

TO: Local League Presidents, Program Vice Presidents and Legislative Chairmen

FROM: Mrs. Francis B. May, Legislative Chairman

RE: Legislative Newsletter as of February 12, 1969

LWV of Texas
February 1969

GENERAL NOTES:

The 61st Texas Legislature convened in Austin for opening ceremonies on Tuesday, January 14. The House of Representatives elected Gus F. Mutscher of Brenham Speaker; and the Senate elected Don Kennard of Fort Worth President Pro Tem. The following day Governor John Connally gave his farewell message to the Legislature in which he emphasized the need to modernize state government by constitutional revision. Later in the day a book summarizing the six Connally years was distributed to legislators; the single legislative recommendation was constitutional revision.

Governor Preston Smith and Lieutenant Governor Ben Barnes were formally inaugurated on Tuesday, January 21. The day and evening were filled with festivities, featuring a parade and six inaugural balls, somewhat reminiscent of the days of Governor W. Lee (Pappy) O'Daniel.

The new Governor addressed the Legislature for the first time on January 23. Of interest to League members were his comments on constitutional revision. He declared that he was for constitutional revision, but that he thought any complete rewriting of the document, including the product of the Texas Constitutional Revision Commission, would be defeated at the polls. However, he advised the Legislature to consider the proposed document submitted by the Commission. He said that he would favor removal of deadwood from the Constitution at this time, to be followed by article by article revision later. He said that in his opinion the Constitution should not be revised solely because it was long, it was old or it had been amended from time to time. Also of League interest was his suggestion to define "conflict of interest" for legislators as a means of smoothing the way for voter acceptance of more pay for legislators. Another point of interest was his endorsement of the \$10 billion Texas Water Plan.

Much of the excitement (if it can be so described) of the first three weeks of the session, during which the houses were getting organized, concerned rules and committee assignments.

The House rules, adopted the first day, are considerably different from those of two years ago. Instead of reducing the number of committees to 25, the number was actually increased to 45 from 44. Several committees were abolished and others added. Among the new committees are Governmental Affairs and Efficiency to help relieve the overworked State Affairs Committee; Youth Affairs; Interim Activities; and Higher Education. (The Committee on Privileges, Suffrage and Elections, known affectionately by the League as "PSE," was renamed the Elections Committee.) The new rules deleted seniority in assigning committee members, deprived standing committees of subpoena power, deleted the provision for interim studies by standing committees, and reduced the number of calendars. For details consult the House Journal for January 14.

The Senate approved important changes in its rules and in the joint rules (the latter have not yet been adopted by the House). The new rules prompted Lieutenant Governor Ben Barnes to say that this was the most important step since statehood. The most widely hailed change was the limitation on conference

committees, limiting them to adjusting differences between bills passed by both houses. Among the important Senate rules changes concerned open meetings by the nominations committee (the nominations committee held open hearing for the first time this week) and the executive sessions of the Senate. The rules now permit a Senator at any time to divulge his vote and the reasons therefore in an executive session. One rules change, adopted by a 17-14 vote, increased to 2/3 from a simple majority the vote required for the re-referral of bills to committees. Opposed by the liberals, it represented a strengthening of the power of the Lieutenant Governor. The number of Senate committees was increased from 25 to 27, with the abolition of two and the addition of four.

Committees were appointed by the Speaker and Lieutenant Governor, respectively, during the third week of the session. There were many surprises.

In the House the chairmanships went to veteran members, many of whom represented small towns and rural communities (including the new Urban Affairs Committee). The most important committees and their chairmen from the standpoint of handling League legislation are as follows:

Constitutional Amendments, John Traeger of Seguin
 Counties, Joe Shannon of Fort Worth
 Elections, J. W. Stroud of Dallas
 Public Education, George Hinson of Mineola
 Governmental Affairs and Efficiency, Don Cavness of Austin
 Rules, Dick Cory of Victoria
 State Affairs, Rayford Price of Palestine
 Urban Affairs, Charles Jungmichel of La Grange

In the Senate more liberals were appointed chairmen than before and only a few chairmen of last session kept their old posts. The most important "League" committees and their chairmen are as follows:

Constitutional Amendments, Joe Christie of El Paso
 County, District, and Urban Affairs, Ralph Hall of Rockwall
 Education, A. W. Aiken, Jr., of Paris
 Jurisprudence, Charles Herring of Austin
 Privileges and Elections, Jack Strong of Longview
 State Affairs, William Moore of Bryan
 Water and Conservation, Tom Creighton of Mineral Wells

By the middle of the fifth week of the 20-week session, 300 House bills, 16 House Joint Resolutions, 130 Senate bills and 12 Senate Joint Resolutions had been introduced, not counting concurrent and simple resolutions. Many familiar bills were among them, including liquor by the drink (a constitutional amendment may finally resolve the issue), horse racing, a teacher pay raise, and the minimum wage law. Governor Smith's tax and spending proposals were not ready yet, but it is a certainty that new revenue must be found to balance the state budget. The House Appropriations Committee and the Senate Finance Committees have been holding hearings during the first few weeks of the session on the budget.

LEAGUE NOTES:

Since the committees were late in getting appointed and organized, bills and resolutions were late in getting introduced. Bills of League interest abound, but the Program chairmen have not yet had an opportunity to examine them thoroughly. There will be no designation, therefore, in this first newsletter of support, opposition or for information only except when the bills fall solely within a study (not action) item.

TEXAS CONSTITUTIONAL REVISIONHJR 3 by Cory

Committee on Constitutional Amendments

This proposed resolution would eliminate much of the deadwood from the Texas Constitution in accordance with the proposal of Governor Smith in his first message to the Legislature. Mrs. Ralph McKinlay, TCR chairman, has compared the deletions recommended by the Cory proposal with those recommended by the Constitutional Revision Commission. Fifty sections recommended for deletion by the Cory measure are also recommended for deletion by the Commission. However, the Cory measure recommends the deletion of four sections, including the County Home Rule Amendment, not recommended for deletion by the Commission. In addition the Commission recommended the deletion of 39 additional sections not recommended for deletion by HJR 3. A hearing on this measure is expected the week of February 17. The League has supported similar measures in the past.

TEXAS EXECUTIVE DEPARTMENTSJR 3 by McKool

FOR INFORMATION ONLY

Committee on Constitutional Amendments

The purpose of this measure is to provide for an orderly transition in the office of Governor by authorizing appropriations for certain expenses, such as those incurred in preparing the state budget, by a new governor-elect (not an incumbent) between the election and the inauguration. Retiring Governor Connally recommended this in his farewell address.

THE TEXAS LEGISLATUREHJR 8 by Solomon, Hinson, et alSJR 11 by Aiken and Connally

Committee on Constitutional Amendments in the House and Senate, respectively.

This joint resolution introduced as companion measures in each house provides for annual legislative sessions. The session during the odd-numbered years would be limited to 120 days (30 days for the introduction of bills and resolutions, 30 days for committee consideration, and 60 days for debate). The present limitation is 140 days. The second session during the even year would be limited to 60 days and would be limited to budgetary matters and emergency matters submitted by the Governor.

THE TEXAS LEGISLATURE (continued)HB 133 by Nugent et alSB 70 by Wilson

Committee on State Affairs in the House and Senate, respectively.

This bill defines "conflict of interest" for members of the Legislature and employees and other state officers and employees. It enacts a code of ethics to serve as a guide to conduct as a basis for discipline. No special procedures and no separate agency are provided for enforcement. The bill was passed by the House two years ago but died in the Senate.

STATE-LOCAL RELATIONSHB 196 by Wright

Committee on State Affairs

Supported in part by the League of Women Voters two years ago, this bill would establish a Local Government Assistance Agency in the State Executive Department and a Municipal Incorporation Review Board empowered to approve or disapprove proposed new municipal incorporations.

HB 199 by Wright

Committee on Counties

Supported by the League of Women Voters two years ago, this bill would authorize counties to pass subdivision regulations with enforcement powers. It is not a zoning law. (A bracket bill, designed for Bexar County, has been introduced by Dramberger and others which would include zoning powers.)

HB 196 and HB 199 contain recommendations made by the Texas Research League two years ago. The TRL has come forth with new recommendations for metropolitan areas this year. For details consult the December, January, and February issues of their Metropolitan Newsletter. Bills containing their recommendations for COGs are expected to be introduced this week (February 10). Bills concerned with county reorganization have no sponsors yet.

VOTER REGISTRATIONHB 211 by Stroud, Price et al

Committee on Elections

This bill contains some of the recommendations of the House interim committee established during the special session last summer to study the election laws. This bill would provide for year-round registration by adding two registration periods to the present single period which lasts from October 1 to January 31. The new second period would be from February 1 to March 31 and the third, from April 1 to October 1. A person would have to be registered four days before the election in which he wanted to vote, if he registered during the first period. He would have to be registered 30 days before an election if he registered during the second or third periods. The bill requires counties to send renewal notices so that the voter may re-register by this method. - 4 -

VOTER REGISTRATION (continued)

SJR 13 by McKool, Harrington, et al

Committee on Constitutional Amendments

This resolution repeals the annual registration requirement provided for in Section 2 of Article VI of the Texas Constitution. Registration would still be required. The amendment would be submitted to the voters in November of this year.

SB 131 by McKool, et al

Committee on Privileges and Elections

We would graduate from annual to quadrennial registration under this bill. The quadrennium during which our registration would hold good without the need for renewal would begin with the presidential election year. The registration period would be from November 15 through March 31 each year. In addition in the even-numbered years an additional registration period would be from June 15 through September 30. A person could apply for registration by person or by mail. Registration certificates could be signed by the person or his agent. The bill would become effective only upon the adoption of an amendment repealing annual registration.

NATIONAL PROGRAM: Water Resources

HB 67, HB 69 by Braun, Kubiak et al

Committee on State Affairs

These two bills, known as the "Braun bills," were passed by the House two years ago. They would make corporations subject to injunctive action and criminal penalties for polluting the water or air contrary to law. They do this by including "corporations" within key definitions of present penal statutes, particularly the public nuisance laws, and make necessary additions thereto. Local enforcement by law enforcement agencies of violations of the law by corporations would be a necessary result of the bills.

HB 200 by Swanson et al

Committee on State Affairs

SB 6 by Cole and Herring

Committee on Jurisprudence

SB 6 was the subject of a spirited hearing before the Senate Jurisprudence Committee on February 11. It was compared with the Braun bills with Representative Rex Braun present and testifying against SB 6. Like the Braun bills, SB 6 also provides criminal penalties for violation of the pollution laws by corporations. It retains present provisions permitting "variances" by state administrative agencies, matters not explicitly covered by the Braun bills. The bill was sent to a subcommittee, chaired by Senator A. R. Schwartz of Galveston, with instructions to report back by February 25.

NATIONAL PROGRAM: Water Resources(continued) LEGISLATIVE NEWSLETTER

SB 147 by Herring and Cole
Committee on Water and Conservation

Introduced February 11, this bill would revise the Texas Water Quality Act of 1967. The LWV supported the Texas Water Quality Act of 1967 two years ago.

HJR 99 by Clayton et al
Committee on Constitutional Amendments

This proposed amendment broadens the power of the Texas Water Development Board to contract for water resources and facilities and to sell, transfer, and lease. It eliminates the interest limit on Texas Water Development bonds and the termination date and the procedures for curtailment of financial assessment by the Texas Water Development Board. It is one of numerous measures on water resources which the League will be examining for possible support.

NATIONAL PROGRAM: Human Resources

SB 2 by Schwartz, Mauzy et al
Committee on Education

This bill contains the recommendations of the Governor's Committee on Public School Education. The League will be supporting certain sections of this bill as they correspond to the four areas outlined for you by Mrs. Edward C. Fritz, Human Resources chairman, in her January Post Board Report. Representative DeWitt Hale of Corpus Christi has agreed to sponsor the bill in the House.

In addition to this bill there are numerous others of possible interest to the League in the human resources area. They include a series of eleven bills (HB 250 - 259, HB 261), introduced by Representatives Evans and Graves to remove from the statutes all references to segregation of the races. Then there is the perennial Equal Legal Rights Amendment, prohibiting discrimination on account of sex, which has already cleared the Senate Constitutional Amendments Committee. The minimum wage bill has also been introduced in both houses, and this session has the support of both the Governor and the Lieutenant Governor.

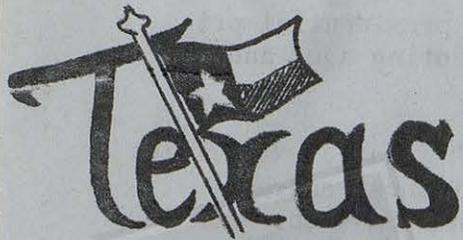
NATIONAL PROGRAM: Electoral College FOR YOUR INFORMATION ONLY

SB 107 by Grover
Committee on Privileges and Elections

This bill would require the election of one presidential elector from each congressional district and the election at large of a number of electors equal to the number of U.S. Senators and U.S. Representatives elected at large. The nominations would be by party convention. The bill also provides that presidential electors are bound to vote in accordance with the plurality vote of the district which elected them or, if at large, of the state as a whole.

SB 204 by Angly, Davis et al
Committee on Elections

This bill makes it a misdemeanor, punishable by fine or jail term, for presidential electors to vote for a party other than the party which the elector represented on the ballot.



LEGISLATIVE NEWSLETTER

LEAGUE OF WOMEN VOTERS OF TEXAS

NO. V
June 30, 1969

Mrs. Francis B. May
Legislative Chairman
(3 copies to president)

GENERAL NOTES:

"Gone, but not for long." The Regular Session of the 61st Legislature ended on June 2, the legal adjournment date, but a Special Session will begin on July 28. Following a statewide telecast on June 20, Governor Preston Smith vetoed the \$2.8 billion one-year appropriations bill, thereby making it mandatory that a special session be called to consider anew the question of appropriations and taxes before the next fiscal biennium begins on September 1. The Governor might accept a new one-year appropriations bill should the voters approve the annual sessions amendment on August 5.

The Governor flexed his political muscles also by vetoing 38 bills and 12 concurrent resolutions which had been delivered to him on June 9, one week after adjournment. He claimed that they should have been signed in the presence of the House and Senate before adjournment as prescribed by the Constitution (although the Attorney General did not agree with this interpretation) and delivered to him so that he could have the full 20-day constitutionally-set period to deliberate upon them. The veto of 50 measures in a single package is believed to be unprecedented in Texas. As a matter of fact only seven governors have vetoed more than 50 measures during their entire tenure, which in all seven instances exceeded one term. (For more details about the vetoes of Texas Governors consult the March 1969 issue of "Comment", published by the University of Texas at Austin.) The Governor said that he might very well permit these 50 bills and resolutions to be considered at the forthcoming special session, provided the appropriation and tax issues are resolved early.

The Legislature was quantitatively productive during the Regular Session introducing a record total of 2,341 bills of which 944 passed. The Governor vetoed 50 of these, leaving 894 for the statute books. In addition 100 joint resolutions were introduced of which 16 were finally passed. Nine of these will be voted upon at the special August 5 election, and the remaining seven will be up for grabs at the November 3, 1970 general election.

The Legislature was not so spectacularly productive in a qualitative sense, especially League-wise; but, nonetheless, some noteworthy additions were made to the Texas statutes. These included the state's first minimum wage law, the first Texas Torts Claim Act making all units of government liable for personal injury, and the first kindergarten program which was included in the teacher pay raise bill, itself a major step forward. (For a longer list of bills see the July issue of the Texas VOTER.)

On the other hand, many important measures were left stranded among which were the proposals of the Governor's Committee on Public School Education to consolidate school districts and to reform school financing; a new Texas Constitution;

a state public utilities commission; an ombudsman for Texas; presidential primaries; modern voter registration legislation; lowering the voting age; and tax bills.

Legislature-watchers were particularly impressed by the "new" Senate. Majorities of yesteryear were converted into minorities on a number of issues; and bills which would not even have been given a hearing were passed this Session. Despite many filibusterettes, there was an outpouring of legislation under the leadership of the new Lieutenant Governor who apparently won the confidence of both the liberals and the conservatives. The House was another story. The leadership was in conservative hands and sluggish in processing bills, many of which were not voted upon on the floor. Assignment of committee chairmanships, although justifiable on the basis of experience, resulted in a disproportionate number in the hands of small town and rural-oriented legislators. The big human interest story in the House was, of course, the marriage of the Speaker, thirty-six year old Gus Mutscher, to former Miss America, Donna Axum. A final note: Senator Murray Watson of Waco was elected President Pro Tem of the Senate, succeeding Don Kennard of Fort Worth.

LEAGUE NOTES:

As noted elsewhere, the League was embarrassed by riches this Session. With so many bills and resolutions introduced, the League was able to take a position on 19 measures and in addition was interested in about 71 others, for a grand total of 90. (If we count companion and other duplicate bills the total is about 180.) Thirteen Times for Action were sent to local Leagues during the Session, six of which were accompanied by explanatory or background material. Other communiques were also sent to local Leagues. League representatives testified nine times before committees, paid an official visit to the Speaker and the Lieutenant Governor, and engaged in other activity in support of League goals. Five Legislative Newsletters and three VOTER articles were written.

Our batting average for the Session was about .333 with successes in TCR, the Legislature, State-Local Relations, Water, Foreign Policy, and Human Resources. The biggest disappointment was the .000 performance on Voter Registration, all four of the measures we supported going down the drain.

Of the 16 proposed amendments to be submitted to the voters, the League will support two this coming August 5 (HJR 3, removal of deadwood from the Texas Constitution; HJR 8, annual legislative sessions); and a third (HJR 22, relating to county government) is under consideration for support in the November 1970 election.

TEXAS CONSTITUTIONAL REVISION

SUPPORT....

HJR 3 by Cory. Removal of Deadwood.

Passed.

The League supported HJR 3 during the Session by testimony and a Time for Action and will work actively to promote its adoption this August 5. The resolution removes only certain obsolete provisions from the Constitution and does not bring about any substantive changes; but it is, nonetheless, the first breakthrough toward general revision of the Texas Constitution and a psychological victory.

HJR 64 by Archer. A New Texas Constitution.

Died in Committee.

The proposed new Constitution submitted by the Texas Constitutional Revision Commission was contained in this resolution. The League testified for it and a Time for Action was sent. The measure never got out of the subcommittee in the House to which it was assigned after the April 29 hearing.

HJR 23 by Grant Jones. Amending the Amendment Article.

Failed to Pass.

This proposal would make clear that the Legislature could propose an entirely new Constitution or substantial revision involving several subjects by one amendment. It passed second reading in the House but failed to get the necessary 100 votes for final passage.

FOR INFORMATION ONLY....

Information was provided to League members on three other TCR measures: HJR 60 by Cory, proposing a new Texas Constitution; HJR 25 by Traeger, limiting to six the number of amendments to be voted upon at a single election; and SJR 16 by Bernal, providing for the initiative. None passed.

TEXAS EXECUTIVE DEPARTMENT

FOR INFORMATION ONLY....

Consensus was not reached in time to take action on the Executive item during the Regular Session. None of the six bills and resolutions described in the other Newsletters passed. They were as follows: SJR 3 by McKool, providing for an orderly transition of the Governor's Office; SB 378 by Mauzy, "The Civil Service Law"; SB 798 by Word and Hall, establishing the Office of Ombudsman for the State of Texas (passed the Senate); HB 489 by Cory and Cummings, creating the Commission on Organization of the Executive Branch; HB 883 by Bray, creating the Commission on Organization of the Executive Branch; and HB 706 by Hale, "The Administrative Procedure Act of 1969."

TEXAS LEGISLATURE

SUPPORT....

HB 133 by Nugent.

SB 70 by Wilson.

Code of Ethics.

Died in the House.

A Time for Action was sent to local Leagues urging letters in behalf of HB 133 which would strengthen the present "code of ethics" statute, designed to govern the behavior of legislators and state administrators and their employees in such matters as conflict of interest. HB 133 was reported out favorably by the House State Affairs Committee late in the session and the Senate passed SB 70, the companion measure; but all went for naught. The House was not given a chance to vote on the bill.

HJR 8 by Solomon, Hinson, et al. Annual Sessions. Passed.

The League supported HJR 8 and its twin SJR 11 by Aiken and Connally. Our February Newsletter incorrectly reported that this proposed amendment would reduce the Regular Session in odd-numbered years to 120 days from the present 140 days. This mistake has been corrected in other League literature. The basic change wrought by this resolution is to add an even-numbered yearly session of 60 days to consider budgetary matters and emergency matters submitted by the Governor. The League is actively working for the adoption of this amendment on August 5.

HB 1049 by Heatly. Early Submission of the Budget. Passed.

The League favored this bill which provides for submission of the Governor's budget five days after the beginning of the Session and authorizes the Senate Finance Committee and the House Appropriations Committee to hold early budget hearings. The House version (HB 1049) which prevailed over the Senate bill (SB 598 by Aiken) passed both houses and has been signed by the Governor.

SB 262 by Kennard and Brooks. Legislative Information and Modernization Committee. Died in the Senate.

This bill, favored by the League, would establish a Legislative Information and Modernization Committee to recommend methods of improving and modernizing legislative practices, procedures, and processes. The bill passed second reading in the Senate but never came up for third reading, although it was scheduled for it. However, another measure virtually identical in purpose, did pass. See below.

FOR INFORMATION ONLY....

An extra large number of bills and resolutions were introduced of relevance to the new Legislature item. Many concerned legislative ethics and compensation, often together in one bill. The linking of ethics with compensation can be traced to Governor Smith's first message to the Legislature in which he proposed a constitutional amendment to define conflict of interest and to set up a board to determine and to recommend legislative salary schedules.

Bills concerned solely or primarily with legislative compensation were as follows: (only the first two passed.)

SJR 31 by Hightower and McKool, authorizing the Legislature to set within limits the salary of its members and that of the Speaker and Lieutenant Governor. This will be on the August 5 ballot.

SB 721 by Hightower, providing for a legislative salary of \$6800 a year. This bill, enabling legislation under SJR 31, was passed and signed by the Governor.

HJR 58 by Delwin Jones, authorizing the Legislature to set its own salary with a ceiling of \$18,000 a year.

HJR 19 by Stroud, creating a Legislative and Executive Compensation Committee.

SJR 21 by Hightower, McKool, et al, establishing a commission to determine salaries of legislators and their presiding officers.

The following bills were concerned primarily with ethics and none passed:

HJR 27 by Joe Shannon, establishing a State Ethics Commission.

HJR 61 by Ratcliff, authorizing a Legislative Ethics and Compensation Commission.

HB 639 by Ratcliff, enabling legislation for HJR 61.

HB 1235 by Angley, requiring legislators to keep complete records of income and debt.

SB 681 by Hall, regulating standards of conduct and conflict of interest.

Several other bills which we followed were:(None was enacted into law.)

HB 422 by Hale, amending the Legislative Reorganization Act of 1961.

SB 375 by Mauzy, regulating campaign expenditures.

SB 23 by McKool, permitting county commissioners to provide office space and equipment for legislators. Amended to apply only to Dallas County, this bill passed both houses only to be vetoed by Governor Smith.

HB 1467 by Golman and Slider, requiring fees to be paid by certain lobbyists.

HJR 59 by Newman, reducing the size of the House to 100 members.

Two House Concurrent Resolutions concerned with studies of the Legislature passed and were signed by the Governor. HCR 124 by McAlister provides for a 12-member interim committee on legislative modernization to study the legislative process, procedure, and methods and to explore the feasibility of utilizing new and improved facilities and equipment. The committee will consist of three Representatives, three Senators, and six ex officio members, including the House Clerk and the Senate Secretary. HCR 148 by Carl Parker, et al, sets up a 20-member citizens committee to study the Legislature, including the need for annual salaries. Nine members will be appointed by the Speaker and nine by the Lieutenant Governor, and each will appoint a co-chairman. Mrs. William Joor has written to both presiding officers requesting that League members be appointed to this citizens committee.

STATE-LOCAL RELATIONS

SUPPORT....

SB 547 by Kennard. Regional Planning Commissions. Passed.

This bill, which contains the most recent recommendations of the Texas Research League for regional planning and Councils of Government, passed both houses and has been signed into law. An important amendment declaring regional planning commissions to be political subdivisions was added to the original bill. The Texas Research League plans to publish several Metropolitan Newsletters devoted to the latest legislation concerning urban Texas, and SB 547 will be included.

HB 199 by Wright. County Land Use Protection Act. Died in Committee.

Bills to enable counties to regulate subdivisions or otherwise control land use continue to fail in the Legislature. The League supported this bill two years ago as well as this year. It died in committee both years.

SB 126 by Cole. County Subdivision and Planning. Died in Committee.

This bill, which originally dealt with pollution control, was amended to enable counties to regulate subdivisions and to encourage conformance with area planning. It passed the Senate and died in the House.

FOR INFORMATION ONLY....

Two of four measures which we followed under S-LR passed. They were HJR 22 and HB 1219. HJR 22, which will be on the November 1970 ballot, was originally applicable only to Bexar County as indicated in other Newsletters, but before final passage it was amended to affect all counties. It would authorize the Legislature to permit counties to consolidate offices and functions, subject to voter approval in the county and subject to other constitutional provisions, and to make intergovernmental contracts. It in effect makes applicable to all counties the El Paso-Tarrant Counties amendment adopted by the voters in the November 1968 election. A similar amendment adopted several years ago applied only to counties with a population of 1.2 million population (Harris). (For more information see the Texas Metropolitan Study Newsletter for April 1969, published by the Texas Research League.) HB 1219 by Finnell will result in the transfer of administration of the "701 Program" of assistance for comprehensive planning from the State Health Department to the Governor's Office. Two other measures we watched failed to pass: HB 196 by Wright, establishing a Local Government Assistance Agency and a Municipal Incorporation Act; and HB 68 by Knapp, requiring a popular vote as a condition for joining and remaining in a Council of Governments.

VOTER REGISTRATION

SUPPORT....

SJR 13 by McKool, et al. Repeal of Annual Registration. Died in the House.

Despite heroic efforts, SJR 13, which would repeal the requirement that voters register annually, died in the House. It passed the Senate after a couple of filibustering bouts; was given a public hearing before the House Constitutional Amendments Committee; and finally was reported out favorably by that committee on June 2, the last day. The League testified for SJR 13 in both houses and sent out four Times for Action. Much other activity took place but all for naught, at least this session.

HB 211 by Stroud, Price et al, Year-Round Registration. Died in the Senate.

HB 211, providing for year-round registration and other changes in voter registration, had tough sledding before being passed by the House in an amended form. It was referred to committee in the Senate and died there. Two Times for Action were sent on this bill.

HB 815 by Stroud. Biennial Voter Registration. Died in Committee.

HB 815, the biennial voter registration bill supported by the League several sessions, was given a committee hearing and sent to subcommittee where it perished. A Time for Action was sent on this bill.

HB 1155 by Ogg - HB 1170 by Bray. County Election Commissions. Died in Committee.

These identical bills embraced the recommendations of the county clerks of the four largest counties in Texas for election law changes. The League supported the bills because they conformed to many League criteria for a sound voter registration system. The League testified for the bills and a Time for Action went out to local Leagues. The bills died in subcommittee. A virtually identical bill by Brooks, SB 711, was introduced in the Senate. Another bill, HB 1171 by Bray, was very similar. Neither got anywhere.

FOR INFORMATION ONLY....

Not all was lost on the Voter Registration front, however. HB 512, the omnibus and lengthy election law bill, was passed. Among its provisions are a few within League positions. For example, servicemen domiciled in Texas, may now register at any time upon their return from duty. Also, the form of the registration certificate for all voters will be prescribed by the Secretary of State beginning in 1971. Further, the registration requirements for servicemen have been liberalized under the federal postcard application procedures. HSR 385 by Stroud, setting up a House interim committee to study the Election Code, passed. A similar measure in the Senate (SR 817 by McKool) died there. Another bill of League interest, SB 228 by McKool, which clarified invalidation of voter registration applications, passed but was vetoed.

Other voter registration bills we followed were as follows:

- SB 131 by McKool, quadrennial registration.
- HB 816 by Stroud, election boards in populous counties.
- SB 252 by Mauzy, re-registration by voting and declaration of party affiliation at time of registration (among other changes).
- HB 492 by Hannah, allowing returning servicemen to register.
- HB 662 by Heatly, absentee voting by servicemen.
- SB, 852 by Strong and Hall, absentee voting by servicemen. This bill was absorbed into HB 512, described above.

And this list does not exhaust the voter registration bills introduced during the Regular Session!!!

NATIONAL PROGRAM: Water Resources

SUPPORT....

SB 147 by Herring and Cole. Water Quality Act. Passed.

The League supported the Texas Water Quality Act of 1967. This bill revised it. A letter in support of the bill was sent on behalf of the League of Women Voters of Texas. It passed both houses and was signed by the Governor.

FOR INFORMATION ONLY....

Concern for water problems was much in evidence at this Session, encouraged by Governor Smith's endorsement of the Texas Water Plan. Among measures passed to implement the Plan was HJR 9 by Clayton et al, which provides for a gigantic revenue bond program of \$3.5 billion. This amendment, which will be on the August 5 ballot, has the support of a special committee of 500 whose members are top political and civic leaders in Texas. Several bills sponsored by Senator Tom Creighton to implement the Plan passed (SB 242, 243, 244, 245, and 246).

Another bill of interest was SB 6 by Cole and Herring which brought corporations under the penal code for water pollution infractions for the first time. Attempts to strengthen water pollution control laws by Representative Rex Braun failed. These included HB 67-SB 234; HB 69-SB 235; HB 353; HB 355; and HB 454. The Senate passed two of the companion bills, however.

NATIONAL PROGRAM: Human Resources

SUPPORT....

HB 300 (HB 1178) by Hale.

SB 2 (SB 474) by Schwartz, Mauzy, et al. Recommendations of the Governor's Committee. Died in Committee.

The League supported certain recommendations of the Report of the Governor's Committee on Public School Education on the basis of consensus reached on the Human Resources item. The recommendations we supported were embraced in the omnibus bill containing all the recommendations (HB 300 - SB 2) and in one of the separate bills (HB 1178 - SB 474) which split up the omnibus bill. The League testified in both houses and two Times for Action went out. Although the bills we supported died in committee, other bills contained some of the recommendations of the Governor's Committee. The major bill was HB 240 by Hinson, et al SB 100 by Aiken, et al, the amendment to the Foundation School Program Act. This bill, which provided for a new teacher and administrator salary schedule and other matters, authorized a kindergarten program in the future and gave priority to "educationally handicapped" children (those from low income families or not speaking English) for pre-school education programs.

SB 368 by Bernal.

HB 694 by Truan and Farenthold. Human Relations Commission. Died in Committee.

The League testified for SB 368 which would establish a Human Relations Commission as a permanent state agency with enforcement powers to attack discrimination along a wide front. The bill died in committee. HB 694, the House twin, also died in committee. A Time for Action was sent to local Leagues. Another bill, which passed, set up the Governor's Committee on Human Relations. See below.

FOR INFORMATION ONLY....

SB 307 by Brooks, Jordan, and Kennard set up a 50-member Governor's Committee on Human Relations empowered only to study and to make recommendations concerning human relations. SB 856 by Schwartz appropriates money for this Committee from the General Revenue Fund. Both bills have been signed by the Governor. The League is hopeful of getting members appointed to the Committee.

Referred to in the February Legislative Newsletter were several bills by Evans and Graves to remove all vestiges of compulsory segregation from the Texas statutes. Most of these passed, including HB 250 - HB 258; HB 914. The minimum wage bill (HB 156), mentioned in the same Newsletter, passed as noted under General Notes. The Equal Legal Rights Amendment (SJR 4) failed to pass, however, although it got by the Senate.

NATIONAL PROGRAM: Foreign Policy

OPPOSE....

HB 584 by Finney, Earthman, and Ogg.

Buy American. Died in the House.

A Time for Action went to local Leagues urging letters in opposition to this bill which would require state and local governments and their contractors to purchase American products unless the foreign products were considerably cheaper. The bill was on the House calendar during the last week of the Session, but apparently did not come up for a vote.

NATIONAL PROGRAM: Apportionment

SUPPORT....

SCR 89 by Mauzy. Rescinding One Man, One Vote Resolution. Died in House Committee.

Late in the Session, Senator Mauzy introduced this resolution which would rescind the resolution passed by the Legislature in 1965 which in turn memorialized Congress to call a constitutional convention to reverse the one man, one vote ruling insofar as it applied to bicameral state legislatures. The Senate passed the resolution but no action occurred in the House after it was referred to the State Affairs Committee. A long distance call to Senator Ervin of North Carolina revealed that North Carolina has not rescinded its resolution as reported in the last Newsletter. This means that 33 state legislatures, one short of two-thirds, have requested Congress to call a constitutional convention on the one man, one vote issue. Local Leagues responded to a Time for Action on SCR 89 and sent telegrams to their Senators.

NATIONAL PROGRAM: Electoral College

FOR INFORMATION ONLY....

Since the Electoral College item is a study item only, it was not possible to take action under it. None of the three bills followed in this area passed. HB 493 by Hanna, making it a felony for a presidential elector to vote for a candidate other than the one receiving a plurality, passed the House, only to die in the Senate. HB 204 by Angly, Davis, et al, making it a misdemeanor for presidential electors to do the same, died in the House Elections Committee. SB 107 by Grover, providing for the election of presidential electors by Congressional Districts and the election at large of at least two electors, died in a Senate committee.

P.S. We had planned to send a roll-call vote analysis with this Newsletter. However, not all the data have been delivered to us.

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LEGISLATIVE NEWSLETTER

LEAGUE OF WOMEN VOTERS OF TEXAS

NO. IV
May 28, 1969

Mrs. Francis B. May
Legislative Chairman
(3 copies to president)

GENERAL NOTES:

As this is being written, the Legislature is in the throes of the final hectic week of the Regular Session. June 2 is the legal day of adjournment. At this time it appears certain that a one-year appropriations bill will be adopted, and the decisions about new taxes and a second year appropriation bill will be postponed until a special session. Governor Smith's troops are working against a one-year appropriation bill in the Legislature, but it is doubtful that they will succeed. It is also doubtful that the Governor will veto a one-year bill.

The Senate has been the scene of what one is tempted to call "psychedelic" filibustering inasmuch as several filibusters seem to be going on simultaneously; but the Lieutenant Governor wields a mean gavel, and moving the previous question is effectively shutting off minority opposition to a variety of measures, although not at this time, SCR 89.

Several more constitutional amendments seem to be in the offing for the bewildered citizen. Two more have passed both houses since the last Newsletter; one concerns the judiciary (HJR 30) and the other county government in Bexar County (HJR 22). Both will be on the November 1970 ballot.

Most bills are still in the processing stage, but among those already passed is HB 310, which wildlife enthusiasts will be pleased to learn, places road-runners on the protected list.

LEAGUE NOTES:

Seven Times for Action have been sent to local Leagues since the last Newsletter. League representatives have testified six times before committees. One bill favored by the League, SB 598, has passed both houses in its House version--HB 1049. It concerns early introduction of the Governor's budget. Another League-favored bill, SB 147, is on the verge of passage, having been sent to a conference committee, the report of which has already been adopted by the Senate. SB 147 is the amended version of the Texas Water Quality Act of 1967.

TEXAS CONSTITUTIONAL REVISION

HJR 3 by Cory
Passed

SUPPORT

This resolution, which removes certain obsolete and outmoded provisions from the Texas Constitution, will be on the ballot August 5, 1969. It passed both houses earlier in the Session.

HJR 64 by Archer
Subcommittee of House Committee on
Constitutional Amendments

SUPPORT

The proposed new constitution submitted by the Texas Constitutional Revision Commission in December is contained in this resolution. It is in subcommittee following a hearing on April 29 before the House Constitutional Amendments Committee. Mrs. Ralph McKinlay, TCR Chairman, testified for the League at that time. Also heard by the committee on April 29 was HJR 60 by Cory, which also contains a new constitution for Texas. According to Representative Cory, HJR 60 is 80 percent identical with HJR 64.

HJR 23 by Grant Jones
Third Reading in the House

SUPPORT

This resolution, which changes language in the amending article, passed second reading in the House on May 22, but it appears unlikely to receive the 100 votes necessary for passage on third reading. If it passes the House, it must still be passed by the Senate; and time is getting very short.

THE TEXAS EXECUTIVE

SB 798 by Word and Hall
Passed Senate; Favorable Committee Report FOR INFORMATION ONLY
(House Committee on State Affairs)

Of interest since the last Newsletter is the progress of this bill not hitherto reported. HB 798 by Word and Hall would establish the office of Ombudsman for the State of Texas. The Ombudsman would be appointed by the Governor with Senate consent for a two-year term. He would be authorized to criticize and publicize the activities of state administrative officials, agencies and employees having statewide jurisdiction except for authorities with elected directors. The courts, the legislature, and the Governor and his personal staff would be excluded. The Senate has passed SB 798, the House State Affairs Committee gave it a favorable report, and it might be considered on the floor before the Session ends.

(About the only other progress made on bills under the Executive item is the favorable committee report given to HB 489 by Cory and Cummings which would create the Commission on the Organization of the Executive Branch.)

THE TEXAS LEGISLATURE

HB 133 by Nugent
Favorable Committee Report

SUPPORT

SB 70 by Wilson
Passed Senate

Quite unexpectedly, the Senate passed SB 70, relating to a code of ethics and conflict of interest, this week. SB 70 by Wilson is the Senate companion of HB 133. The House State Affairs Committee finally gave a favorable report to HB 133 after a long delay in the subcommittee headed by Representative Jack Ogg of Houston. HB 133 could pass this Session if the House will substitute SB 70 for HB 133 on the floor, assuming that HB 133 can be called up for action.

HJR 8 by Solomon, Hinson et al
Passed

SUPPORT

HJR 8, which provides for annual sessions, was passed earlier in the Session and will be on the August 5 ballot. The League supports this amendment.

SJR 31 by Hightower and McKool
Passed

FOR INFORMATION ONLY

SB 721 by Hightower
Passed

SJR 31, which will be on the August 5 ballot, provides that the Legislature shall set its own salary, provided that the amount shall not exceed the annual salary paid to district judges from state funds. SB 721 is enabling legislation which has passed both houses and has been signed by Governor Smith. SB 721 originally set the salary of legislators at \$9800 a year; this was amended by the House downward to \$6800. The Senate accepted the amendment.

HB 1049 by Heatly
Passed

SUPPORT

As noted under "League Notes," this bill is the House version of SB 598 by Aikin, which was reviewed in the last Newsletter. The bill provides for the submission of the Governor's budget to the Legislature five days after the beginning of the Session and authorizes the Senate Finance Committee and House Appropriations Committee to hold preliminary budget hearings before the submission of the budget bills. SB 598 passed the Senate. HB 1049 passed the House, was given a favorable report by the Senate Finance Committee and then was passed by the Senate.

HB 1467 by Golman and Slider
Committee on Appropriations

FOR INFORMATION ONLY

An interesting bill introduced late in the Session is HB 1467 by Golman and Slider. It would impose a fee upon two categories of lobbyists required to register under the Representation Before the Legislature Act (Lobby Control Act): (1) those who are paid to represent others (Section (a) of the Lobby Control Act); and (2) those who represent themselves but make an expenditure in excess of \$50 (Section (c) of the Lobby Control Act). Those in category (1) would have to pay a fee of \$500 and those in category (2) \$100. Needless to say, the constitutionality of imposing a charge for lobbying is doubtful.

(Little progress has been made on the bills listed in the last Newsletter under For Information Only. SB 23, relating to providing offices for legislators in counties, is now in a conference committee.)

STATE-LOCAL RELATIONS

SB 547 by Kennard
Passed both Houses

SUPPORT

The House State Affairs Committee has reported out HB 609, the house companion of SB 547. The House substituted SB 547, which had already passed the Senate, for HB 609 and voted final approval after amending it, on May 24. On May 27 the Senate approved SB 547 as amended by the House. This bill contains the most recent recommendations of the Texas Research League on regional planning and COGs.

HB 196 by Wright
Subcommittee of the House Committee on Counties SUPPORT

HB 196, the proposed County Land Use Protection Act, is still in the subcommittee referred to in the last Newsletter.

SB 126 by Cole
Passed Senate; Subcommittee of House
Committee on Counties SUPPORT

SB 126, originally concerned with water pollution control in counties, has been amended by the Senate to become county subdivision and planning law. It requires owners who subdivide tracts of land situated outside the corporate limits of a city to make a subdivision plan, which must then be reviewed by the County Commissioners Court (unless the land is located within a city's extraterritorial jurisdiction). The review would enable the county to see whether the subdivision plan conforms to existing plans for the area prepared by the county, regional planning commission or other official body and to check whether the plan is in harmony with the reasonable projections of growth and development for the area. The Senate passed the bill, it was given a hearing by the House Counties Committee, and is at this time in a subcommittee whose members are Floyd, Cruz, and Poerner.

HB 1219 By Finnell
Passed

FOR INFORMATION ONLY

Of interest to League members keeping in close touch with state planning is this bill by Finnell which was just passed by both houses. It would transfer the administration of the famous "701" Program from the State Health Department to the Governor's Office where it would fall within the Planning Division, a more logical arrangement than at present.

VOTER REGISTRATION

SJR 13 by McKool et al
Passed Senate; Subcommittee of House
Constitutional Amendments Committee SUPPORT

SJR 13 was passed by the Senate about 6:00 in the morning of April 29 after an all-night filibuster led by Senator Tom Creighton and Henry Grover. The final vote was 21 - 5. The "nay" votes were cast by Senators A. M. Aikin, Doc Blanchard, Wayne Connally, Henry Grover, and Ike Harris. The 21 "yes" votes were cast by the Senators whose names were listed in the last Newsletter. In addition Senator Pete Snelson of Midland told Senator McKool that he favored the measure.

His would have been the twenty-second vote. A Time for Action went out to local Leagues immediately after passage of SJR 13 to try to get help in the House. Also eight League members from Dallas, San Marcos, and Austin conferred with Speaker Gus Mutscher and his aides about the resolution. Finally, a hearing was held on SJR 13 before the House Constitutional Amendments Committee on May 20 at which time the League representative, Mrs. Francis B. May, and Senator McKool testified. Representative C. L. Ray, Jr. of Marshall carried the resolution for Senator McKool. The resolution was sent to a subcommittee whose members are Hubenak, Kothmann, and Nowlin.

The hearing on May 20 resulted in unexpected repercussions in Houston. Mrs. May, in arguing that annual registration does not prevent fraud, quoted a recent statement by the Harris County Clerk, Bob Turrentine, to the effect that about 10 percent of the votes cast in Harris County are fraudulent. (Actually, at the May 5 hearing before the House Elections Committee, Mr. Turrentine had said that about 25,000 to 75,000 votes were fraudulent, which is considerably in excess of 10 percent.) The chairman of the House Constitutional Amendments Committee nearly hit the ceiling when the statement was made and suggested a House investigation of elections in Harris County. The Houston Chronicle called Mrs. May long distance to verify the AP dispatch about the statement. Houston reporters then contacted Mr. Turrentine who said that his educated guess was that from 25,000 to 50,000 votes cast during the November 1968 election were fraudulent. Considerable flak then developed as other county officials took umbrage at this allegation. All was duly reported in the Harris County newspapers.

HB 211 by Stroud, Price et al
Third Reading in the House

SUPPORT

HB 211, providing for year-round registration and other changes, passed second reading in the House on May 27. Crippling amendments by Representative Edmund ("Sonny") Jones of Houston and Dave Finney of Fort Worth were tabled by a 79 - 60 and 80 - 61 vote, respectively. The bill must pass third reading and then go through the Senate before it becomes law. Two Times for Action have gone out on this bill.

HB 815 by Stroud
Sbcommittee of the House Elections Committee SUPPORT

HB 815, the League's biennial registration bill, was finally given a public hearing before the House Elections Committee on May 12. The League representative, Mrs. Francis B. May, was the principal witness. The questions asked were friendly. The bill was sent to a subcommittee whose members are Stroud, Salter, and Price. At the hearing a display and explanation of plastic voter identification cards were presented by representatives of the Addressograph Multigraph Corporation. A Time for Action was sent to local Leagues on this bill.

HB 1155 by Ogg
HB 1170 by Bray
Subcommittee of the House Elections Committee SUPPORT

These two bills are identical and will be treated as one. The bill, often called the Turrentine bill after R. E. Turrentine, the Harris County Clerk, is supported by the county clerks of the four largest Texas counties--Harris, Dallas, Bexar, and Tarrant. It would allow counties to establish a county election commission to administer election laws, including voter registration. The bill

contains many features in harmony with League principles. A hearing was held on the bill on May 5 before the House Elections Committee. In addition to the county clerks who testified, Mrs. Francis B. May, representing the League, supported the bill. The bill was sent to a subcommittee. Bob Salter is chairman and Burnett, Semos, Nowlin, and Bray members. A Time for Action which included an analysis of the bill in terms of League principles for a sound voter registration system was sent to local Leagues.

HSR 385 by Stroud
SR 817 by McKool

FOR INFORMATION ONLY

We may note that both Representative Stroud and Senator McKool have introduced simple resolutions to set up interim committees to study the election code. HSR 385 would authorize the Speaker to appoint five Representatives to serve on a House interim committee; SR 817 would authorize the Lieutenant Governor to appoint five Senators to serve on a Senate interim committee. The two resolutions are entirely separate, and the two committees, if authorized, would apparently act independently of one another.

NATIONAL PROGRAM: Water Resources

passed
SB 147 by Herring and Cole
Passed both Houses

SUPPORT

This bill, which would amend the Texas Water Quality Act of 1967, has passed both houses and been sent to a conference committee. The Senate approved the conference committee report, but at the time of writing the House had not yet acted.

NATIONAL PROGRAM: Apportionment

SCR 89 by Mauzy
Second Reading in the Senate

SUPPORT

Senator Oscar Mauzy of Dallas introduced SCR 89 on May 19; it was given a favorable report by the Senate Legislative, Congressional, and Judicial Districts Committee on May 21; and debate (really a filibuster) began on May 26. At the time of writing the filibuster led by Senator Henry Grover was in progress. SCR 89 would rescind the resolution passed by the Texas Legislature in 1965 which memorialized Congress to call a constitutional convention to reverse the one man, one vote ruling of the Supreme Court. To date 33 states have passed resolutions requesting Congress to call a convention to consider the one man, one vote ruling although North Carolina recently rescinded its resolution. Congress is obligated, according to many experts, to call a constitutional convention if 34 states request it. The League of Women Voters of the United States has taken the lead in alerting the public to the problem, and under the Apportionment position state Leagues have authority to take action in favor of rescinding petitions to Congress on the one man, one vote issue. A Time for Action was sent to local Leagues on May 21.

NATIONAL PROGRAM: Foreign Policy

HB 584 by Finney, Earthman, and Ogg
Favorable Committee Report

OPPOSE

We oppose HB 584, which is a "Buy American" type of bill applying to purchases and contracts by Texas state and local governments. Although the bill received a favorable committee report, it has not reached the House floor. We have been told that it will continue to be bottled up.

NATIONAL PROGRAM: Human Resources

HB 300 by Hale (HB 1178-1181)
Subcommittee of House Education Committee

SUPPORT IN PART

Kindergarten passed.

SB 2 by Schwartz (SB 474 - 477)
Subcommittee of the Senate Education Committee

No change has been reported in the status of HB 300 or SB 474 since the last Newsletter. These bills contain the recommendations of the Governor's Committee on Public School Education. A continuing Time for Action was sent to local Leagues on April 29 after conferring with friends of the bills.

SB 368 by Bernal
Subcommittee of Senate Committee on State Affairs

HB 694 by Truan and Farenthold
Subcommittee of House Committee on State Affairs

SUPPORT

These companion bills would attack discrimination on a wide front and establish a permanent state agency, the Human Relations Commission, to enforce the law. Mrs. Francis B. May, representing the League, testified for SB 368 before the Senate State Affairs Committee on April 28 at the hearing on the bill, and was officially recognized as supporting HB 694 at the hearing before the House State Affairs Committee on April 30. The bills are in subcommittees of the respective houses. A Time for Action was sent to local Leagues. Although these bills have no chance of passage, it is significant that SB 307 by Brooks, Jordan, and Kennard, referred to in the last Newsletter, has been passed by both houses. It authorizes the Governor to appoint a 50-member Advisory Committee on Human Relations.

passed

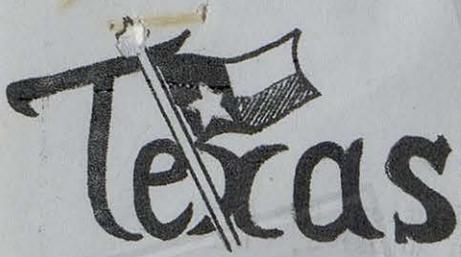
NATIONAL PROGRAM: Electoral College

HB 493 by Hannah
Passed House; Favorable Committee Report
(Senate Committee on Privileges and Elections)

FOR INFORMATION ONLY

This bill, reviewed in earlier Newsletters, would make it a crime for presidential electors to vote for a candidate other than the one receiving a plurality vote. The bill has passed the House and been given a favorable committee report by the Senate Privileges and Elections Committee.

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LEGISLATIVE NEWSLETTER

LEAGUE OF WOMEN VOTERS OF TEXAS

NO. III
April 25, 1969

Mrs. Francis B. May
Legislative Chairman
(3 copies to president)

GENERAL NOTES:

In a flurry of activity during the week of April 14 the Legislature approved ten amendments, nine of which will be on the ballot August 5 of this year. The tenth, SJR 10 relating to liquor by the drink, will be on the ballot in November 1970. Its passage marks an historic occasion of some sort.

Both the House and the Senate have passed different versions of the appropriations bill (SB 58), and it is now in a conference committee, the meetings of which are supposed to be open to the public. The House version does not require any new taxes, based on the premise of a needed "pause" or "rest" from further tax increases; but it also does not provide for a teacher pay raise, faculty salary increases or some of the other well publicized demands for state money. Both Lieutenant Governor Ben Barnes and Speaker Gus Mutscher are reported as favoring a one-year appropriation bill, repeating the procedure of two years ago, in order to avoid raising new taxes this session. Under this procedure a special session would be called some time next year to approve the second year's budget and to raise new tax money. Governor Preston Smith opposed this procedure two years ago and says that he continues to oppose it this year. He has not, however, threatened to veto a one-year appropriation bill.

The specter of a special session looms large also as the result of a recent U.S. Supreme Court decision (Kirkpatrick v. Preisler) which requires mathematically equal Congressional districts unless variations are unavoidable despite a "good faith" effort. Congressional and state legislative districts in Texas vary considerably from mathematical equality. Governor Smith has said that he does not plan on calling a special session, but court action might force his hand. The Governor has proposed that a legislative committee study reapportionment, and bills to this end have been introduced.

LEAGUE NOTES:

Two of the ten amendments passed by the Legislature so far this session have had League support. They are HJR 3, removing "deadwood" from the Texas Constitution, and HJR 8, providing for annual sessions. A third, SJR 31 relates to legislative salaries, a League concern, but it does not have our support. A fourth, HJR 9, would help to implement the Texas Water Plan.

Two Times for Action were sent to local Leagues after the last Legislative Newsletter, and the League has testified twice before committees in support of legislation since then. Five Times for Action are pending, and League testimony is being prepared for two appearances the week of April 28.

TEXAS CONSTITUTIONAL REVISION

HJR 3 by Cory
Passed

SUPPORT

This resolution, which removes deadwood from the Texas Constitution, has been passed by both houses and will be number one on the ballot on August 5. This is the first successful attempt of any kind at more than piecemeal revision of the Texas Constitution. It represents an important psychological breakthrough for revision. It does not, however, change any substantive provisions of the Constitution, and language to this effect was added to the amendment.

HJR 60 by Cory
Committee on Constitutional Amendments

FOR INFORMATION ONLY

HJR 60 is Representative Dick Cory's version of a new Texas Constitution. It is, according to his own estimate, about 85 percent the same as the new Constitution submitted by the Texas Constitutional Revision Commission. Representative Cory deleted certain provisions from his Constitution favored by the League, most notably the Merit Plan for selection of our highest judges. This tipped the balance against League support inasmuch as the Constitution proposed by the Commission has been introduced. (See below.) A hearing on both HJR 60 and the Constitution proposed by the Commission has been set for April 29.

HJR 64 by Archer
Committee on Constitutional Amendments

SUPPORT

This resolution, introduced by Representative Bill Archer of Houston, a member of the Texas Constitutional Revision Commission, is the same as the Constitution of that Commission. Since the state Board in January decided to support this document, HJR 64 will be supported by the League. The League plans to testify for it at the April 29 hearing. The purpose will be educational inasmuch as it has no chance of passage.

HJR 23 by Grant Jones
Committee on Constitutional Amendments; favorable report

SUPPORT

This resolution, which makes changes in the language of the amending article, has been given a favorable report by the House Constitutional Amendments Committee.

THE TEXAS EXECUTIVE (STUDY ITEM ONLY)

Very little progress has occurred on the bills reviewed under this item in the preceding Legislative Newsletters. We can report that SJR 3, providing for an orderly transition of the Governor's Office, has moved a step closer to final passage, having received a favorable report from the House Constitutional Amendments Committee. SB 378, relating to a State Civil Service Law, is in a subcommittee of the Senate State Affairs Committee.

THE TEXAS LEGISLATURE

HB 133 by Nugent
Committee on State Affairs

SUPPORT

No further action has taken place on this bill, relating to a code of ethics for legislators and others. It is still in a subcommittee. No action has been taken on the Senate companion measure, SB 70 by Wilson, either.

HJR 8 by Solomon, Hinson et al
Passed

SUPPORT

HJR 8, which provides for annual sessions, has passed both houses and will be on the August 5 ballot in last place.

SB 262 by Kennard and Brooks
Up for Third Reading in Senate

SUPPORT

This bill, which would establish a Legislative Information and Modernization Committee, is scheduled for third reading (and final passage) in the Senate on April 28.

SJR 31 by Hightower and McKool
Passed

FOR INFORMATION ONLY

SB 721 by Hightower
Committee on Finance

HJR 58 by Delwin Jones
Committee on Constitutional Amendments; favorable report

HJR 19 by Stroud
Committee on Constitutional Amendments; favorable report

These bills concern legislative salaries. SJR 31, which will be on the August 5 ballot, provides that the Legislature shall fix the annual salary of legislators, the amount of which shall not exceed the annual salary paid to district judges from state funds. (Salaries of district judges are supplemented from county funds.) The legislators would also receive a per diem pay of not more than \$12 a day during sessions. No Regular Session could exceed 140 days in length. The salaries of the Speaker and the Lieutenant Governor would also be set by the Legislature; they are not to exceed one-half the Governor's salary. Considerable controversy has developed over the linkage of the salaries of legislators and district judges.

Senator Jack Hightower of Vernon has also introduced SB 721, enabling legislation which would take effect upon the amendment's passage. It would set the annual salaries of legislators at \$9,800.

HJR 58 by Delwin Jones would authorize the Legislature to set its salary at a figure not to exceed \$18,000, which is at the top of state legislative salary scales around the nation. It is within the limits suggested by the Committee for Economic Development, but their figures are based on annual sessions. A hearing was scheduled on HJR 58 on April 22.

HJR 19 by Stroud, which would create a Legislative and Executive Compensation Committee, has received a favorable report from the House Constitutional Amendments Committee.

HJR 29 by Joe Shannon
Committee on Constitutional Amendments; favorable report

HJR 21 by Hightower, McKool et al
Committee on Constitutional Amendments

HJR 61 by Ratcliff
Committee on Constitutional Amendments

FOR INFORMATION ONLY

HB 639 by Ratcliff
Committee on State Affairs

HB 1235 by Angley
Committee on State Affairs

SB 681 by Hall
Committee on State Affairs

All these measures concern legislative ethics and some also concern legislative salaries. They are listed here for your information. HB 1235 is being considered for possible League support.

HJR 27, which would establish a five-member State Ethics Commission with power also to recommend compensation for legislators, was given a favorable committee report by the House Constitutional Amendments Committee. Our records do not show significant action on the other measures. New measures not reviewed in the last Legislative Newsletter include HJR 61 by Ratcliff, which would provide the constitutional authority for HB 639. HB 1235 by Angley would require all legislators to keep records of income and debt during their term of office. The records would even include income from spouses and children. The bill would impose fines of \$100 to \$5,000 and prison terms up to five years for violations. SB 681 by Hall regulates standards of conduct and conflict of interest.

SB 598 By Aikin
Committee on Finance

SUPPORT

This bill provides for the early submission of the Governor's budget to the Legislature (five days after the beginning of the Regular Session) and authorizes the Senate Finance Committee and the House Appropriations Committee to hold preliminary budget meetings before the submission of the budget bills. It would speed up the legislative process. It comes under position six of our support positions under the Legislature item, specifically, early introduction of and circulation of bills.

HB 422 by Hale
Committee on Rules

FOR INFORMATION ONLY

SB 375 by Mauzy
Committee on Privileges and Elections; favorable report

SB 23 by McKool
Passed Senate; House Committee on Counties

The only progress to report on these bills is that SB 375, relating to regulation of campaign expenditures by political committees, has received a favorable committee report and HB 422, relating to legislative reorganization, has been given a hearing.

STATE-LOCAL RELATIONS

HB 609 by Burnett and Tommy Shannon
Committee on State Affairs

SUPPORT

SB 547 by Kennard
Passed by Senate

SB 547, which contains the most recent recommendations of the Texas Research League on regional planning and councils of governments, has passed the Senate. The House companion bill, HB 609, was given a hearing before the House State Affairs Committee on April 16. It was to be assigned to a subcommittee, but the members have not yet been appointed.

HB 196 by Wright
Committee on Counties

SUPPORT

A hearing was held on HB 196, the proposed County Land Use Protection Act, on March 31 before the House Counties Committee. It is now in a subcommittee composed of Floyd, chairman, Blanton, Poerner, Semos and Thomas. The bill may be amended to apply only to counties of 50,000 in order to defuse some of the opposition. We are hoping for a favorable subcommittee report.

HB 68 by Knapp
Committee on State Affairs

FOR INFORMATION ONLY

This bill, requiring a popular vote in the formation and continuation of councils of governments, was given a public hearing on February 19 before the House State Affairs Committee. It is now in a subcommittee of which Grant Jones is chairman and Golman and Vance are members.

VOTER REGISTRATION

SJR 13 by McKool et al
Third Reading in Senate

SUPPORT

HJR 20 by Stroud
Committee on Constitutional Amendments

A special Time for Action went to local Leagues prior to April 8 at which time SJR 13, repealing the annual voter registration requirement, was up for second reading by special order. A filibuster developed, led mainly by Senators Ike Harris of Dallas, Tom Creighton of Mineral Wells and "Doc" Blanchard of Lubbock. The name of the League of Women Voters cropped up several times. Senator McKool referred to our support of SJR 13 in his defense of the measure. Senator Creighton read portions of a letter signed by Mrs. William Joor to show that the League is for "permanent registration," which was supposed to scare the day-lights out of everyone. The filibuster failed, and SJR 13 passed second reading, which requires only a majority vote. SJR 13 was amended on the floor during the filibuster. The most important amendment limits voter registration periods to four years. Senators Creighton, Grover, Aikin, Moore, Blanchard, and Harris asked to be recorded as voting "Nay" on SJR 13; and Senator Grady Hazelwood of

Amarillo was paired against it. As reported in the special Times for Action, Senator Murray Watson of Waco has agreed to support SJR 13, giving it the 21 votes needed to pass. A special order has set SJR 13 for third reading and final passage on April 28. A filibuster is expected. Considerable League effort is going into passage of SJR 13. Special plans are being laid for House action. In getting ready we have relied on the official League interview schedules with Representatives to see how they stand on registration procedures. The fact that many local Leagues did not conduct interviews from which we could get this valuable information is a serious handicap. (No action is expected on HJR 20 by Stroud. The action will be on SJR 13.)

HB 211 by Stroud, Price et al
Committee on Elections; favorable report SUPPORT

HB 211, which would provide for year-round registration within the annual system and require counties to send renewal voter registration notices, has cleared the House Elections Committee. League support will help get this bill passed through the House, we hope.

SB 131 by McKool
Committee on Privileges and Elections; favorable report FOR INFORMATION ONLY

This bill, providing for a quadrennial registration period, has been given a favorable committee report. It was amended in committee for the better; for example, it now provides for monthly purging of the registration rolls.

HB 815 by Stroud
Committee on Elections SUPPORT

As you may remember, we had hoped to have a hearing on April 7 on this excellent voter registration bill, which conforms to the League's criteria for a sound system. However, the Legislature was in Easter recess on the 7th and the hearing has been postponed. We are now awaiting the fate of SJR 13 because HB 815 requires a constitutional amendment repealing annual registration to be effective; it provides for biennial registration. As soon as a hearing has been set, League members will be notified.

HB 1155 by Ogg
Committee on Elections FOR INFORMATION ONLY

HB 1170 by Bray
Committee on Elections

These two bills are identical. They contain the proposal of the clerks of our largest counties. Among other provisions the bills would permit counties to set up election commissions with authority to coordinate election law administration. They would also permit the use of voter registration cards patterned after the present plastic style drivers licenses, complete with color photo. The bills are under study for possible League support.

(As noted in the Second Legislative Newsletter there are other voter registration bills of interest to us, but unless something startling occurs their progress shall not be reported.)

NATIONAL PROGRAM: Water Resources

SB 147 by Herring and Cole
Passed Senate

SUPPORT

This bill, which would amend the Texas Water Quality Act of 1967, was amended by the Senate Water and Conservation Committee, reported out favorably and then passed by the Senate on April 25.

SB 6 by Cole and Herring
Passed

FOR INFORMATION ONLY

SB 6, which would impose criminal penalties upon individuals and private corporations for water pollution infractions, passed both houses after being sent to a conference committee

HB 67 by Braun, Hubiak et al
Committee on State Affairs

SB 234 by Schwartz and Jordan
Passed Senate; House State Affairs Committee

FOR INFORMATION ONLY

HB 69, by Braun, Hubiak et al
Committee on State Affairs

SB 235 by Schwartz and Jordan
Passed Senate; House State Affairs Committee

HB 67 - SB 234 and HB 69 - SB 235 are companion bills, known as the "Braun bills." The Senate has passed both the Senate bills and they are in the House State Affairs Committee. Following hearings, HB 67 - SB 234 are in a subcommittee composed of Cory, chairman; Clayton, Grant Jones, Solomon, and Vance. No House action on HB 69-SB 235 has been reported to us.

HJR 9 by Clayton et al
Passed

FOR INFORMATION ONLY

This proposed amendment, which will be on the August 5 ballot, broadens the power of the Texas Water Development Board to contract for water resources and facilities and to sell, transfer, and lease. It eliminates the interest limit on Texas Water Development bonds, among other provisions. It is part of the package of laws designed to implement the Texas Water Plan.

SB 241 - 246 by Creighton
Passed Senate

FOR INFORMATION ONLY

SB 245 and SB 246
Passed both Houses

HB 916 by Clayton
Committee on Conservation and Reclamation

Senator Tom Creighton of Mineral Wells has sponsored this package of bills, SB 241, SB 242, SB 243, SB 245, and SB 246, designed to implement the Texas Water Plan. All have passed the Senate and during the week of April 21 two passed the House as well--SB 245 and SB 246. The others and HB 916, identical to SB 241, are in a subcommittee of the House Conservation and Reclamation Committee.

NATIONAL PROGRAM: Foreign Policy

HB 584 by Finney, Earthman and Ogg
Committee on Governmental Affairs and Efficiency; favorable report OPPOSE

We oppose HB 584, which requires state and local governmental agencies to buy products made in America or manufactured from American materials unless the foreign product is 15 percent cheaper. A Time for Action opposing this bill has been sent to local Leagues. Although the bill received a favorable committee report, the House has not yet acted upon it. Hopefully it will not.

NATIONAL PROGRAM: Human Resources

HB 300 by Hale
Committee on Public Education

SB 2 by Schwartz, Mauzy, et al
Committee on Education

SB 474 - SB 477 by Schwartz
Committee on Education

SUPPORT

HB 1178 - HB 1181 by Hale
Committee on Public Education

HB 300 and SB 2, which are omnibus bills embracing the recommendations of the Governor's Committee on Public School Education, have been split into four bills for greater manageability. The provisions within the League positions are contained in SB 474 and HB 1178. Mrs. Edward Fritz, Human Resources Chairman on the state Board, testified for these provisions at a marathon hearing before the House Public Education Committee that lasted from 1:30 in the afternoon of March 25 (during Presidents Council) to 1:30 in the morning. HB 300 was then sent to a subcommittee headed by Representative George Hinson of Mineola, chairman of the House Public Education Committee. Other subcommittee members are Burgess, Christian, Golman, Hawkins, Kubiak, and Muniz. Supporters of HB 300 think there is hope for approval of some of the basic reforms contained therein.

Meanwhile back in the Senate, a public hearing was held on SB 474 - SB 477 on April 9. Mrs. Francis B. May, State Legislative Chairman, testified for the League. The hearing was much less hectic than in the House. The bills were sent to a subcommittee although its members have not yet been appointed.

Other bills, similar to or identical with portions of the Governor's Committee Report, have been introduced. The League will concentrate its energies on HB 1178 and SB 474, however, unless our help is needed on the other bills.

SB 368 by Bernal
Committee on State Affairs

SUPPORT

This bill by Senator Joe Bernal of San Antonio was drafted with the help of Dr. Joseph Witherspoon, University of Texas Law Professor, who is an expert on human relations commissions. The bill outlaws discrimination against persons on the

basis of race, color, religion, national origin, age, or sex and itemizes the areas in which this discrimination is unlawful, including housing, education, and employment. The bill would establish a nine-member Human Relations Commission appointed by the Governor on which each major ethnic group would be represented. A novel provision gives power to the Commission to establish a local section in any political subdivision determined by it to have serious problems of inter-group relations. The bill also provides for strong enforcement and implementation procedures.

The League will support this bill on the basis of positions reached under the Human Relations item. A League representative is scheduled to testify for the bill the week of April 28.

The Senate has already passed SB 107 by Brooks, Jordan, and Kennard which would authorize the Governor to appoint a 50-member Advisory Committee on Human Relations whose mission would be to study and to recommend measures concerning human relations. The committee would be temporary and would not be vested with enforcement powers.

NATIONAL PROGRAM: Electoral College (Study Only)

There are no important developments to report in regard to SB 107, HB 204, or HB 493. SB 107 is in a subcommittee of the Senate Committee on Privileges and Elections.

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THE VICTORIA ADVOCATE

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Victoria, Texas, Friday, May 18, 1936.

Editorials

Do the Voters Approve?

It may be that a little apprehensiveness as to how the voters of Texas are reacting to what is going on up at Austin is making itself felt in the closing deliberations of the 61st Legislature.

Some of this appears to be making itself apparent in particular in connection with what has been a rather demanding attitude on the part of this legislature in behalf of its own members.

As an example, House members this week saw fit to modify legislative pay raise demands which had sailed through the Senate and would have called on the voters to approve a doubling of legislative salaries from the present level of \$4,800 a year. In passing the bill, the House cut this demand to a mere \$2,000 per year increase when its sponsors pointed out that the taxpayers only a year ago had overwhelmingly turned down a proposal for \$8,400 - per - year legislative salaries.

This proposed constitutional amendment on pay for legislators will be placed before the voters on Aug. 5, along with the proposal to hold sessions of the legislature on an annual instead of a biennial basis. Under the pay amendment, salaries for the lieutenant governor and the Speaker of the House would be raised to \$20,000 a year instead of the \$4,800 they now receive.

Meanwhile, the people of the state are witnessing the spectacle of the two principal legislative leaders, Lieut. Gov. Ben Barnes and Speaker of the House Gus Mutscher, attempting to invoke the annual session procedure in advance of a decision by the voters. Barnes and Mutscher would accomplish this by adopting only the first year of the required two-year appropriations bill, thereby setting up the calling of a special session later on to approve the second-year appropriations and work out the necessary \$30 million new tax bill that would be required to pay for it.

Gov. Preston Smith meanwhile has held steadfastly for remaining within the law and finishing up the full biennial responsibilities of the present regular session, including the inevitable new tax levies.

There are only two weeks remaining of the prescribed 140-day regular session, and the over-all performance of the 61st Legislature up to now has been far from impressive, and it will require herculean efforts to salvage its record in the short time left.

What happens between now and adjournment should be the determining factor when the voters are called upon to submit to the new legislative demands in the constitutional amendments election on Aug. 5.