth Council (excluding balances in the
   Youth Council Building and Repair Program) to
   construct and operate two regional centers, not
   to exceed 48 beds each, to be located in El Paso
   and Cameron Counties. The funds appropriated
   above shall not be used to purchase land. The
   cost of constructing and equipping each regional
   center shall not exceed $825,000.

ARTICLE III -

AIR CONTROL BOARD

Item 2f - Contingency for Workload Increase
   136,652  140,616

COMMISSION ON THE ARTS AND HUMANITIES

Item 1c - Contingency for Workload Increase
   18,792  20,076

Item 3a - Project Development
   315,202  346,430

Item 3b - Contingency for Workload Increase
   30,324  31,344

Item 4a - Services to Citizens and Communities
   7,412  7,412

Item 4b - Contingency for Workload Increases
   12,816  13,692
ARTICLE III (continued)

STATE BUILDING COMMISSION

Item 5b - Construction of two parking garages estimated to accommodate 1,670 cars (Project No. PA-309-2) $2,250,000 $3,482,024 + U. B.

STATE BOARD OF CONTROL

Item 6 - Construct Services Building in Capitol Complex Area 1,241,503 U. B.

COMMISSION FOR INDIAN AFFAIRS

Item 16 - For Lease of State-owned Land 1,500 1,500

GENERAL LAND OFFICE AND VETERANS' LAND BOARD

Item 3d - Resource Planning 309,966 285,638
Item 4c - Field Operations 345,993 278,156

BOARD OF COUNTY AND DISTRICT ROAD INDEBTEDNESS

Item 1 - Director 26,200 28,000
Item 2 - Assistant Director 25,700 27,400
Item 3 - Salaries of Classified Positions 69,768 75,694
Item 4 - Merit Salary Increases 1,186 1,287
Item 5 - Consumable supplies and materials current and recurring operating expenses, and capital outlay 6,974 6,974

ARTICLE IV

THE UNIVERSITY OF TEXAS AT ARLINGTON

Item 9a - Partial Renovation of College Hall 250,000
Item 9b - Renovate Aeronautical Engineering Building 128,165

The Board of Regents of The University of Texas System is hereby authorized (1) to expend such amounts of its Permanent University Fund bond proceeds and/or
ARTICLE IV (continued)

other bond proceeds and such amounts of its
other available moneys as may be necessary
to fund one or more of the following pro-
jects either in whole or in part, (2) to
accept gifts, grants, and matching grants
to fund any one or more of such projects
either in whole or in part, and (3) to
acquire, construct, alter, add to, repair,
rehabilitate, equip and/or furnish any one
or more of such projects for The University
of Texas at Arlington:

(1) Alterations and Additions to Student
Center Building
(2) Conference Center
(3) Architecture Building
(4) Alterations and Addition to the
Library
(5) Repair and Rehabilitation of College
Hall
(6) Repair and Rehabilitation of the
Business Life Science Building
(7) Repair and Rehabilitation of the
Science Building
(8) Acquisition of Portions of Block 3,
Lots 23 and 24 in College Hills
Addition in the City of Arlington,
Tarrant County, Texas

THE UNIVERSITY OF TEXAS AT AUSTIN

Item 10n - Clinical Pharmacy Program

The Board of Regents of The University of
Texas System is hereby authorized (1) to expend
such amounts of its Permanent University Fund
bond proceeds and/or other bond proceeds and
such amounts of its other available moneys as
may be necessary to fund one or more of the
following projects either in whole or in part,
(2) to accept gifts, grants, and matching grants
to fund any one or more of such projects either
in whole or in part, and (3) to acquire, construct,
alter, add to, repair, rehabilitate, equip and/or
furnish any one or more of such projects for The
University of Texas at Austin:

(1) Alterations and Additions to Law School
(2) Engineering Teaching Center II
(3) Alterations and Additions to Pharmacy
Building
(4) Waller Creek Site Development
(5) Art Museum and Performing Arts Center
(6) Alterations and Additions to Architecture
Building
(7) Repair and Rehabilitation of Main Building
(8) Repair and Rehabilitation of Sutton Hall
(9) Expansion of Surface Parking Facilities
(10) Auditorium Facility - Port Aransas
(11) Alterations and Additions to Marine Science
Facilities at Galveston
(12) Inner Campus Transit Facility
(13) Physical Plant Expansion - McDonald Observatory
(14) Visitors' Center - McDonald Observatory
(15) Expansion of Tennis Courts

136
ARTICLE IV (continued)

THE UNIVERSITY OF TEXAS AT DALLAS

Item 8a - Conversion of Utility Building into classroom/office space

$ 135,000

Item 9a - Regional Computer Center

431,729

579,017

The Board of Regents of The University of Texas System is hereby authorized (1) to expend such amounts of its Permanent University Fund bond proceeds and/or other bond proceeds and such amounts of its other available moneys as may be necessary to fund one or more of the following projects either in whole or in part, (2) to accept gifts, grants, and matching grants to fund any one or more of such projects either in whole or in part, and (3) to acquire, construct, alter, add to, repair, rehabilitate, equip and/or furnish any one or more of such projects for The University of Texas at Dallas:

(1) Conference Center
(2) Physical Plant Building
(3) Surface Parking Facilities
(4) Management Sciences Building
(5) Applied Science Building
(6) General Classroom and Administration Building
(7) Physical Education Facilities
(8) Expansion of Utility System
(9) Central Receiving and Warehouse Facility
(10) Fine Arts Building
(11) Repair and Rehabilitation of Founders Building

THE UNIVERSITY OF TEXAS AT EL PASO

Item 10a - Renovate Cotton Memorial Building

645,776

Item 10b - Renovate Centennial Museum

491,000

The Board of Regents of The University of Texas System is hereby authorized (1) to expend such amounts of its Permanent University Fund bond proceeds and/or other bond proceeds and such amounts of its other available moneys as may be necessary to fund one or more of the following projects either in whole or in part, (2) to accept gifts, grants, and matching grants to fund any one or more of such projects either in whole or in part, and (3) to acquire, construct, alter, add to, repair, rehabilitate, equip and/or furnish any one or more of such projects for The University of Texas at El Paso:

(1) Alterations and Additions to the Library
(2) Repairs and Rehabilitation of Women's Gymnasium
(3) Expansion of Utility System
(4) Alterations and Additions to the Administration Building
ARTICLE IV (continued)

THE UNIVERSITY OF TEXAS OF THE PERMIAN BASIN

Item 7a - Teaching Equipment

The Board of Regents of The University of Texas System is hereby authorized (1) to expend such amounts of its Permanent University Fund bond proceeds and/or other bond proceeds and such amounts of its other available moneys as may be necessary to fund one or more of the following projects either in whole or in part, (2) to accept gifts, grants, and matching grants to fund any one or more of such projects either in whole or in part, and (3) to acquire, construct, alter, add to, repair, rehabilitate, equip and/or furnish any one or more of such projects for The University of Texas of the Permian Basin:

(1) Library and Administration Building

THE UNIVERSITY OF TEXAS AT SAN ANTONIO

The Board of Regents of The University of Texas System is hereby authorized (1) to expend such amounts of its Permanent University Fund bond proceeds and/or other bond proceeds and such amounts of its other available moneys as may be necessary to fund one or more of the following projects either in whole or in part, (2) to accept gifts, grants, and matching grants to fund any one or more of such projects either in whole or in part, and (3) to acquire, construct, alter, add to, repair, rehabilitate, equip and/or furnish any one or more of such projects for The University of Texas at San Antonio:

(1) Addition to the Science Building
(2) Addition to the Business Administration Building
(3) General Classroom and Office Building
(4) Addition to the Fine Arts Building
(5) Utility System Expansion and Site Development

THE UNIVERSITY OF TEXAS HEALTH SCIENCE CENTER AT DALLAS

The Board of Regents of The University of Texas System is hereby authorized (1) to expend such amounts of its Permanent University Fund bond proceeds and/or other bond proceeds and such amounts of its other available moneys as may be necessary to fund one or more of the following projects either in whole or in part, (2) to accept gifts, grants, and matching grants to fund any one or more of such projects either in

For the Years Ending
August 31, 1976       August 31, 1977

$ 150,000       $  U. B.
ARTICLE IV (continued)

whole or in part, and (3) to acquire, construct, alter, add to, repair, rehabilitate, equip and/or furnish any one or more of such projects for The University of Texas Health Science Center at Dallas:

(1) Ambulatory Care Center
(2) Allied Health Sciences Building
(3) Alteration and Expansion of Student Union Building
(4) Alteration and Expansion of Physical Plant Buildings
(5) Parking Garage and Surface Parking Facilities
(6) Repair and Rehabilitation of Danciger Building
(7) Animal Farm Buildings
(8) Acquisition of Animal Farm Site not to exceed 150 acres in Dallas County, Texas

THE UNIVERSITY OF TEXAS MEDICAL BRANCH AT GALVESTON

The Board of Regents of The University of Texas System is hereby authorized (1) to expend such amounts of its Permanent University Fund bond proceeds and/or other bond proceeds and such amounts of its other available moneys as may be necessary to fund one or more of the following projects either in whole or in part, (2) to accept gifts, grants, and matching grants to fund any one or more of such projects either in whole or in part, and (3) to acquire, construct, alter, add to, repair, rehabilitate, equip and/or furnish any one or more of such projects for The University of Texas Medical Branch at Galveston:

(1) Out-Patient Ambulatory Care Building
(2) Alterations and Additions to Animal Facilities
(3) Auditorium and Continuing Education Center
(4) Physical Plant and Print Shop Building
(5) Acquisition and Rehabilitation of Facilities located on Block No. 677, City of Galveston, Texas
(6) Expansion of Utility System
(7) Repair and Rehabilitation of the John Sealy and Children's Hospitals
(8) Nursing School Building
(9) Allied Health Sciences Building
(10) Alterations and Additions to Basic Science Teaching and Research Facilities
(11) Repair and Rehabilitation of Ashbel Smith Building
(12) Parking Garage and Surface Parking Facilities
(13) Alterations and Additions to Physical Fitness Center
### SUMMARY OF ITEMS VETOED

#### ARTICLE IV (continued)

<table>
<thead>
<tr>
<th>THE UNIVERSITY OF TEXAS HEALTH SCIENCE CENTER AT HOUSTON</th>
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<tr>
<td>The Board of Regents of The University of Texas System is hereby authorized (1) to expend such amounts of its Permanent University Fund bond proceeds and/or other bond proceeds and such amounts of its other available moneys as may be necessary to fund one or more of the following projects either in whole or in part, (2) to accept gifts, grants, and matching grants to fund any one or more of such projects either in whole or in part, and (3) to acquire, construct, alter, add to, repair, rehabilitate, equip and/or furnish any one or more of such projects for The University of Texas Health Science Center at Houston:</td>
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<tr>
<td>(1) Dental Science Research Building</td>
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<td>(2) Physical Plant Shops and Warehouse</td>
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<td>(3) Central Services Building</td>
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<td>(4) Alterations and Additions to Speech and Hearing Building</td>
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<td>(5) Experimental Animal Building</td>
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<td>(6) Alterations and Renovation of Administrative Offices</td>
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<tr>
<th>THE UNIVERSITY OF TEXAS HEALTH SCIENCE CENTER AT SAN ANTONIO</th>
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<td>Item 11 - Renovation of Auditorium Lower Level</td>
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The Board of Regents of The University of Texas System is hereby authorized (1) to expend such amounts of its Permanent University Fund bond proceeds and/or other bond proceeds and such amounts of its other available moneys as may be necessary to fund one or more of the following projects either in whole or in part, (2) to accept gifts, grants, and matching grants to fund any one or more of such projects either in whole or in part, and (3) to acquire, construct, alter, add to, repair, rehabilitate, equip and/or furnish any one or more of such projects for The University of Texas Health Science Center at San Antonio:

| (1) Alterations and Additions to Medical School  |  |  |
| (2) Alterations and Additions to Physical Plant Building  |  |  |
| (3) Alterations and Additions to Animal Facilities  |  |  |
| (4) Allied Health Sciences Building  |  |  |
ARTICLE IV (continued)

(5) Parking Garage and Surface Parking Facilities
(6) Ambulatory Care Facility
(7) Repair and Rehabilitation of Medical School Basement
(8) Cafeteria and Student Center

THE UNIVERSITY OF TEXAS SYSTEM CANCER CENTER

The Board of Regents of The University of Texas System is hereby authorized: (1) to expend such amounts of its Permanent University Fund bond proceeds and/or other bond proceeds and such amounts of its other available moneys as may be necessary to fund one or more of the following projects either in whole or in part, (2) to accept gifts, grants, and matching grants to fund any one or more of such projects either in whole or in part, and (3) to acquire, construct, alter, add to, repair, rehabilitate, equip and/or furnish any one or more of such projects for The University of Texas System Cancer Center:

(1) Physical Plant Shops and Warehouse
(2) High Linear Energy Transfer Generating Facility

THE UNIVERSITY OF TEXAS SYSTEM SCHOOL OF NURSING

The Board of Regents of The University of Texas System is hereby authorized: (1) to expend such amounts of its Permanent University Fund bond proceeds and/or other bond proceeds and such amounts of its other available moneys as may be necessary to fund one or more of the following projects either in whole or in part, (2) to accept gifts, grants, and matching grants to fund any one or more of such projects either in whole or in part, and (3) to acquire, construct, alter, add to, repair, rehabilitate, equip and/or furnish any one or more of such projects for The University of Texas System School of Nursing:

(1) Nursing School Building at Fort Worth
(2) Nursing School Building at Galveston
(3) Alterations for Classrooms and Teaching Laboratories at Houston
For the Years Ending
August 31, 1976  August 31, 1977

ARTICLE IV (Continued)

TEXAS A&M UNIVERSITY SYSTEM

The Board of Directors of the Texas A&M University System is hereby authorized to accept grants, donations, gifts, and matching funds from federal and state agencies, and to expend such amount of its Permanent University Fund bond proceeds as may be necessary for the purpose of acquiring, constructing, equipping, and furnishing any one or more of the following:

(1) Research and Extension Center facility at Amarillo
(2) Field Laboratory and Office at Bushland
(3) Horticulture Laboratory and Outbuildings at Stephenville Research and Extension Center
(4) Livestock facilities at McGregor Research and Extension Center
(5) Auditorium and office facilities at Overton Research and Extension Center
(6) Office, conference space, and laboratory expansion at Lubbock
(7) Plantation Farm headquarters at College Station
(8) Office-laboratory-classroom building at Renner Center, Dallas
(9) Seedling processing facility at Indian Mound Nursery, Texas Forest Service
(10) Tree-potting facility and greenhouse at Lubbock, Texas Forest Service
(11) Motor fire apparatus station and classrooms for firemen training
(12) Phase I of Texas Engineering Extension Service Complex.

TARLETON STATE UNIVERSITY

Item 10d – Honeywell Ranch  $ 50,000

TEXAS A&I UNIVERSITY AT CORPUS CHRISTI

Item 7c – Renovate Physical Plant Building  27,500
Item 7d – Renovate Field House  20,427
Item 7e – Replace air conditioning in Faculty Center and Administration Building  120,000

TEXAS A&I UNIVERSITY AT KINGSVILLE

Item 10d – Mass Communications Media Program  111,500  123,800
Item 11a – Renovate Nieman Hall  759,259
SUMMARY OF ITEMS VETOED

ARTICLE IV (Continued)

TEXAS A&M UNIVERSITY AT LAREDO

Item 7a - Institute for International Trade $100,000 $100,000

EAST TEXAS STATE UNIVERSITY

The Board of Regents of East Texas State University is hereby authorized (1) to expend such amounts of its Constitutional Ad Valorem Fund bond proceeds and/or other bond proceeds and such amounts of its other available moneys as may be necessary to fund one or more of the following projects either in whole or in part, (2) to accept gifts, grants, and matching grants to fund any one or more of such projects either in whole or in part, and (3) to acquire, construct, alter, add to, repair, rehabilitate, equip and/or furnish any one or more of such projects for East Texas State University:

1. Repair and Rehabilitation of Henderson and Binion Halls,
2. Performing Arts Center,
3. Agriculture-Industrial Technology Building,
4. Creative Arts Complex,
5. Physical Education Building,
6. Library Addition; and
7. Commuter Program Center.

UNIVERSITY OF HOUSTON

Item 10e - Clinical Pharmacy Program 90,400 94,900

Item 11b - Remodel Downtown College to comply with safety standards 230,000

The Board of Regents of the University of Houston is hereby authorized to accept grants, donations, gifts and matching grants from Federal and State agencies, and to expend bond proceeds and funds available to it under Section 17 of Article 7, Texas Constitution, for the purpose of acquiring, constructing, equipping and furnishing any one or more of the following buildings or projects at the University of Houston main and downtown campuses:

1. Central Plant expansion
2. Central campus lecture hall addition
3. Office Annex
4. Science and research unit two, steps one and two
5. Library expansion, steps one and two
6. Humanities building, steps one and two
7. Technology building, steps one and two
SUMMARY OF ITEMS VETOED

For the Years Ending
August 31, 1976 August 31, 1977

ARTICLE IV (Continued)

(8) Law school expansion, teaching unit and parking facilities
(9) Optometry buildings
(10) Computing center
(11) High-energy electron microscope building
(12) Fine Arts building, unit two
(13) Cullen Boulevard Plaza
(14) Dormitory quadrangle facilities
(15) Parking lot expansion and lighting
(16) Architecture/Fine Arts facility
(17) Engineering addition
(18) Utilities expansion
(19) Acquisition, equipping and modernization of downtown campus building and parking facilities and construction at such campus.

UNIVERSITY OF HOUSTON AT CLEAR LAKE CITY

Item 7a - Texas Department of Corrections Instructional Project

<table>
<thead>
<tr>
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<th>1976</th>
<th>1977</th>
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<tbody>
<tr>
<td>Item 7a</td>
<td>64,500</td>
<td>43,000</td>
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</table>

Item 7c - Planning Funds

The Board of Regents of the University of Houston at Clear Lake City is hereby authorized to accept grants, donations, gifts and matching grants from Federal and State agencies, and to expend bond proceeds and funds available under Section 17, Article 7, Texas Constitution, for the purpose of acquiring, constructing, equipping, and furnishing any one or more of the following buildings or projects at the University of Houston at Clear Lake City:

(1) Site work and completion, part two
(2) Physical plant facility, central plant, administrative office, classroom, lab, office and supportive facility
(3) Physical education facility.

NORTH TEXAS STATE UNIVERSITY

<table>
<thead>
<tr>
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<th>1976</th>
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<tbody>
<tr>
<td>Item 10g - Center for Behavioral Studies</td>
<td>49,900</td>
<td>51,800</td>
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<tr>
<td>Item 10h - Institute for Environmental Studies</td>
<td>124,300</td>
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<tr>
<td>Item 10i - Genetic Screening and Counseling</td>
<td>88,600</td>
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PAN AMERICAN UNIVERSITY

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<tbody>
<tr>
<td>Item 9c - Learning Resource Center equipment</td>
<td>500,000</td>
<td>U.B.</td>
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</tbody>
</table>
SUMMARY OF ITEMS VETOED

ARTICLE IV (Continued)

STEPHEN F. AUSTIN STATE UNIVERSITY

The Board of Regents of Stephen F. Austin State University is hereby authorized (1) to expend such amounts of its Constitutional Ad Valorem Tax Fund bond proceeds and/or other bond proceeds and such amounts of its other available moneys as may be necessary to fund one or more of the following projects either in whole or in part, (2) to accept gifts, grants, and matching grants to fund any one or more of such projects either in whole or in part, and (3) to acquire, construct, alter, add to, repair, rehabilitate, equip and/or furnish any one or more of such projects for Stephen F. Austin State University:

(1) Theater for the Performing Arts
(2) Expansion of Campus Drainage Systems
(3) Renovation of Fine Arts Building
(4) Library Books
(5) Addition to Music Building

TEXAS TECH UNIVERSITY

Item 10g - Institute for Energy Research 225,000 250,000
Item 10h - Efficient Beef Production Research 150,000 150,000
Item 10i - Instructional Capital Equipment 100,000 U.B.
Item 11b - Renovate Social Science Building 403,218

TEXAS TECH UNIVERSITY SCHOOL OF MEDICINE AT LUBBOCK

Item 15 - School of Pharmacy 135,456 190,209

TEXAS WOMAN'S UNIVERSITY

Item 11b - Rehabilitate Old Main Building 801,500

TEXAS EASTERN UNIVERSITY

Item 8b - Library Building (Part A) 3,715,997 U.B.
Item 9a - Expenses for moving from temporary to permanent facilities 15,000
## SUMMARY OF ITEMS VETOED

### For the Years Ending

<table>
<thead>
<tr>
<th>Article IV (Continued)</th>
<th>August 31, 1976</th>
<th>August 31, 1977</th>
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<tbody>
<tr>
<td><strong>Item 9e</strong> - Fine Arts Equipment</td>
<td>$35,000</td>
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<td><strong>Item 9g</strong> - Kilgore Research Center - Research Projects</td>
<td>50,000</td>
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<tr>
<td><strong>Item 10b</strong> - Renovation of Old Administration Building</td>
<td>290,000</td>
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<tr>
<td><strong>Item 10c</strong> - Renovate Student Union and Health Building</td>
<td>106,358</td>
<td></td>
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</table>

### Panhandle-Plains Historical Museum

| Item 3 - For construction of a two-level connecting tunnel between the main Museum and Museum Annex | 380,000 | U.B. |

### Sam Houston State University

The Board of Regents for the State Senior Colleges is hereby authorized to accept grants, donations, gifts and matching grants from Federal and State agencies, and to expend bond proceeds and funds available to it under Section 17 of Article 7, Texas Constitution, for the purpose of acquiring, constructing, altering, repairing, equipping and furnishing any one or more of the following buildings or projects on the Sam Houston State University Campus:

- Central Air Conditioning Plant,
- Water Distribution System,
- Industrial Education and Technology Building,
- Education Building,
- Sam Houston's Home, Law Offices, and Steamboat,
- House on the Sam Houston Museum Grounds.

### Southwest Texas State University

| Item 11a - Renovate Evans Academic Center | 512,384 |

**TOTAL**

| $19,696,218 | $7,348,382 |

146
OBJECTIONS TO ITEMS AND REASONS FOR VETO

ARTICLE II

DEPARTMENT OF MENTAL HEALTH AND MENTAL RETARDATION, CONSTRUCTION PROGRAM

Austin State Hospital

Item 11 -

This item was not requested by the Department nor recommended by me. Additionally, there presently exists adequate office space for these personnel. For these reasons, I am vetoing this item.

TEXAS YOUTH COUNCIL, CENTRAL OFFICE

Item 4 -

The Texas Youth Council has experienced some profound difficulties in the last two years. However, the Council has been reorganized and expanded, some outmoded concepts of institutional administration have been abandoned, and several new resources are made available in this bill. I am confident that the new direction in which the Council is moving will obviate the necessity for the Ombudsman Project. However, should the Council ultimately determine that the project is absolutely necessary, there should be sufficient funds within the General Administration appropriation included in this bill to fund this project. For these reasons, I am vetoing this item.

TEXAS YOUTH COUNCIL BUILDING AND REPAIR PROGRAM

Page II - 64 (Rider)

The Texas Youth Council will begin, in the upcoming biennium, to seriously explore and utilize alternatives to institutionalization. This bill provides $9,000,000 in general revenue funds for the implementation of a new alternate care program to serve, in community programs, delinquents committed to the Council and other "pre-delinquent" youth. From these funds, the Youth Council will provide direct and indirect services to more than 7,000 youth. At this time, the Council cannot determine the impact these programs will have on the need for the type of facilities contemplated by the appropriation contained in this rider. Therefore, with this new program element available to the Council, it would be imprudent to expand the institutional capacity at this time.

There are other factors to be considered. It is questionable, based on the information available, that the two projects could be constructed within the limits included in the rider. Therefore, it is highly probable that even more funds would be required in the next biennium to complete the projects. For these reasons, I am vetoing this appropriation.

ARTICLE III

AIR CONTROL BOARD

Item 2f -

After carefully reviewing the several items of appropriations to the Air Control Board, it is my opinion that sufficient funds are included in these items of appropriations to enable the Air Control Board to accomplish its objectives with regard to applicable state and federal laws. Therefore, I am vetoing this item.
ARTICLE III (continued)

COMMISSION ON THE ARTS AND HUMANITIES

Item 1c -

With the veto of the Project Development Program and the Services to Citizens and Communities Program, the need for a contingency appropriation for central administration is obviated. Therefore, I am vetoing this item.

Items 3a and 3b -

In my opinion the broad range of projects contemplated in this program are not absolutely necessary in fulfilling the State's responsibility of providing essential services to the citizens of Texas. Therefore, I am vetoing these items.

Items 4a and 4b -

These items provide for the coordination of communication among arts and humanities organizations and for research on information inquiries. In my opinion, sufficient funds are available in the central administration program to provide these services. For this reason, I am vetoing these items.

STATE BUILDING COMMISSION

Item 5b -

House Bill 139, Acts of the Sixty-third Legislature, Regular Session, appropriated funds for the construction of two parking garages for State employees offices in the Capitol complex area. Before additional parking garages are constructed, a study should be made to explore other transportation alternatives for State employees to utilize in travelling to and from work in the Capitol complex area. I have previously encouraged State employees to utilize car pooling when possible. Further, I have signed two bills that seek to improve the public mass transportation system of this State. Hopefully, state and federal funding of public mass transportation will assist in meeting transportation needs in the Austin area. The postponement of this construction should provide sufficient time to determine the feasibility and necessity of adding additional parking garages in the Capitol complex area. For these reasons, I am vetoing this item.

STATE BOARD OF CONTROL

Item 6 -

The Board of Control has provided centralized services to state agencies for a number of years. In my opinion, the construction of a services building is not absolutely necessary at this time for the Board of Control to continue serving state agencies. Also, I do not consider this project of sufficient priority compared with other competing demands for the tax dollar. However, this project should be reevaluated during the next budgetary process. For these reasons, I am vetoing this item.
ARTICLE III (continued)

COMMISSION FOR INDIAN AFFAIRS

Item 16 -
Funds for this item were not requested by the Commission, nor were they recommended by the Legislative Budget Board or me. The funds were not included in any version of the appropriations bill, except the final version.

The use of this State property has yet to be clearly defined. If the Commission determines that leasing this State property is necessary, adequate appropriations are available for this purpose. For these reasons, I am vetoing this item.

GENERAL LAND OFFICE AND VETERANS' LAND BOARD

Items 3d and 4c -
Appropriations contained in Senate Bill 52 for the General Land Office represent a substantial increase in funding over the current biennium. In my opinion, the duties and responsibilities of this agency can be met without funding the Resource Planning and Field Operations activities. Sufficient funds are contained in the other items of appropriation for these purposes. Therefore, I am vetoing these items.

BOARD OF COUNTY AND DISTRICT ROAD INDEBTEDNESS

Items 1, 2, 3, 4 and 5 -

The Board of County and District Road Indebtedness was created to reimburse counties and road districts of Texas for a portion of the funds expended by them on roads designated as State Highways prior to January 2, 1939. The Commission also administers the Lateral Road Fund and performs as a paying agent, duplicating a responsibility of the State Treasurer, on eligible and ineligible county bonds. Continued funding for the administrative duties of the Board was not recommended by me or the Legislative Budget Board.

In my opinion, the administrative functions of the Board should be absorbed by one or more of the agencies of the three board members. Therefore, I am vetoing these items.

ARTICLE IV

THE UNIVERSITY OF TEXAS AT ARLINGTON

Item 9a -
This rehabilitation project was not recommended by me or the Legislative Budget Board. The House, Senate, and Conference Committee versions of the appropriations bill provided approximately one-half of the funds requested by the University for renovation. It is uncertain if the funds provided would allow the renovation requested. In my opinion, adequate instructional facilities are available at the institution to meet essential educational needs. The deletion of this project for the 1976-1977 biennium should not adversely affect the educational programs of the University. Therefore, I am vetoing this item.
ARTICLE IV (continued)

Item 9b -

This item was not recommended by me or the Legislative Budget Board and was not included in the Senate version of the appropriations bill. In my opinion, adequate instructional facilities are available at the institution to meet essential educational needs. The deletion of this project for the 1976-1977 biennium should not adversely affect the educational programs of the University. Therefore, I am vetoing this item.

THE UNIVERSITY OF TEXAS AT AUSTIN

Item 10a -

This special item appropriation constitutes a supplemental appropriation for the pharmacy instructional program. Conclusive data is not available regarding the actual instructional costs associated with this concept and thus the Coordinating Board has not developed a formula recommendation for this program area. Further analysis is necessary before funding patterns are established for this program. Sufficient funds should be available in the other items of appropriation to fund this program during the 1976-1977 biennium and a special item appropriation is therefore unnecessary. For these reasons, I am vetoing this item.

THE UNIVERSITY OF TEXAS AT DALLAS

Item 8a -

In my opinion, adequate instructional facilities are available at the institution to meet essential educational needs. The deletion of this project for the 1976-1977 biennium should not adversely affect the educational programs of the University. Therefore, I am vetoing this item.

Item 9a -

The University of Texas at Arlington, The University of Texas at Dallas, and The University of Texas Health Science Center at Dallas share jointly in the utilization of computer facilities available within that immediate geographic area. Costs allocated to The University of Texas at Arlington are funded through regular items of appropriation. Senate Bill 52 provides a line item appropriation to the Health Science Center for the costs associated with computer utilization at the medical school. Provision is not made in the other items of appropriation for the computer costs associated with the programs of the Health Science Center. Computer costs at The University of Texas at Dallas should be adequately funded through the regular items of appropriation, which is the same method of funding for these costs at The University of Texas at Arlington. For these reasons, I am vetoing this item.

THE UNIVERSITY OF TEXAS AT EL PASO

Items 10a and 10b -

In my opinion, adequate instructional facilities are available at the institution to meet essential educational needs. The deletion of these projects for the 1976-1977 biennium should not adversely affect the educational programs of the University. Therefore, I am vetoing these items.
OBJECTIONS TO ITEMS AND REASONS FOR VETO

ARTICLE IV (continued)

THE UNIVERSITY OF TEXAS OF THE PERMIAN BASIN

Item 7a -

This item was not recommended by me or the Legislative Budget Board and was not included in the Senate version of the appropriations bill. Past appropriations and appropriations provided in Senate Bill 52 should meet the essential instructional equipment needs of the institution. Therefore, in my opinion, this appropriation would constitute an unnecessary expenditure of state funds, and the deletion of this appropriation should not detract from the educational programs of the University. For these reasons, I am vetoing this item.

THE UNIVERSITY OF TEXAS HEALTH SCIENCE CENTER AT SAN ANTONIO

Item 11 -

House Bill 139, Acts of the Sixty-third Legislature, Regular Session, appropriated $2,000,000 for building expansion of the clinical and basic science units. Additionally, Senate Bill 52 contains an appropriation of $14,964,758 for continued construction at the Health Science Center. With the completion of this construction program, the major facility needs of the Health Science Center will have been met. In my opinion, the renovation of space in the lower level of the auditorium is not absolutely necessary at this time and this item can be deleted without detracting from the quality of the educational programs offered at the Health Science Center. Future space needs can then be evaluated with regard to projected increases in enrollment during the next budgetary process. For these reasons, I am vetoing this item.

TARLETON STATE UNIVERSITY

Item 10d -

This item was not recommended by me or the Legislative Budget Board and was not included in the House version of the appropriations bill. Senate Bill 52 provides $673,107 for three major repair and rehabilitation projects that are of a higher priority than this particular project. In my opinion, these three repair and rehabilitation projects will adequately meet the needed facility improvements of the University during the 1976-1977 biennium. During the next budgetary process, further consideration can be given to the relationship between the programs offered at the Honeywell Ranch and any facility improvements that may be needed. For these reasons, I am vetoing this item.

TEXAS A&M UNIVERSITY AT CORPUS CHRISTI

Items 7c, 7d and 7e -

Senate Bill 52 provides $12,367,039 for the construction and equipping of a library building, two classroom buildings, and a physical plant building. Additionally, appropriations totaling $744,000 are provided for two necessary major repair and rehabilitation projects. With the completion of this authorized construction and repair program, adequate facilities should be available to serve the projected student enrollment of the University. The deletion of these items should not detract from the quality of educational offerings. Therefore, I am vetoing these items.
OBJECTIONS TO ITEMS AND REASONS FOR VETO

ARTICLE IV (continued)

TEXAS A&I UNIVERSITY AT KINGSVILLE

Item 10d -

In my opinion, sufficient funds should be provided in the other items of appropriation to provide the services authorized by this special item appropriation. Thus, deletion of this item should not have a deleterious effect on the overall educational programs of the University. For these reasons, I am vetoing this item.

Item 11a -

In my opinion, adequate instructional facilities are available at the institution to meet essential educational needs. The deletion of this project for the 1976-1977 biennium should not adversely affect the educational programs of the University. Therefore, I am vetoing this item.

TEXAS A&I UNIVERSITY AT LAREDO

Item 7a -

This item was not recommended by me or the Legislative Budget Board and was not included in the Senate version of the appropriations bill. Sufficient funds are provided in Senate Bill 52 to allow the University to provide the needed educational offerings for the student enrollment projected for the biennium. In my opinion, this special item appropriation constitutes a supplemental appropriation that is not absolutely necessary with regard to the basic programs offered by the University. Therefore, I am vetoing this item.

UNIVERSITY OF HOUSTON

Item 10e -

This special item appropriation constitutes a supplemental appropriation for the pharmacy instructional program. Conclusive data is not available regarding the actual instructional costs associated with this concept and thus the Coordinating Board has not developed a formula recommendation for this program area. Further analysis is necessary before funding patterns are established for this program. Sufficient funds should be available in the other items of appropriation to fund this program during the 1976-1977 biennium and a special item appropriation is therefore unnecessary. For these reasons, I am vetoing this item.

Item 11b -

In my opinion, adequate instructional facilities are available at the institution to meet essential educational needs. The deletion of this project for the 1976-1977 biennium should not adversely affect the educational programs of the University. Therefore, I am vetoing this item.
OBJECTIONS TO ITEMS AND REASONS FOR VETO

UNIVERSITY OF HOUSTON AT CLEAR LAKE CITY

Item 7a -

The Department of Corrections presently contracts with Sam Houston State University, Stephen F. Austin State University, and the University of Houston at Clear Lake City for the educational needs of those inmates pursuing a bachelor's degree. Contracts with five public junior colleges provide inmates with adequate opportunity to pursue an associate degree. Under these contracts, the Department of Corrections generally pays for tuition, student fees, books, and the travel expenses of the faculty involved. Facilities are furnished by the Department of Corrections. In my opinion, sufficient funds are included in Senate Bill 52 in the regular items of appropriation to the University of Houston at Clear Lake City to allow the University to continue to provide these educational services to inmates of the Department of Corrections. Senate Bill 52 does not provide special item appropriations for the other institutions engaged in this educational program. For these reasons, I am vetoing this item.

Item 7c -

This item was not recommended by me or the Legislative Budget Board and was not included in the House version of the appropriations bill. House Bill 139, Acts of the Sixty-third Legislature, Regular Session, provided a biennial appropriation of $3,465,790 "for equipment, maintenance, salaries, and other expenses relating to planning and operations." In my opinion, any further planning requirements associated with the continuing growth of the University can be accommodated within the appropriations authorized in Senate Bill 52 for the University of Houston and the University of Houston at Clear Lake City. Coupled with appropriations previously made for this same purpose, I find no justification for this supplemental appropriation. For these reasons, I am vetoing this item.

NORTH TEXAS STATE UNIVERSITY

Items 10g, 10h and 10l -

These items were not recommended by me or the Legislative Budget Board. Sufficient funds are included in the appropriations for organized research and other items of appropriations to serve the purposes authorized by these special items, if it is determined that such funding is absolutely necessary. By proper utilization of the funds appropriated for organized research, and other items of appropriations, meritorious research proposals may be funded. The studies contemplated by these projects should be subjected to internal review procedures of the University in competition with other research proposals for the funds appropriated. For these reasons, I am vetoing these items.

PAN AMERICAN UNIVERSITY

Item 9c -

In my opinion, these equipment needs should be met through the regular formula item appropriations. Deletion of this item should not have a deleterious effect on the educational offerings of the University. For these reasons, I am vetoing this item.
OBJECTIONS TO ITEMS AND REASONS FOR VETO

TEXAS TECH UNIVERSITY

Items 10g and 10h -

Sufficient funds are included in the appropriations for organized research and other items of appropriations to serve the purposes authorized by these special items, if it is determined that such funding is absolutely necessary. By proper utilization of the funds appropriated for organized research, and other items of appropriations, meritorious research proposals may be funded. The studies contemplated by these projects should be subjected to internal review procedures of the University in competition with other research proposals for the funds appropriated. For these reasons, I am vetoing these items.

Item 10l -

This item was not recommended by me or the Legislative Budget Board and was not included in the House version of the appropriations bill. In my opinion, these equipment needs should be met through the regular formula item appropriations. Deletion of this item should not have a deleterious effect on the educational offerings of the University. For these reasons, I am vetoing this item.

Item 11b -

This rehabilitation project was not recommended by me or the Legislative Budget Board. In my opinion, adequate instructional facilities are available at the institution to meet essential educational needs. The deletion of this project for the 1976-1977 biennium should not adversely affect the educational programs of the University. Therefore, I am vetoing this item.

TEXAS TECH UNIVERSITY SCHOOL OF MEDICINE AT LUBBOCK

Item 15 -

In my opinion, adequate need has not been demonstrated that would justify the funding of a new pharmacy school. Therefore, I am vetoing this item.

TEXAS WOMAN'S UNIVERSITY

Item 11b -

This item was not recommended by me or the Legislative Budget Board and was not included in the Senate version of the appropriations bill. In my opinion, adequate instructional facilities are available at the institution to meet essential educational needs. The deletion of this project for the 1976-1977 biennium should not adversely affect the educational programs of the University. Therefore, I am vetoing this item.

TEXAS EASTERN UNIVERSITY

Item 8b -

House Bill 139, Acts of the Sixty-third Legislature, Regular Session, provided a biennial appropriation of $9,130,962 "for construction site development, capital outlay and architectural and engineering fees and services." In addition to these construction projects, Senate Bill 52 provides $3,041,947 for completion of the School of Science and Mathematics Building and $3,235,701 for a School of Business Building. With the authorization of these two buildings and the completion of the construction program authorized by the Sixty-third Legislature, adequate facilities should be available to meet the projected student enrollment at Texas Eastern University. Future space needs of this upper level institution can then be evaluated during the next budgetary process. For these reasons, I am vetoing this item.
ARTICLE IV (continued)

Item 9a -

Sufficient funds are available in other items of appropriation for this purpose. Therefore, I am vetoing this item.

WEST TEXAS STATE UNIVERSITY

Item 9e -

In my opinion, these equipment needs should be met through the regular formula item appropriations. Deletion of this item should not have a deleterious effect on the educational offerings of the University. For these reasons, I am vetoing this item.

Item 9g -

This item was not recommended by me or the Legislative Budget Board and was not included in the House version of the appropriations bill. Senate Bill 52 provides a biennial appropriation of $222,277 for the regular programs of the Kilgore Research Center. Further, appropriations are also provided in Senate Bill 52 for organized research at West Texas State University. In my opinion, this appropriation is unnecessary because sufficient funds are included in other items of appropriations to meet the essential research needs of the University. For these reasons, I am vetoing this item.

Items 10b and 10c -

In my opinion, adequate instructional facilities are available at the institution to meet essential educational needs. The deletion of these projects for the 1976-1977 biennium should not adversely affect the educational programs of the University. Therefore, I am vetoing these items.

PANHANDLE-PLAINS HISTORICAL MUSEUM

Item 3 -

This item was not recommended by me or the Legislative Budget Board and was not included in the House version of the appropriations bill. In my opinion, this appropriation is not a high priority and can be deleted without affecting the basic operations of the Museum. Therefore, I am vetoing this item.

SOUTHWEST TEXAS STATE UNIVERSITY

Item 11a -

In my opinion, adequate instructional facilities are available at the institution to meet essential educational needs. The deletion of this project for the 1976-1977 biennium should not adversely affect the educational programs of the University. Therefore, I am vetoing this item.
SPECIAL PROJECTS

THE UNIVERSITY OF TEXAS AT ARLINGTON, items (1), (2), (3), (4), (5), (6), (7), and (8); THE UNIVERSITY OF TEXAS AT AUSTIN, items (1), (2), (3), (4), (5), (6), (7), (8), (9), (10), (11), (12), (13), (14) and (15); THE UNIVERSITY OF TEXAS AT DALLAS, items (1), (2), (3), (4), (5), (6), (7), (8), (9), (10) and (11); THE UNIVERSITY OF TEXAS AT EL PASO, items (1), (2), (3) and (4); THE UNIVERSITY OF TEXAS OF THE FERMIAN BASIN, item (1); THE UNIVERSITY OF TEXAS AT SAN ANTONIO, items (1), (2), (3), (4) and (5); THE UNIVERSITY OF TEXAS HEALTH SCIENCE CENTER AT DALLAS, items (1), (2), (3), (4), (5), (6), (7) and (8); THE UNIVERSITY OF TEXAS MEDICAL BRANCH AT GALVESTON, items (1), (2), (3), (4), (5), (6), (7), (8), (9), (10), (11), (12) and (13); THE UNIVERSITY OF TEXAS HEALTH SCIENCE CENTER AT HOUSTON, items (1), (2), (3), (4), (5) and (6); THE UNIVERSITY OF TEXAS HEALTH SCIENCE CENTER AT SAN ANTONIO, items (1), (2), (3), (4), (5), (6), (7) and (8); THE UNIVERSITY OF TEXAS SYSTEM CANCER CENTER, items (1) and (2); THE UNIVERSITY OF TEXAS SYSTEM SCHOOL OF NURSING, items (1), (2) and (3); TEXAS A&M UNIVERSITY SYSTEM, items (1), (2), (3), (4), (5), (6), (7), (8), (9), (10), (11) and (12); EAST TEXAS STATE UNIVERSITY, items (1), (2), (3), (4), (5), (6) and (7); UNIVERSITY OF HOUSTON, items (1), (2), (3), (4), (5), (6), (7), (8), (9), (10), (11), (12), (13), (14), (15), (16), (17), (18) and (19); UNIVERSITY OF HOUSTON AT CLEAR LAKE CITY, items (1), (2) and (3); STEPHEN F. AUSTIN STATE UNIVERSITY, items (1), (2), (3), (4) and (5); and SAM HOUSTON STATE UNIVERSITY, Central Air Conditioning Plant, Water Distribution System, Industrial Education and Technology Building, Education Building, Sam Houston's Home, Law Offices, and Steamboat and House on the Sam Houston Museum Grounds.

I am vetoing the above listed items for the following reasons:

1. They are contrary to the spirit and letter of the Coordinating Board Bill which was designed to bring order out of chaos in the proliferating building construction and runaway programming at our institutions of higher education.

2. They amount to a blank check and an unlimited shopping list. Texas' higher education presently has an outstanding indebtedness of more than $1.5 billion. This squandering of the tax payers money without coordination, guidance, need or direction has to stop.

3. They were inserted in the appropriations process without any notice, public hearing or presentation of the facts.

4. They are contrary to the stated will of the overwhelming majority of both Houses of the Legislature, demanding fiscal responsibility and prudent management of the tax payers dollars in construction in higher education.

5. There is one item which reads "Acquisition, equipping and modernizing of downtown campus building and parking facilities and construction at such campus," which language is so broad that the cost to the State could well be one billion dollars or more.

6. The total cost of higher education has increased in the past 10 years from $164 million to $782 million for a 376 percent increase and unless the State obtains a coordinated policy in all facets of higher education such rampant costs will bankrupt the State.

S. B. 706, commonly known as the Coordinating Board Bill, was passed to strengthen the Coordinating Board in many areas, including new construction and rehabilitation of buildings. The bill in essence stated that the Board would approve or disapprove construction projects except on any "construction project that is specifically approved by the Legislature." S. B. 706 was passed overwhelmingly by both Houses and has been signed into law, effective immediately.
In S.C.R. 109, a resolution directed to the Conference Committee considering the Appropriations Bill, an amendment was adopted which reads as follows:

"Sec. 47. Notwithstanding the specific listing of approval of facilities construction projects following appropriations to various component units of The University of Texas System, the Texas A&M University System, East Texas State University, University of Houston, Sam Houston State University and Stephen F. Austin State University, such listings shall not constitute approval by the Legislature as contemplated by Senate Bill 706, Sixty-fourth Legislature."

This amendment was adopted overwhelmingly by the House and the Senate. The Appropriations Bill Conference Committee in the waning hours of the Session chose not to include this amendment in the Conference Report. This action was contrary to the overwhelming majority vote of both Houses.

After the Appropriations Bill was passed, I was presented with a petition signed by 81 members of the House of Representatives urging me to veto these construction projects, the original of which is attached and incorporated herein.

Under the provisions of S. B. 706 those institutions of higher education which do not wish to go before the Coordinating Board have the alternative of going before the Legislature and receiving specific approval for construction projects after an open and fair public hearing on the matter. But there were no open public hearings on these construction projects.

The manner in which a few institutions clearly tried to circumvent the purpose of S. B. 706 by listing indefinite and ill defined construction projects is discriminatory and unfair to the other State-supported institutions that chose not to circumvent the letter of the law by having generalized building projects listed.

I call upon the governing boards of the institutions of higher education to comply with the provisions of S. B. 706, Acts of the Sixty-fourth Legislature, Regular Session, by submitting meritorious construction and major repair and rehabilitation projects to the Coordinating Board, Texas College and University System for approval.

Senate Bill 52 was received in the Governor's Office less than ten (10) days prior to the adjournment of the Regular Session of the 64th Legislature and, in accordance with the Constitution of the State of Texas, this Bill, together with this Proclamation, is filed with the Secretary of State of the State of Texas.

IN TESTIMONY WHEREOF, I have hereunto signed my name officially and caused the seal of the State of Texas to be affixed hereto at Austin, Texas, on this 22nd day of June, 1939.

Dolph Briscoe
Governor of Texas

By the Governor:

Mark White
Secretary of State
<table>
<thead>
<tr>
<th>Bill No.</th>
<th>Subject</th>
<th>General Reason for Veto</th>
</tr>
</thead>
<tbody>
<tr>
<td>S.B. 172</td>
<td>Requiring each state and local governmental entity to provide for legal defense of peace officer employee sued for damages for act committed in line of duty. Does not make governmental entity liable for any damages which might be awarded.</td>
<td>Conflicts with S.B. 704, which requires the state to indemnify an officer or employee for damages in similar circumstances and which was signed by the governor.</td>
</tr>
<tr>
<td>S.B. 270</td>
<td>Amending the Texas Business and Commerce Code to permit retailer or dealer to recover minimum of $500 damages, plus costs and reasonable attorneys' fees, against manufacturer on basis of implied warrant in the event suit is filed and retailer or dealer prevails.</td>
<td>Establishment of $500 minimum recovery regardless of damages would possibly accelerate cost of product, which would be passed on to consumer.</td>
</tr>
<tr>
<td>S.B. 313</td>
<td>Requiring city charter to be changed upon presentation of a petition of 10 percent of qualified voters of a city.</td>
<td>Would perpetuate an unstable situation for all home-rule governments and be even more acute for smaller home-rule cities.</td>
</tr>
<tr>
<td>S.B. 434</td>
<td>Requiring higher education institutions to refund specified percentage rates of tuition and fees on withdrawal of students.</td>
<td>No provision for exclusion of scholarship students, who could keep donor's money on withdrawal. No provision made to replace the loss by institutions with state funds.</td>
</tr>
<tr>
<td>S.B. 510</td>
<td>Only effect of this amendment to Optional County Road Law of 1947 is to remove the $20,000 limitation on county</td>
<td>This limitation already superseded by 1971 law which authorizes commissioners court to fix</td>
</tr>
</tbody>
</table>
road engineer's salary.

S.B. 511  Authorizing Court of Civil Appeals for 13th District to transact business in any county in district.

S.B. 664  Relating to suits against persons violating statutory prohibition against water pollution.

S.B. 980  Relating to procedures of due process in the educational placement of children.

H.B. 659  Relating to procedure for preparing the statements of election canvass where voting

salaries of all county officers and employees with certain exceptions not pertinent to this legislation.

H.B. 1019, passed earlier in session, has identical provisions; therefore, S.B. 511 is unnecessary.

To insure that every contemplation of action pertaining to the Water Quality Act will continue to incorporate contributions from local experience through participation by appropriate county attorney or district attorney.

Purpose of bill fulfilled by policy of State Board of Education. Also bill does not specify who is financially responsible for evaluations, who shall be qualified as "impartial" hearing officer. Texas Education Agency would have only 13 staff members available to administer the program provided under the act, a program involving approximately 200,000 students and $200 million.

Duplicates language provided for in S.B. 1047, previously signed into
H.B. 970 Relating to disqualification of a district judge in a civil action or pretrial hearing.

H.B. 1073 Relating to supervision by Department of Public Welfare of federal matching programs for political subdivisions which provide emergency services for needy children.

H.B. 1079 Relating to electronic voting systems.

H.B. 1136 Relating to young children accompanying parents into polling places and voting booths.

H.B. 1481 Relating to regional residential facilities in El Paso and Cameron counties for certain juvenile offenders.

machines are used. law.

Does not create an additional ground for disqualification, and establishment of disqualification by merely filing affidavit under the bill, with no type of hearing or judicial determination, is questionable.

Amendments assume availability of federal matching funds for purposes for which they are not, in fact, available.

Purports to amend same provisions amended by S.B. 950, and would conflict and confuse with S.B. 950, previously signed into law.

Purports to amend same provisions amended by S.B. 1046, and would confuse and conflict with S.B. 1046, previously signed into law.

The Texas Youth Council will study, in the new biennium, alternatives to institutionalization, and it would be imprudent to extend institutional capacity at this time.
<table>
<thead>
<tr>
<th>Bill No.</th>
<th>Subject</th>
<th>General Reason for Veto</th>
</tr>
</thead>
<tbody>
<tr>
<td>H.B. 1953</td>
<td>Relating to original and appellate jurisdictions in probate matters.</td>
<td>By not amending or repealing other sections of S.B. 534 (already enacted by 64th Legislature), enactment of H.B. 1953 will result in ambiguity and conflict in the Probate Code.</td>
</tr>
<tr>
<td>H.B. 1984</td>
<td>Relating to appeals from justice court in actions for forcible entry and detainer.</td>
<td>Since 1939, the Texas Supreme Court has had responsibility for promulgating rules governing procedure in civil cases, and is most appropriate body to formulate a response to objections of three-judge federal court, which H.B. 1984 attempts to meet.</td>
</tr>
</tbody>
</table>

FILED WITH THE SECRETARY OF STATE WITHOUT THE GOVERNOR'S SIGNATURE

H.B. 135 | Relating to the Department of Corrections granting temporary furloughs to inmates. | The bill does not set out requirements that would insure "that the prisoner will remain a prisoner," nor does it require such assurance by the Department of Corrections. |
Bill No. Subject General Reason for Veto

H.B. 2215 Creating a new County Court at Another county court
Law No. 4 for Travis County. at law in Travis
County is not justi-
fied and costs of pro-
viding such a court
would impose an
unnecessary burden on
taxpayers of Travis
County.
TOPICAL INDEX

Agencies and Departments, State 14
Agents and Adjusters, Insurance 117
Agriculture and Livestock 96
Alcoholic Beverage Control 99
Animals 103
Appropriations 2, 8
Attorneys 73
Aviation and Airports 85, 94
Banks and Credit Companies 106
Business and Business Regulation 104
Campaign Spending and Reporting 54, 57
Child Services 50
Cities 83
Civil Procedure 80
Civil Remedies and Liabilities 79
Colleges and Universities 44
Commercial Law 105
Constitution, Proposed--1975 3
Constitutional Amendments, Proposed 5
Constitutional Revision 3
Consumer Protection 109
Corporations and Associations 105
Counties 87
<table>
<thead>
<tr>
<th>Topic</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>Court Officers</td>
<td>72</td>
</tr>
<tr>
<td>Courts and Court Personnel</td>
<td>68</td>
</tr>
<tr>
<td>Criminal Law and Procedure</td>
<td>63</td>
</tr>
<tr>
<td>Departments and Agencies, State</td>
<td>17</td>
</tr>
<tr>
<td>Drivers' Licenses</td>
<td>60</td>
</tr>
<tr>
<td>Drug Laws</td>
<td>112</td>
</tr>
<tr>
<td>Education, Public</td>
<td>40</td>
</tr>
<tr>
<td>Education, Higher</td>
<td>44</td>
</tr>
<tr>
<td>Elections and Voting</td>
<td>53</td>
</tr>
<tr>
<td>Employees, State</td>
<td>27</td>
</tr>
<tr>
<td>Environmental Protection</td>
<td>101</td>
</tr>
<tr>
<td>Estates of Decedents</td>
<td>77</td>
</tr>
<tr>
<td>Estates of Wards</td>
<td>78</td>
</tr>
<tr>
<td>Examining and Licensing Agencies</td>
<td>21</td>
</tr>
<tr>
<td>Family Law</td>
<td>48</td>
</tr>
<tr>
<td>Finances, State</td>
<td>6</td>
</tr>
<tr>
<td>Financial</td>
<td>106</td>
</tr>
<tr>
<td>Firemen and Policemen</td>
<td>95</td>
</tr>
<tr>
<td>Fish Laws</td>
<td>125</td>
</tr>
<tr>
<td>Game Laws</td>
<td>124</td>
</tr>
<tr>
<td>Gift Act, Uniform</td>
<td>79</td>
</tr>
<tr>
<td>Guardians</td>
<td>78</td>
</tr>
<tr>
<td>Handicapped Persons</td>
<td>114</td>
</tr>
<tr>
<td>Health, Public</td>
<td>111</td>
</tr>
<tr>
<td>Higher Education</td>
<td>44</td>
</tr>
<tr>
<td></td>
<td>166</td>
</tr>
<tr>
<td>Topic</td>
<td>Page</td>
</tr>
<tr>
<td>----------------------------------------------------------------------</td>
<td>------</td>
</tr>
<tr>
<td>Minors, Gifts to</td>
<td>79</td>
</tr>
<tr>
<td>Motor Vehicles</td>
<td>59</td>
</tr>
<tr>
<td>Narcotics and Dangerous Drugs</td>
<td>64</td>
</tr>
<tr>
<td>Officials, State</td>
<td>14, 16</td>
</tr>
<tr>
<td>Oil, Gas, and Other Minerals</td>
<td>123</td>
</tr>
<tr>
<td>Pardons and Paroles</td>
<td>67</td>
</tr>
<tr>
<td>Parent and Child</td>
<td>49</td>
</tr>
<tr>
<td>Parks and Wildlife Regulation</td>
<td>123</td>
</tr>
<tr>
<td>Policemen</td>
<td>95</td>
</tr>
<tr>
<td>Policies and Benefits, Insurance</td>
<td>118</td>
</tr>
<tr>
<td>Pollution Control</td>
<td>101</td>
</tr>
<tr>
<td>Probate</td>
<td>77</td>
</tr>
<tr>
<td>Penal Laws, Controlled Substances, Drug Abuse</td>
<td>63</td>
</tr>
<tr>
<td>Procedure, Administrative</td>
<td>14</td>
</tr>
<tr>
<td>Procedure, Civil</td>
<td>80</td>
</tr>
<tr>
<td>Procedure, Criminal</td>
<td>67</td>
</tr>
<tr>
<td>Property Interests</td>
<td>81</td>
</tr>
<tr>
<td>Rules of the Road</td>
<td>59</td>
</tr>
<tr>
<td>Public Health</td>
<td>111</td>
</tr>
<tr>
<td>Public Lands</td>
<td>29</td>
</tr>
<tr>
<td>Public Schools</td>
<td>2, 40</td>
</tr>
<tr>
<td>Public Utilities</td>
<td>108</td>
</tr>
<tr>
<td>Redistricting, Legislative</td>
<td>13</td>
</tr>
<tr>
<td>Reform Legislation</td>
<td>15</td>
</tr>
<tr>
<td>Reorganization, Legislative</td>
<td>13</td>
</tr>
<tr>
<td>Retirement Systems, Public</td>
<td>12, 28, 71, 91, 93, 95</td>
</tr>
<tr>
<td>Rules, House of Representatives</td>
<td>14</td>
</tr>
<tr>
<td>Safety Responsibility</td>
<td>61</td>
</tr>
</tbody>
</table>

168
Savings and Loans Associations 106
State Departments and Agencies 17
State Employees 27
State Finances, Taxing and Spending 6
State Land Transfers 83
State Officials 16
Surface Mining 102
Taxing 6
Teachers, Retirement 43
Traffic Safety 59
Utilities 108
Utilities, Commission 108
Validating Acts 127
Vehicle Registration 59
Veterans Benefits 127
Vetoed Bills and Appropriations Vetoes 133
Wards, Estates of 78
Water 32
Water, Development 33
Water, Districts--General Law 35
Water, Ground 34
Water and Utility Districts, Special Law 38
Water Quality 101
Water Rights 32
Welfare 50
Workmen's Compensation 121

169