Dallas LWV President

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

FROM: Mrs. Ralph H. McKinlay, TCR Chairman

August 1967
LWV of Texas

RE: Newspaper Editorials

The proliferation of material on constitutional revision studies, research, background, support and dissent both for Texas and for other states is reaching truly amazing proportions. I am sure that a number of you seized the opportunity to thank the Dallas Times Herald for their defense of the League of Women Voters via editorial, a copy of which was sent to each of you in June.

There have been so many more editorials from Texas newspapers supporting constitutional revisions that state office could not be constrained from answering two newspapers with statewide distribution and a long history of TCR support. We are sending you copies of the letters we wrote and the editorials that inspired them plus a very interesting editorial from a more locally oriented paper, "Brazosport Facts."

In the future we will send copies of editorials on TCR, which are brought to our attention, to the local presidents concerned. Answers mean so much more to editors when they come from interested citizens in their own area.

HOUSTON CHRONICLE Friday, June 9, 1967

Patched-Up Constitution

Is there a vital document anywhere in this world as clumsy, outmoded, and ill-suited to meet the governmental needs of today as Texas' 91-year-old state Constitution? We doubt it.

The clamor to update this fundamental law of our land has been rising throughout the state for years. The cob-webbed antique articles and sections that were drawn up to salve the passionate emotions of Reconstruction days should have been jettisoned years ago. The fusty clauses that straitjacket state and local officials --- and the legislature itself --- in their efforts to provide modern government for Texas need to be given a flexibility which swift and ever changing conditions demand.

Yet despite the clamor, despite the obvious necessity, the mossbacks of the Texas Senate again stubbornly blocked in the 1967 legislative session all moves to give Texas a rejuvenated constitution.

The result had to be, as it has had to be periodically for the last 91 years, the infliction on the people of yet another election to add amendments to the Constitution. That is putting patches on patches. In the years 1867-1964 an appalling total of 158 amendments had been adopted. The 59th Legislature submitted 27 more. Now the 60th Legislature has asked us to vote on another 19.

As for the merits or demerits of these latest "patches," we will discuss that more fully prior to the special election on November 11 and the 1968 general election, when they will appear on the ballots.

Meanwhile, for heaven's sake, let us all devote attention to electing some legislators who have a more enlightened view than "what was good enough for great-grandfather is good enough for me!" A 19th Century Constitution patched with more than 200 patches simply is not good enough for the Texas of today.

League of Women Voters of Texas
1841 Bingle Road Houston, Texas 77055 Tel: A.C. 713 HO 5-3705
Mrs. William E. Joor, President

Mr. Everett Collier, Editor
The Houston Chronicle
Houston, Texas

Dear Mr. Collier:

The League of Women Voters of Texas wishes to commend you on your editorial of June 9, 1967, the "Patched-up Constitution." If Texas is to take the place in the Union that its population, natural resources, industry, and wealth would indicate, it cannot delay much longer a thorough rewriting of its fundamental laws.

Popular support of a program of constitutional revision is a vital necessity, and certainly every intelligent public commentary will bring it one step closer to realization.

Sincerely yours,

Mrs. William E. Joor

THE DALLAS MORNING NEWS Sunday, April 9, 1967

Top-Priority Issue

With all the hubbub over Daylight Saving Time, liquor by the drink and Sunday closing, it appeared for awhile as if the Texas Legislature might not find time for what must be considered a top-priority item on the agenda --- constitutional revision.

While these other hot potatoes are burning questions for the moment, the need for a constitution more in step with the times should be of abiding interest.

House Speaker Ben Barnes, because of his position, is better situated than most Texans to assess how the Texas Constitution, vintage 1876, serves. Says he: "It doesn't, very well.

"After being in office two terms, I am thoroughly convinced that our constitution has to be revised... (It is) an undue burden on this urban Legislature."

In its day, the constitution was just the ticket. Carpetbaggers had been ravaging the state. Somewhere, somehow, they had to be checked.

This, the constitution did. It made counties, cities and special districts turn to the Legislature in a sort of "Mother, may I," game even before taking one baby step. This effectively thwarted the interlopers' efforts to operate small baronies independent of higher authority.

But times, indeed, have changed. Yesterday's "city" is today's hamlet. Three metropolitan counties --- Dallas, Harris and Bexar --- each have more population than the entire State of Texas did in 1876. Just as the authors of that 91-year-old document might have been overawed at the metropolis of today, so is the constitution itself overwhelmed.

When Gov. Connally placed revision of the constitution tops on his list of work orders for the Legislature, he obviously didn't have in mind the creation of a set of ground rules that would turn cities, counties, school districts and other lower levels of government loose to run wild.

Indeed he has repeatedly warned not only that the constitution is in bad need of repair but also that any remodeling must be done responsibly to preserve responsibility.

Speaker Barnes now says he plans to "push hard" for such revision. His pushing will be backed with firsthand knowledge of the constitution's outmoded restrictions and of long lists of picayunish amendments, more than a score of which have bogged Texas voters down at the polls in just the last two legislative elections.

Three fourths of all Texans now live in metropolitan areas --- regions which may have been beyond the wildest dreams of those who wrote the constitution in 1876. That they could not foresee is not their fault; that this lack should be remedied by the Legislature is its major challenge.

THE DALLAS MORNING NEWS Sunday, April 23, 1967

Don't Scrap or Amend

The drive to revise the 1876 Texas Constitution has hit a snag in the Senate Affairs Committee in general, and in the person of Sen. Dorsey Hardeman of San Angelo, in particular. He is quoted as saying of the constitution, "Amend it, yes; scrap it, no."

Sen. Hardeman must have some information the public does not. For even the most ardent backers of revision have not been reported in favor of scrapping the whole works.

There are some sound fundamentals of government in the old document. Sen. Bruce Regan of Corpus Christi, a member of the Hardeman committee,

brought up a few in a hearing on revision --- the permanent school fund, retirement funds, right-to-work law and pay-as-you-go.

These are good policies, and they should be preserved. What should be remedied is the very thing Sen. Hardeman suggests when he says, "Amend it."

This, Texans have already done 163 times, including 15 last year. They have tacked on and patched up until the 23,000-word original now stands at an unwieldy 55,000 words. With embarrassing frequency, Texans are asked to adopt a new amendment to explain an old amendment that was passed to clear up an even older amendment.

Last year, for example, an amendment was adopted to spell out how to dissolve a hospital district; a previous amendment had detailed the process of setting one up but had overlooked the reverse side of the coin.

Such is a matter of great importance to people who may want to get rid of a hospital district. But lumped with more than a dozen other measures on a ballot already replete with state and national races, things of this kind can cause long lines, sore feet and blistered patience.

Right-to-work laws need not be scrapped to draw up broad but simple rules on matters like forming and disolving special districts. The permanent school fund needn't be ditched to spare the entire state the trouble of having to vote on a Dallas-Fort Worth airport or a Houston hospital.

Sen. Hardeman and others are right, without question, when they maintain that there is much to lose in irresponsible revision of the constitution. There is no guarantee the Texans of 1967 are any more or less responsible than those who wrote the original in 1876.

But what is guaranteed is that, without revision, Texans will have to keep piling amendment on top of amendment to make last century's model run on todays freeways.

Guidelines can be drawn with clarity, firmness and sensibility to include pay-as-you-go and other valuable precepts. Once done, it will take but one trip to the polls to eliminate many unnecessary trips later.

Thus, when Sen. Hardeman says, "Amend it, yes; but scrap it, no," we can agree with the latter but not the former. The fact that the constitution won't stand without prolific amendment is one of the best arguments for its revision.

THE DALLAS MORNING NEWS Sunday, June 18, 1967

Long Lines Ahead

A campaign to rewrite a state constitution is not the kind of crusade likely to spawn huge bonfire rallies or cheering throngs. Politically, such is known as a "soft" issue. But, obviously, may Texans think it is no issue at all, else the Legislature would at least have started the ball rolling toward a constitutional convention.

To transform an abstract like constitutional revision into a "hard" or "hot" issue, something spectacular must happen. Just such an event may transpire on Nov. 5, 1968.

On that day Texans will go to the polls for a national election. In Dallas County alone, there will be races for president and vice-president, redistricted congressmen, state offices from governor down, 3 state senators and 15 state representatives, plus the customary county contests.

These races, with a red-hot presidential campaign and large turnouts in prospect, should make for long waiting lines at the polls. But wait, there's more.

Fourteen proposed amendments to the Texas Constitution of 1876 will also grace the ballot. And experience shows that the voters spend more time in the booth on amendments than on candidates.

Here's a sample of what the voters will consider:

Allowing Texarkana, Texas to refund cigar and tobacco taxes to bring them into line with those in Texarkana, Ark.

Providing for consolidation of offices and functions of government in El Paso and Tarrant Counties.

Giving legislators raises to $8,400.

To be sure, some of the issues --- gradual elimination of most state property taxes, for example --- will merit statewide attention. But too many will be, for want of an adequate constitution, matters better handled by the Legislature or local government. Is it really Dallas County's business how El Paso County wants to run its government? Will the Valley really be too worked up about cigar taxes in Texarkana?

What's more the 14 next year will come on the heels of 6 other proposed amenements to be considered Nov. 11 this year. One will be an old, familiar favorite --- veterans' land bonds.

Thus, in the next 17 months, Texans will face 20 constitutional amendments. Already the constitution has been patched 163 times, swelling the document's verbiage by some 33,000 words. If a constitution's length determined its value, Texas would have a prize winner.

But obviously a good constitution doesn't have to be long. And neither do the lines at the polling place, made longer by having to submit local and routine legislative matters to the voters at large.

Only when Texans' feet get sore enough from standing in line will they feel the real need to update the 1876 constitution. And that day may not be far off.

League of Women Voters of Texas
1841 Bingle Road Houston, Texas 77055 Tel: A.C. 713 HO 5-3705
Mrs. William E. Joor, President

Mr. Dick West, Editor
The Dallas Morning News
Dallas, Texas

Dear Mr. West:

Members of the League of Women Voters of Texas are extremely gratified to see the continued efforts the Dallas Morning News is making toward focusing attention on the need for revision of the Texas Constitution.

Your lead editorials of April 9th, April 23rd, and June 18th make clear the imperative need for a flexible framework of basic law. The League believes that constitutional revision can be achieved only when the people and their elected representatives understand how important it is to them. Your editorials are obviously directed toward that end.

Sincerely yours,

Mrs. William E. Joor

BRAZOSPORT FACTS Freeport, Texas June 18, 1967

Our basic laws made ludicrous

A huge amount of information is contained in the Texas Almanac, a newspaper-produced reference volume. About 30 pages of fine print in this book is devoted to the Texas Constitution.

In length and in degree of detail, the Constitution is somewhat ludicrous. It was created in 1875. At that time, much of the detail was an effort to place strict limitations on the powers of state government.

This was because in the previous decade, state government was controlled by vindictive, opportunist forces of a post-Civil War federal government. Their abuses caused general distrust of the state's legislature and executive department.

There is no longer this sort of control of state government by Washington, D.C. Yet the Legislature continues to propose constitutional amendments concerning matters that should be authorized by statute.

For instance, SJR 6 authorizes counties to pay medical, doctor and hospital bills of county law enforcement officers injured in the line of duty.

One fundamental difference between constitutional law and statutory law is that the first is approved directly by the people, while the second is passed by representatives of the people.

Authorizing specific fringe benefits for lawmen is now a matter that should have to be taken to the people for approval. The Constitution should not be so confining that legislators cannot pass such a law at their own discretion. Particularly since this is a permissive law, with commissioners courts still to decide in each county whether it is to be put into effect or not.

Here's another matter that legislators certainly should have the power to decide: HJR 49 would eliminate the requirement that the governor, secretary of state and comptroller approve contracts for paper and printing.

Though these proposals are less than the basic matters that should be spelled out in a constitution, at least they are general in nature. Citizens statewide are qualified to vote on them.

This is not true of several of the more ridiculous proposed amendments to the Texas Constitution. Look at these three to be voted on by all citizens of Texas in November, 1968:

----SJR 37 would allow Dallas County to issue road bonds on the vote of a majority of property taxpayers of Dallas County.
----HJR 50 authorizes the Legislature to provide for refund of the tax on cigars and tobacco products sold at retail in Texarkana.
----HJR 60 would permit consolidation of offices and governmental functions in El Paso and Tarrant Counties.

What citizen of Brazoria County would be qualified to say whether Dallas County taxpayers should be allowed to vote on road bonds? Why should this be any business of Brazoria County? And if it's good or bad for Dallas County to have this power, wouldn't it be equally good or bad for the rest of the State?

There would be more general understanding of the Texas Constitution by Texans, and more respect for it, if it were confined to its purpose. A constitution should be the basic rules of government, the fundamental establishment of the relationship between the people and their government.

The Texas Constitution should be rewritten to this goal. It should be done by a constitutional convention, which best represents the people of the state. This was not done by the 60th Legislature because of opposition to change by influential members of the Senate.

A start was made by the House, which bypassed the Senate in creating the second-best method, a constitutional commission to study and recommend revision.

* * * * * * *

PETITION FOR TEXAS CONSTITUTIONAL CONVENTION

~~TO THE 60TH LEGISLATURE~~ OF THE STATE OF TEXAS:

We, the undersigned qualified Texas voters, feel that State Governments have self-imposed restrictions in their State Constitutions which hinder the states in their duty to be efficient and responsive to public needs. We believe that the Constitution of Texas is especially long and detailed. It has required numerous amendments causing unnecessary expense to the public.

Therefore, we petition the 60th Texas Legislature (1) To call a convention of elected delegates to revise the Texas Constitution, and (2) To appropriate enough money for adequate research to determine which parts of the present Texas Constitution should be kept, and which parts should be revised.

	NAME	STREET ADDRESS	CITY	DATE
1.				
2.				
3.				
4.				
5.				
6.				
7.				
8.				
9.				
10.				
11.				
12.				
13.				
14.				
15.				
16.				
17.				
18.				
19.				
20.				
21.				
22.				
23.				
24.				
25.				
26.				

TCR

TO: Local League Presidents

FROM: Mrs. William E. Joor

LWV of Texas
May 5, 1967

RE: Proposal to distribute TCR petitions

We received yesterday, May 4th, a request from the President of the Texas Junior Chamber of Commerce that the League of Women Voters of Texas cooperate with them in collecting signatures on petitions prepared by the Jaycees. These petitions call for a Texas Constitutional Convention.

As I stated in my memo of April 11, we have been awaiting this official request before committing the state League to this project. Some of you have been co-operating with your local Jaycee chapter on a local League basis. Now, however, the state Board sanctions this activity as a state-wide project and requests that you cooperate with the local Jaycees in distributing these petitions.

The time is short -- with a deadline of May 15th. As you have been told by Mrs. May, the legislation for a constitutional convention has been stalled in the Legislature. Mr. Reed, the state president of the Jaycees, acknowledges that this is a desperation measure to try to get the consitutional convention bills to the floor for debate. Do all that you can to cooperate with the Texas Junior Chamber of Commerce.

The petitions will be collected and a representative of the League and a representative of the Jaycees will present them to the Legislature. Since I will be in the East attending national Council and visiting for a few weeks, Mrs. Francis May will be asked to carry the responsibility of the League in this matter.

Package from Ft. Worth Jr. Chamber to Dallas Chamber

Dick Goode (?) Govt. Affairs Chairman

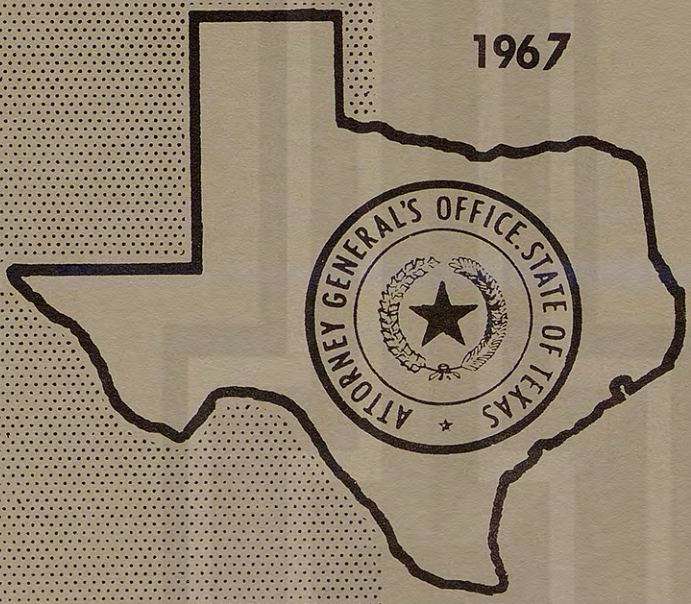
CONSTITUTION OF THE STATE OF TEXAS

From

The

TEXAS ALMANAC

1967



CRAWFORD MARTIN
ATTORNEY GENERAL

FOREWORD

This Constitution is made available to students in the hope it will help make better Citizens of Tomorrow.

As a former Mayor, State Senator, Secretary of State and now Attorney General of the State of Texas, I fully realize the importance of this guarantee of our liberties. Every Texan should become familiar with this document.

This booklet is reprinted from the Texas Almanac by permission of the Dallas Morning News. It is distributed on a limited scale for instructional purposes and copies are obtained on request.

CRAWFORD C. MARTIN
Attorney General of Texas

TEXAS CONSTITUTION

The present Constitution of Texas was written by a convention meeting in Austin from Sept. 6 to Nov. 4, 1875. The Constitution was adopted on Feb. 15, 1876.

As written then, the document was long and detailed in order to prevent governmental abuses and tyrannies such as those during the Mexican rule before 1836 and the Reconstruction period. The 178 amendments adopted since have more than doubled the original length to approximately 55,000 words. There have been many proposals that the Constitution be rewritten, including those by Gov. John Connally and the Democratic party in its 1966 platform.

Texas amends its Constitution by a two-thirds vote of each House of the Legislature to submit an amendment to popular vote and by majority approval in that vote.

Earlier Constitutions

The **Mexican Federal Constitution** of 1824 was the first constitutional government in Texas. Anglo-American colonists accepted it, although they felt that it lacked many desirable guarantees.

A **Coahuila-Texas State Constitution** became effective March 11, 1827. Santa Anna ignored it and instituted military rule.

The **Republic of Texas Constitution** was adopted March 17, 1836, by the convention at Washington-on-the-Brazos which had declared independence 15 days earlier.

In anticipation of annexation a State Constitution was written in convention, July 4 to Aug. 7, 1845, and adopted in an election in Oct., 1845. This Constitution was approved by the Congress of the United States and President Polk, Dec. 29, 1845. This has been declared by the United States Supreme Court to be the date of annexation of Texas to the Union, though President Anson Jones was not succeeded by Gov. J. Pinckney Henderson and the U.S. flag did not fly over the Capitol at Austin until Feb. 19, 1846.

When Texas joined the Confederacy a new Constitution was written at Austin by a convention meeting March 2 to March 25, 1861. It was largely an amendment of the State Constitution of 1845. After the surrender of the Confederacy a convention met in Austin Feb. 7, 1866, and remained in session during March and part of April. It wrote a new State Constitution which was largely a redraft of the Constitution of 1845. It was ratified the following June but did not become official because the state was placed under military law.

After two years without constitutional law, a convention met in Austin June 1, 1868. This convention was composed of the "radical" or "Carpetbag" element. After more than eight months of bitter controversy, it adjourned Feb. 6, 1869. The task of completing the Constitution was assigned by military authorities to the Secretary of State. This Constitution was adopted Nov. 30, 1869.

Citizens who had in any way joined in the secession movement were barred from voting by the "ironclad oath." After near-war in the State Capitol following the election of Gov. Richard Coke in 1873, Coke became governor. He discarded that Constitution, which was succeeded by the present document.

Amendments to Constitution

The following table, compiled by **Texas Legislative Council**, shows by years the number of amendments to the Texas Constitution which the Legislature has submitted to the electorate since 1876. The year shown is that in which the Legislature acted; for example, the 59th Legislature (1965) submitted 27 amendments, but 16 were not voted upon until November, 1966.

Year—	No.	Year—	No.	Year—	No.
1879	1	1909	4	1937	7
1881	2	1911	5	1939	4
1883	5	1913	7	1941	5
1887	6	1915	7	1943	3
1889	2	1917	3	1945	8
1891	5	1919	13	1947	9
1893	2	1921	5	1949	10
1895	2	1923	2	1951	7
1897	5	1925	4	1953	14
1899	1	1927	8	1955	9
1901	1	1929	7	1957	6
1903	3	1931	9	1959	4
1905	3	1933	12	1961	14
1907	9	1935	13	1963	7
				1965	27

Amendments in 1965-66

Twenty-seven proposed amendments were submitted to voters by the 59th Legislature, which adjourned May 31, 1965. They were submitted in three elections during 1965-66, and 20 of the amendments were approved. A summary of these amendments, with the vote on each, follows; and all of the amendments approved are contained in the complete text of the Constitution of Texas on subsequent pages.

Election of Sept. 7, 1965: SJR 44—Amending Sections 2 and 25 of Art. III, to provide a 39-member Senate; 150-member House of Representatives; to require apportionment of Senate according to population, and to delete limitation that no single county is entitled to more than one senator. (Defeated by vote of 136,461 to 85,951.)

Election of Nov. 2, 1965, 10 amendments submitted with five approved: SJR 24—Amending Art. VII, Sec. 17, relating to payment for improvements at certain institutions of higher learning. (Approved 288,429 to 195,931.)

HJR 5—Amending Art. III, Sec. 49-b, to authorize an increase in the total amount of bonds issued by the Veterans' Land Board to $400,000,000. (Defeated by vote of 246,567 to 237,957.)

HJR 81—Amending Art. III, Sec. 51-a and Subsections 51a-1 and 51a-2 by creating new Sec. 51-a, to enable Texas to cooperate with U.S. government in providing assistance and medical care for needy aged, needy blind, needy children and needy totally disabled. (Approved 347,218 to 148,097.)

SJR 14—Amending Sections 4, 22 and 23 of Art. IV, to provide 4-year terms of office for governor, lieutenant governor, attorney general, comptroller of public accounts, treasurer, commissioner of the general land office, secretary of state and any statutory state officer who is elected by Texas voters unless a term of office is otherwise specifically provided in Constitution. (Defeated by vote of 277,892 to 225,987.)

SJR 27—Amending Art. III by adding Sec. 48-b, clarifying the investment policy for teacher retirement system. (Approved 332,431 to 153,667.)

HJR 11—Amending Art. III, by adding Sec. 50-b, authorizing loans to students at institutions of higher education; creating Texas Opportunity Plan Fund. (Approved 320,396 to 167,011.)

SJR 7—Amending Art. VIII, by adding Sec. 2-a, providing exemptions from local ad valorem taxes for certain charitable organizations, provided such organization meets certain conditions and expends at least $1,500,000 annually for free hospital and medical care for the indigent within the State of Texas. (Defeated by vote of 256,713 to 224,838.)

HJR 57—Amending Art. V, Sec. 1-a, providing for automatic retirement of district and appellate judges for old age; creating the State Judicial Qualifications Commission and defining its functions; and empowering the Supreme Court to remove district and appellate judges for misconduct and to retire such judges in cases of disability. (Approved 352,879 to 133,238.)

HJR 8—Amending Art. III, Sec. 24, and Art. IV, Sec. 17, to allow an annual salary for lieutenant governor and speaker of the House to be fixed by Legislature; and increasing per diem allowance for members of Legislature. (Defeated by vote of 272,514 to 210,953.)

SJR 47—Amending Art. III, Sec. 3, providing 4-year terms of office for state representatives. (Defeated by vote of 343,236 to 141,184.)

Election of Nov. 8, 1966, 16 amendments submitted with 15 approved:

SJR 1—Amending Art. IX by adding Sec. 12, authorizing Legislature to provide by law for establishment of airport authorities. (Approved 593,986 to 476,345.)

SJR 4—Amending Art. XVI, Sec. 62, by adding new Subsection (c), to provide a statewide system of retirement, disability and death compensation benefits for officers and employes of counties and other political subdivisions. (Approved 562,168 to 502,867.)

SJR 19—Amending Art. III, Sec. 49-d, defining state policy regarding optimum development of water reservoirs and further investment of the Texas Water Development Fund. (Approved 673,688 to 375,801.)

SJR 26—Amending Sections 4 and 5 of Art. V, to provide for a Court of Criminal Appeals of five members. (Approved 674,985 to 348,858.)

SJR 33—Amending Art. XVI, Sec. 6, authorizing public grants to private groups for assistance to blind, crippled or otherwise physically and mentally handicapped. (Approved 779,957 to 277,092.)

SJR 39—Amending Art. VII, Sec. 18, to withdraw Arlington State College from participation in the Permanent University Fund. (Approved 574,960 to 455,580.)

HJR 1—Amending Art. III, Sec. 3, to establish the date on which newly elected members of Legislature shall qualify and take office. (Approved 787,823 to 232,212.)

HJR 13—Amending Sections 2 and 4 of Art. VI, to repeal the poll tax requirement for voting.

HJR 21—Amending Art. XVI, by adding Sec. 30-c, relating to terms of office of directors of conservation and reclamation districts. (Defeated by vote of 534,248 to 503,885.)

HJR 24—Amending Art. VI, by adding Sec. 2-a, to provide for voting on electors for president and vice-president, and on all statewide offices. (Approved 701,349 to 347,337.)

HJR 37—Amending Art. III by adding Sec. 51-d, to provide for assistance by the state to surviving spouse and minor children of law enforcement officers who suffer violent death in performance of duties. (Approved 780,570 to 303,073.)

HJR 38—Amending Art. VI, Sec. 2, to omit the requirement that members of the armed services vote only in county in which they resided at time of entering the service. (Approved 893,798 to 197,901.)

HJR 48—Amending Art. IX, Sec. 9, providing the method for dissolution of hospital districts created under Art. IX. (Approved 651,821 to 361,094.)

HJR 65—Amending Art. VII, Sec. 3-b, providing that school taxes theretofore voted shall not be invalidated by change in district boundaries. (Approved 668,714 to 355,875.)

HJR 69—Amending Art. III by adding Sec. 63, authorizing consolidation of governmental functions between political subdivions within counties of 1,200,000 or more inhabitants. (Approved 565,174 to 447,578.)

HJR 79—Amending Art. VIII, by adding Sec. 1-d, to provide that all land designated for agricultural use be assessed only as such. (Approved 587,504 to 510,769.)

TEXT OF TEXAS CONSTITUTION

The following is a complete text of the Constitution of Texas, containing all amendments adopted through Nov. 8, 1966, with explanatory footnotes:

Preamble

Humbly invoking the blessings of Almighty God, the people of the State of Texas do ordain and establish this Constitution.

ARTICLE I.—BILL OF RIGHTS

That the general, great and essential principles of liberty and free government may be recognized and established, we declare:

Sec. 1. **Texas Free and Independent.**—Texas is a free and independent State, subject only to the Constitution of the United States, and the maintenance of our free institutions and the perpetuity of the Union depend upon the preservation of the right of local self-government, unimpaired to all the states.

Sec. 2. **All Political Power Is Inherent in the People.**—All political power is inherent in the people, and all free governments are founded on their authority, and instituted for their benefit. The faith of the people of Texas stands pledged to the preservation of a republican form of government, and, subject to this limitation only, they have at all times the inalienable right to alter, reform or abolish their government in such manner as they may think expedient.

Sec. 3. **All Free Men Have Equal Rights.**—All free men, when they form a social compact, have equal rights, and no man, or set of men, is entitled to exclusive separate public emoluments or privileges but in consideration of public services.

Sec. 4. **There Shall Be No Religious Test for Office.**—No religious test shall ever be required as a qualification to any office or public trust in this State; nor shall anyone be excluded from holding office on account of his religious sentiments, provided he acknowledge the existence of a Supreme Being.

Sec. 5. **How Oaths Shall Be Administered.**—No person shall be disqualified to give evidence in any of the courts of this State on account of his religious opinions, or for want of any religious belief, but all oaths or affirmations shall be administered in the mode most binding upon the conscience, and shall be taken subject to the pains and penalties of perjury.

Sec. 6. **Freedom in Religious Worship Guaranteed.**—All men have a natural and indefeasible right to worship Almighty God according to the dictates of their own consciences. No man shall be compelled to attend, erect or support any place of worship, or to maintain any ministry against his consent. No human authority ought, in any case whatever, to control or interfere with the rights of conscience in matters of religion, and no preference shall ever be given by law to any religious society or mode of worship. But it shall be the duty of the Legislature to pass such laws as may be necessary to protect equally every religious denomination in the peaceable enjoyment of its own mode of public worship.

Sec. 7. **No Appropriation for Sectarian Purposes.**—No money shall be appropriated or drawn from the Treasury for the benefit of any sect, or religious society, theological or religious seminary, nor shall property belonging to the State be appropriated for any such purposes.

Sec. 8. **Liberty of Speech and Press Guaranteed; Libel.**—Every person shall be at liberty to speak, write or publish his opinions, on any subject, being responsible for the abuse of that privilege; and no law shall ever be passed curtailing the liberty of speech or of the press. In prosecutions for the publication of papers, investigating the conduct of officers, or men in public capacity, or when the matter published is proper for public information, the truth thereof may be given in evidence. And in all indictments for libels, the jury shall have the right to determine the law and the facts, under the direction of the court, as in other cases.

Sec. 9. **No Unreasonable Seizures and Searches Allowed.**—The people shall be secure in their persons, houses, papers and possessions from all unreasonable seizures or searches, and no warrant to search any place, or to seize any person or thing, shall issue without describing them as near as may be, nor without probable cause, supported by oath or affirmation.

Sec. 10. **Rights of Accused Persons in Criminal Prosecutions.**—In all criminal prosecutions the accused shall have a speedy public trial by an impartial jury. He shall have the right to demand the nature and cause of the accusation against him, and to have a copy thereof. He shall not be compelled to give evidence against himself and shall have the right of being heard by himself or counsel, or both; shall be confronted by the witnesses against him and shall have compulsory process for obtaining witnesses in his favor, except that when the witness resides out of the State and the offense charged is a violation of any of the antitrust laws of this State, the defendant and the State shall have the right to produce and have the evidence admitted by deposition, under such rules and laws as the Legislature may hereafter provide; and no person shall be held to answer for a criminal offense, unless on an indictment of a grand jury, except in cases in which the punishment is by fine or imprisonment, otherwise than in the penitentiary; in cases of impeachment and in cases arising in the army or navy, or in the militia, when in actual service in time of war or public danger.

[Note.—The foregoing is an amended section, the amendment consisting of the addition of that clause relating to depositions of witnesses resident outside of the State in antitrust suits. Submitted by Thirty-fifth Legislature (1917) and adopted at election on Nov. 5, 1918.]

Sec. 11. **Bail.**—All prisoners shall be bailable by sufficient sureties, unless for capital offenses, when the proof is evident; but this provision shall not be so construed as to prevent bail after indictment found upon examination of the evidence, in such manner as may be prescribed by law.

Section 11a. Any person accused of a felony less than capital in this State, who has been theretofore twice convicted of a felony, the second conviction being subsequent to the first, both in point of time of commission of the offense and conviction therefor may, after a hearing, and upon evidence substantially showing the guilt of the accused, be denied bail pending trial, by any judge of a court of record or magistrate in this State; provided, however, that if the accused is not accorded a trial upon the accusation within sixty (60) days from the time of his incarceration upon such charge, the order denying bail shall be automatically set aside, unless a continuance is obtained upon the motion or request of the accused; provided, further, that the right of appeal to the Court of Criminal Appeals of this State is expressly accorded the accused for a review of any judgment or order made hereunder.

[Note.—Section 11a of Art. I is an added amendment permitting denial of bail to a person charged with a felony less than capital who has been theretofore twice convicted of a felony. Submitted by the Fifty-fourth Legislature (1955) and adopted in election Nov. 6, 1956.]

Sec. 12. **The Writ of Habeas Corpus.**—The writ of habeas corpus is a writ of right, and shall never be suspended. The Legislature shall enact laws to render the remedy speedy and effectual.

Sec. 13. **Excessive Bail and Fine and Unusual Punishment Prohibited; Courts Open.**—Excessive bail shall not be required, nor excessive fines imposed, nor cruel or unusual punishment inflicted. All courts shall be open, and every person for an injury done him in his lands, goods, person or reputation, shall have remedy by due course of law.

Sec. 14. **No Person Shall be Put Twice in Jeopardy.**—No person, for the same offense, shall be twice put in jeopardy of life or liberty, nor shall a person be again put upon trial for the same offense after a verdict of not guilty in a court of competent jurisdiction.

Sec. 15. **Right of Trial by Jury.**—The right of trial by jury shall remain inviolate. The Legislature shall pass such laws as may be needed to regulate the same, and to maintain its purity and efficiency. Provided, that the Legislature may provide for the temporary commitment, for observation and/or treatment, of mentally ill persons not charged with a criminal offense, for a period of time not to exceed ninety (90) days, by order of the County Court without the necessity of a trial by jury.

[Note.—The original Sec. 15 of Art. I was amended to add the last sentence. Submitted by the Forty-fourth Legislature (1935), adopted in an election Aug. 24 1935.]

Section 15-a. No person shall be committed as a person of unsound mind except on competent medical or psychiatric testimony. The Legislature may enact all laws necessary to provide for the trial, adjudica-

tion of insanity and commitment of persons of unsound mind and to provide for a method of appeal from judgments rendered in such cases. Such laws may provide for a waiver of trial by jury, in cases where the person under inquiry has not been charged with the commission of a criminal offense, by the concurrence of the person under inquiry, or his next of kin, and an attorney ad litem appointed by a judge of either the County or Probate Court of the county where the trial is being held, and shall provide for a method of service of notice of such trial upon the person under inquiry and of his right to demand a trial by jury.

[Note.—Sec. 15-a, of Art. I is an added amendment relating to requiring medical or psychiatric testimony for commitment of persons of unsound mind and authorizing Legislature to provide for trial and commitment of such persons and for waiver of trial by jury where the person under inquiry has not been charged with commission of a criminal offense. Submitted by the Fifty-fourth Legislature (1955) and adopted in election Nov. 6, 1956.]

Sec. 16. **There Shall Be No Bill of Attainder or ex Post Facto Laws.**—No bill of attainder or ex post facto law, retroactive law, or any other law impairing the obligation of contracts, shall be made.

Sec. 17. **Privileges and Franchises: Eminent Domain.**—No person's property shall be taken, damaged or destroyed for or applied to public use without adequate compensation being made, unless by the consent of such person; and, when taken, except for the use of the State, such compensation shall be first made or secured by a deposit of money; and no irrevocable or uncontrollable grant of special privileges or immunities shall be made; but all privileges and franchises granted by the Legislature, or created under its authority, shall be subject to the control thereof.

Sec. 18. **No Imprisonment for Debt.**—No person shall ever be imprisoned for debt.

Sec. 19. **Due Course of Law.**—No citizen of this State shall be deprived of life, liberty, property, privileges or immunities, or in any manner disfranchised, except by the due course of the law of the land.

Sec. 20. **No Outlawry or Deportations.**—No citizen shall be outlawed, nor shall any person be transported out of the State for any offense committed within the same.

Sec. 21. **Corruption of Blood, Forfeiture; Suicide.**—No conviction shall work corruption of blood or forfeiture of estate, and the estates of those who destroy their own lives shall descend or vest as in the case of natural death.

Sec. 22. **Treason.**—Treason against the State shall consist only in levying war against it, or adhering to its enemies, giving them aid and comfort; and no person shall be convicted of treason except on the testimony of two witnesses to the same overt act, or on confession in open court.

Sec. 23. **Right to Bear Arms.**—Every citizen shall have the right to keep and bear arms in the lawful defense of himself or the State; but the Legislature shall have power, by law, to regulate the wearing of arms, with a view to prevent crime.

Sec. 24. **Military Subordinate to Civil Authority.**—The military shall at all times be subordinate to the civil authority.

Sec. 25. **Quartering Soldiers.**—No soldier shall in time of peace be quartered in the house of any citizen without the consent of the owner, nor in time of war but in a manner prescribed by law.

Sec. 26. **Perpetuities; Monopolies; Primogeniture; Entailments.**—Perpetuities and monopolies are contrary to the genius of a free government, and shall never be allowed, nor shall the law of primogeniture or entailments ever be in force in this State.

Sec. 27. **Right of Petition Guaranteed.**—The citizens shall have the right, in a peaceable manner, to assemble together for their common good and apply to those invested with the powers of government for redress of grievances or other purposes, by petition, address or remonstrance.

Sec. 28. **Power to Suspend Laws.**—No power of suspending laws in this State shall be exercised except by the Legislature.

Sec. 29. **"Bill of Rights" Inviolate.**—To guard against transgressions of the high powers being delegated, we declare that everything in this "Bill of Rights" is excepted out of the general powers of government, and shall forever remain inviolate, and all laws contrary thereto, or to the following provisions, shall be void.

ARTICLE II.—THE POWERS OF GOVERNMENT

Sec. 1. **Departments of Government to Be Kept Distinct.**—The powers of the government of the State of Texas shall be divided into three distinct departments, each of which shall be confided to a separate body of magistracy, to wit: Those which are legislative to one, those which are executive to another, and those which are judicial to another; and no person, or collection of persons, being of one of these departments shall exercise any power properly attached to either of the others, except in the instances herein expressly permitted.

ARTICLE III.—LEGISLATIVE DEPARTMENT

Sec. 1. **The Legislature: House and Senate.**—The legislative power of this State shall be vested in a Senate and House of Representatives, which together shall be styled "The Legislature of the State of Texas."

Sec. 2. **Number of Members Limited.**—The Senate shall consist of thirty-one members, and shall never be increased above this number. The House of Representatives shall consist of ninety-three members until the first apportionment after the adoption of this Constitution, when or at any apportionment thereafter the number of Representatives may be increased by the Legislature, upon the ratio of not more than one Representative for every 15,000 inhabitants; provided, the number of Representatives shall never exceed 150.

Sec. 3. **Election of Senators; New Apportionment.**—The Senators shall be chosen by the qualified electors for the term of four years; but a new Senate shall be chosen after every apportionment, and the Senators elected after each apportionment shall be divided by lot into two classes. The seats of the Senators of the first class shall be vacated at the expiration of the first two years, and those of the second class at the expiration of four years, so that one half of the Senators shall be chosen biennially thereafter. Senators shall take office following their election, on the day set by law for the convening of the regular session of the Legislature, and shall serve thereafter for the full term of years to which elected and until their successors shall have been elected and qualified.

[Note—The foregoing Sec. 3 of Art. III was amended to establish the date on which newly elected members of the Senate shall qualify and take office. Submitted by the Fifty-ninth Legislature (1965) and adopted in election Nov. 8, 1966.]

Sec. 4. **Election of Representatives; Term of Office.**—The members of the House of Representatives shall be chosen by the qualified electors for the term of two years. Representatives shall take office following their election, on the day set by law for the convening of the regular session of the Legislature, and shall serve thereafter for the full term of years to which elected and until their successors shall have been elected and qualified.

[Note—The foregoing Sec. 4 of Art. III was amended to provide for the date on which newly elected members of the House of Representatives shall qualify and take office. Submitted by the Fifty-ninth Legislature (1965) and adopted in an election Nov. 8, 1966.]

Sec. 5. **Time of Meeting; Method of Procedure.**—The Legislature shall meet every two years at such time as may be provided by law and at other times when convened by the Governor. When convened in regular session, the first thirty days thereof shall be devoted to the introduction of bills and resolutions, acting upon emergency appropriations, passing upon the confirmation of the recess appointees of the Governor and such emergency matters as may be submitted by the Governor in special messages to the Legislature; provided, that during the succeeding thirty days of the regular session of the Legislature the various committees of each house shall hold hearings to consider all bills and resolutions and other matters then pending; and such emergency matters as may be submitted by the Governor; provided, further that during the following sixty days the Legislature shall act upon such bills and resolutions as may be then pending and upon such emergency matters as may be submitted by the Governor in special messages to the Legislature; provided, however, either house may otherwise determine its order of business by an affirmative vote of four fifths of its membership.

[Note.—Sec. 5 of Art. III has been amended once, to provide for a 120-day session. It was submitted together with the amendment of Sec. 24 of Art. III. Submitted by the Forty-first Legislature (1929); ratified Nov. 4, 1930.]

Article III.—(Continued.)

Sec. 6. **Qualifications of Senators.**—No person shall be a Senator unless he be a citizen of the United States, and, at the time of his election, a qualified elector of this State, and shall have been a resident of this State five years next preceding his election, and the last year thereof a resident of the district for which he shall be chosen, and shall have attained the age of twenty-six years.

Sec. 7. **Qualifications of Representatives.**—No person shall be a Representative unless he be a citizen of the United States, and, at the time of his election, a qualified elector of this State, and shall have been a resident of this State two years preceding his election, the last year thereof a resident of the district for which he shall be chosen, and shall have attained the age of twenty-one years.

Sec. 8. **Each House to Judge Qualifications of Its Own Members.**—Each house shall be the judge of the qualifications and election of its own members; but contested elections shall be determined in such manner as shall be provided by law.

Sec. 9. **President Pro Tem of the Senate; Speaker of the House; Officers.**—The Senate shall, at the beginning and close of each session, and at such other times as may be necessary, elect one of its members president pro tempore, who shall perform the duties of the Lieutenant Governor in any case of absence or disability of that officer and whenever the said office of Lieutenant Governor shall be vacant. The House of Representatives shall, when it first assembles, organize temporarily, and thereupon proceed to the election of a Speaker from its own members. And each house shall choose its other officers.

Sec. 10. **Quorum.**—Two thirds of each house shall constitute a quorum to do business, but a smaller number may adjourn from day to day and compel the attendance of absent members, in such manner and under such penalties as each house may provide.

Sec. 11. **Rules: Power to Punish and Expel.**—Each house may determine the rules of its own proceedings, punish members for disorderly conduct, and, with the consent of two thirds, expel a member, but not a second time for the same offense.

Sec. 12. **Journal: Yeas and Nays.**—Each house shall keep a journal of its proceedings, and publish the same; and the yeas and nays of the members of either house on any question shall, at the desire of any three members present, be entered on the journals.

Sec. 13. **Vacancies, How Filled.**—When vacancies occur in either house, the Governor, or the person exercising the power of the Governor, shall issue writs of election to fill such vacancies; and should the Governor fail to issue a writ of election to fill any such vacancy within twenty days after it occurs, the returning officer of the district in which such vacancy may have happened shall be authorized to order an election for that purpose.

Sec. 14. **Members of Legislature Privileged From Arrest.**—Senators and Representatives shall, except in cases of treason, felony or breach of the peace, be privileged from arrest during the session of the Legislature, and in going to or returning from the same, allowing one day for every twenty miles such member may reside from the place at which the Legislature is convened.

Sec. 15. **Each House May Punish Disorderly Conduct.**—Each house may punish, by imprisonment, during its sessions, any person not a member for disrespectful or disorderly conduct in its presence, or for obstructing any of its proceedings; provided, such imprisonment shall not, at any one time, exceed forty-eight hours.

Sec. 16. **Sessions to Be Open.**—The sessions of each house shall be open, except the Senate when in executive session.

Sec. 17. **Adjournments.**—Neither house shall, without the consent of the other, adjourn for more than three days, nor to any other place than that where the Legislature may be sitting.

Sec. 18. **Ineligibility of Members to Certain Offices; Not to Be Interested in Contracts.**—No Senator or Representative shall, during the term for which he may be elected, be eligible to any civil office of profit under this State which shall have been created, or the emoluments of which may have been increased during such term; no member of either house shall, during the term for which he is elected, be eligible to any office or place, the appointment to which may be made, in whole, or in part, by either branch of the Legislature, and no member of either house shall vote for any other member for any office whatever which may be filled by a vote of the Legislature, except in such cases as are in this Constitution provided. Nor shall any member of the Legislature be interested, either directly or indirectly, in any contract with the state, or any county thereof, authorized by any law passed during the term for which he shall have been elected.

Sec. 19. **What Officers Ineligible to Membership in Legislature.**—No judge of any court, Secretary of State, Attorney General, clerk of any court of record, or any person holding a lucrative office under the United States, or this State, or any foreign government, shall, during the term for which he is elected or appointed, be eligible to the Legislature.

Sec. 20. **Receivers or Disbursers of Public Funds Not Eligible to Membership in the Legislature Until Discharge Received.**—No person who at any time may have been a collector of taxes or who may have been otherwise entrusted with public money, shall be eligible to the Legislature, or to any office of profit or trust under the State Government, until he shall have obtained a discharge for the amount of such collections, or for all public moneys with which he may have been entrusted.

Sec. 21. **Freedom in Debate.**—No member shall be questioned in any other place for words spoken in debate in either house.

Sec. 22. **Personal Interest in Measure or Bill.**—A member who has a personal or private interest in any measure or bill, proposed or pending before the Legislature, shall disclose the fact to the house of which he is a member, and shall not vote thereon.

Sec. 23. **Removal Vacates Office.**—If any Senator or Representative remove his residence from the district or county for which he was elected, his office shall thereby become vacant, and the vacancy shall be filled as provided in Sec. 13 of this article.

Sec. 23-a. **John Tarleton Contract Validated.**—The Legislature is authorized to appropriate so much money as may be necessary, not to exceed seventy-five thousand ($75,000) dollars, to pay claims incurred by John Tarleton Agricultural College for the construction of a building on the campus of such college pursuant to deficiency authorization by the Government of Texas on Aug. 31, 1937.

[Note.—Sec. 23-a. of Art. III is an added amendment to provide for payment of a contractor whose contract had been annulled. Submitted by Forty-ninth Legislature (1945) and ratified in election Nov. 5, 1946.]

Sec. 24. **Mileage and Per Diem.**—Members of the Legislature shall receive from the Public Treasury an annual salary of not exceeding Four Thousand, Eight Hundred Dollars ($4,800) per year and a per diem of not exceeding Twelve Dollars ($12) per day for the first one hundred and twenty (120) days only of each Regular Session and for thirty (30) days of each Special Session of the Legislature. No Regular Session shall be of longer duration than one hundred and forty (140) days.

In addition to the per diem the members of each house shall be entitled to mileage in going to and returning from the seat of government, which mileage shall not exceed $2.50 for every twenty-five miles, the distance to be computed by the nearest and most direct route of travel, from a table of distances prepared by the Comptroller to each county seat now or hereafter to be established; no member to be entitled to mileage for any extra session that may be called within one day after the adjournment of a regular or called session.

[Note.—Sec. 24 of Art. III has been amended three times, first raising the per diem and decreasing the mileage. It was submitted with the amendment of Sec. 5 of Art. III. Submitted by Forty-first Legislature (1929); ratified Nov. 4, 1930. Further amended to raise per diem to $25 for first 120 days only. Submitted by Fifty-third Legislature (1953) and adopted in election Nov. 2, 1954. Further amended to fix the salary at $4,800 per year and setting the per diem at $12 per day for first 120 days of regular session and 30 days of each special session. Submitted by Fifty sixth Legislature (1959) and adopted in election Nov. 8, 1960.]

Sec. 25. **Senatorial Districts, How Apportioned.**—The State shall be divided into senatorial districts of contiguous territory according to the number of qualified electors, as nearly as may be, and each district shall be entitled to elect one Senator; and no single county shall be entitled to more than one Senator.

Article III.—(Continued.)

Sec. 26. **Representative Districts, How Apportioned.**—The members of the House of Representatives shall be apportioned among the several counties, according to the number of population in each, as nearly as may be, on a ratio obtained by dividing the population of the State, as ascertained by the most recent United States census, by the number of members of which the House is composed; provided, that whenever a single county has sufficient population to be entitled to a Representative, such county shall be formed into a separate representative district, and when two or more counties are required to make up the ratio of representation, such counties shall be contiguous to each other; and when any one county has more than sufficient population to be entitled to one or more Representatives, such Representative or Representatives shall be apportioned to such county, and for any surplus of population it may be joined in a representative district with any other contiguous county or counties.

Sec. 26-a. **Redistricting According to Population.**—Provided, however, that no county shall be entitled to or have under any apportionment more than seven (7) Representatives unless the population of such county shall exceed seven hundred thousand (700,000) people as ascertained by the most recent United States census, in which event such county shall be entitled to one additional Representative for each one hundred thousand (100,000) population in excess of seven hundred thousand (700,000) population as shown by the latest United States census; nor shall any district be created which would permit any county to have more than seven (7) Representatives except under the conditions set forth above.

[Note.—Sec. 26-a. of Art. III is an added amendment, to place limitation on representation of counties with large population. Adopted in election Nov. 3, 1936.]

Sec. 27. **Election of Members.**—Elections for Senators and Representatives shall be general throughout the State, and shall be regulated by law.

Sec. 28. **Reapportionment After Each Census.**—The Legislature shall, at its first regular session after the publication of each United States decennial census, apportion the State into senatorial and representative districts, agreeable to the provisions of Sections 25, 26 and 26-a of this Article. In the event the Legislature shall at any such first regular session following the publication of a United States decennial census, fail to make such apportionment, same shall be done by the Legislative Redistricting Board of Texas, which is hereby created, and shall be composed of five (5) members, as follows: The Lieutenant Governor, the Speaker of the House of Representatives, the Attorney General, the Comptroller of Public Accounts and the Commissioner of the General Land Office, a majority of whom shall constitute a quorum. Said board shall assemble in the City of Austin within ninety (90) days after the final adjournment of such regular session. The board shall, within sixty (60) days after assembling, apportion the State into senatorial and representative districts, or into senatorial or representative districts, as the failure of action of such Legislature may make necessary. Such apportionment shall be in writing and signed by three (3) or more of the members of the board duly acknowledged as the act and deed of such board, and when so executed and filed with the Secretary of State, shall have force and effect of law. Such apportionment shall become effective at the next succeeding statewide general election. The Supreme Court of Texas shall have jurisdiction to compel such commission to perform its duties in accordance with the provisions of this section by writ of mandamus or other extraordinary writs conformable to the usages of law. The Legislature shall provide necessary funds for clerical and technical aid and for other expenses incidental to the work of the board, and the Lieutenant Governor and the Speaker of the House of Representatives shall be entitled to receive per diem and travel expense during the board's session in the same manner and amount as they would receive while attending a special session of the Legislature. This amendment shall become effective Jan. 1, 1951.

[Note.—The foregoing Section 28 of Art. III was amended to provide for the Legislative Redistricting Board of Texas, this action being taken because of failure of past Legislatures to obey the mandate in the original Sec. 28 to redistrict the state after each decennial census. Submitted by Fiftieth Legislature (1947) and adopted Nov. 2, 1948.]

Proceedings

Sec. 29. **Enacting Clause.**—The enacting clause of all laws shall be: "Be it enacted by the Legislature of the State of Texas."

Sec. 30. **Laws to Be Passed by Bill: Amendments.**—No law shall be passed, except by bill, and no bill shall be so amended in its passage through either house as to change its original purpose.

Sec. 31. **Bills May Originate in Either House and May Be Amended or Rejected by the Other House.**—Bills may originate in either house, and when passed by such house may be amended, altered or rejected by the other.

Sec. 32. **Bills to Be Read on Three Several Days: Suspension of Rule.**—No bill shall have the force of a law until it has been read on three several days in each house, and free discussion allowed thereon; but in cases of imperative public necessity (which necessity shall be stated in a preamble or in the body of the bill) four fifths of the house in which the bill may be pending may suspend this rule, the yeas and nays being taken on the question of suspension and entered upon the journals.

Sec. 33. **Bills for Raising Revenue.**—All bills for raising revenue shall originate in the House of Representatives, but the Senate may amend or reject them as other bills.

Sec. 34. **Bill or Resolution Defeated, Not to Be Considered Again.**—After a bill has been considered and defeated by either house of the Legislature, no bill containing the same substance shall be passed into a law during the same session. After a resolution has been acted on and defeated, no resolution containing the same substance shall be considered at the same session.

Sec. 35. **Bills to Contain but One Subject, Which Must Be Expressed in Title.**—No bill (except general appropriation bills, which may embrace the various subjects and accounts for and on account of which moneys are appropriated) shall contain more than one subject, which shall be expressed in its title. But if any subject shall be embraced in an act which shall not be expressed in the title such act shall be void only as to so much thereof as shall not be so expressed.

Sec. 36. **Reviving or Amending Laws.**—No law shall be revived or amended by reference to its title; but in such case the act revived, or the section or sections amended, shall be re-enacted and published at length.

Sec. 37. **Reference to Committees.**—No bill shall be considered unless it has been first referred to a committee and reported thereon, and no bill shall be passed which has not been presented and referred to and reported from a committee at least three days before the final adjournment of the Legislature.

Sec. 38. **Signing Bills.**—The presiding officer of each house shall, in the presence of the house over which he presides, sign all bills and joint resolutions passed by the Legislature, after their titles have been publicly read before signing, and the fact of signing shall be entered on the journals.

Sec. 39. **When Laws Take Effect.**—No law passed by the Legislature, except the general appropriation act, shall take effect or go into force until ninety days after the adjournment of the session at which it was enacted, unless in case of an emergency, which emergency must be expressed in a preamble or in the body of the act, the Legislature shall, by a vote of two thirds of all the members elected to each house, otherwise direct; said vote to be taken by yeas and nays, and entered upon the journals.

Sec. 40. **Business and Duration of Special Sessions.**—When the Legislature shall be convened in special session, there shall be no legislation upon subjects other than those designated in the proclamation of the Governor calling such session, or presented to them by the Governor; and no such session shall be of longer duration than thirty days.

Sec. 41 **Elections: Votes, How Taken.**—In all elections by the Senate and House of Representatives, jointly or separately, the vote shall be given viva voce, except in the election of their officers.

Requirements and Limitations.

Sec. 42. **To Pass Necessary Laws.**—The Legislature shall pass such laws as may be necessary to carry into effect the provisions of this Constitution.

Sec. 43. **Revision and Publication of Laws.**—The first session of the Legislature under this Constitution shall provide for revising, digesting and publishing the laws, civil and criminal; and a like revision, digest and publication may be made every ten years thereafter; provided, that in the adoption of and giving effect to any such digest or revision the Legislature shall not be limited by Secs. 35 and 36 of this article.

Article III.—(Continued.)

Sec. 44. **Compensation of Officers: Payment of Claims.**—The Legislature shall provide by law for the compensation of all officers, servants, agents and public contractors, not provided for in this Constitution, but shall not grant extra compensation to any officer, agent, servant or public contractors, after such public service shall have been performed or contract entered into for the performance of the same; nor grant, by appropriation or otherwise, any amount of money out of the Treasury of the State, to any individual, on a claim, real or pretended, when the same shall not have been provided for by pre-existing law; nor employ anyone in the name of the State, unless authorized by pre-existing law.

Sec. 45. **Change of Venue.**—The power to change the venue in civil and criminal cases shall be vested in the courts, to be exercised in such manner as shall be provided by law; and the Legislature shall pass laws for that purpose.

Sec. 46. **Legislature Shall Enact Vagrant Laws.**—The Legislature shall, at its first session after the adoption of this Constitution, enact effective vagrant laws.

Sec. 47. **Lotteries Shall Be Prohibited.**—The Legislature shall pass laws prohibiting the establishment of lotteries and gift enterprises in this State, as well as the sale of tickets in lotteries, gift enterprises or other evasions involving the lottery principle, established or existing in other states.

Sec. 48. **Power to Levy Taxes Limited.**—The Legislature shall not have the right to levy taxes or impose burdens upon the people except to raise revenue sufficient for the economical administration of the government, in which may be included the following purposes:

The payment of all interest upon the bonded debt of this State.

The erection and repairs of public buildings.

The benefit of the sinking fund, which shall not be more than 2 per centum of the public debt; and for the payment of the present floating debt of the State, including matured bonds, for the payment of which the sinking fund is inadequate.

The support of public schools, in which shall be included colleges and universities established by the State, and the maintenance and support of the Agricultural and Mechanical College of Texas.

The payment of the cost of assessing and collecting the revenue; and the payment of all officers, agents and employees of the State Government, and all incidental expenses connected therewith.

The support of the Blind Asylum, the Deaf and Dumb Asylum and the Insane Asylum, the State Cemetery and the public grounds of the State.

The enforcement of quarantine regulations on the coast of Texas.

The protection of the frontier.

Section 48-a. **Teachers' Retirement Fund.**—In addition to the powers given the Legislature under Section 48, Article III, it shall have the right to levy taxes to establish a fund to provide retirement, disability and death benefits for persons employed in the public schools, colleges and universities supported wholly or partly by the State; provided that the amount contributed by the State to such fund each year shall be equal to the aggregate amount required by law to be paid into the fund by such employees, and shall not exceed at any time six per centum (6%) of the compensation paid each such person by the State and-or school districts, and shall in no one (1) year exceed the sum of Five Hundred Four Dollars ($504.00) for any such person; and provided that no person shall be eligible for retirement who has not rendered ten years of creditable service in such employment, and in no case shall any person retire before either attaining the age fifty-five (55) or completing thirty (30) years of creditable service, but shall be entitled to refund of moneys paid into the fund.

The Legislature may authorize all moneys coming into such fund to be invested in bonds or other evidences of indebtedness of the United States, or of this State, or any county, city, school district, or other municipal corporation or district of this State; or in such other securities as are now or hereafter may be permitted by law as investments for the Permanent University Fund or for the Permanent School Fund of this State; provided a sufficient sum shall be kept on hand to meet payments as they become due each year under such retirement plan, as may be provided by law; and provided that the recipients of such retirement fund shall not be eligible for any other State pension retirement funds or direct aid from the State of Texas, unless such other State pension or retirement fund, contributed by the State, is released to the State of Texas as a condition to receiving such other pension aid; providing, however, that this section shall not amend, alter, or repeal Section 63 of Article XVI of the Constitution of Texas as adopted November, 1954, or any enabling legislation passed pursuant thereto.

[Note.—Sec. 48-a of Art. III was added as an amendment to provide a teachers' retirement fund. Adopted in election Nov. 8, 1936. Further amended to authorize needed changes in, and revision of, the teacher retirement system; provided this section shall not amend, alter or repeal Sec. 63 of Art. XVI of the Constitution as adopted Nov. 2, 1954, or any enabling legislation passed pursuant thereto. Submitted by Fifty-fourth Legislature (1955) and adopted in election Nov 6, 1956.]

Sec. 48-b. **Teacher Retirement System.**—There is hereby created as an agency of the State of Texas the Teacher Retirement System of Texas, the rights of membership in which, the retirement privileges and benefits thereunder, and the management and operations of which shall be governed by the provisions herein contained and by present or hereafter enacted Acts of the Legislature not inconsistent herewith. The general administration and responsibility for the proper operation of said system are hereby vested in a State Board of Trustees, to be known as the State Board of Trustees of the Teacher Retirement System of Texas, which Board shall be constituted and shall serve as may now or hereafter be provided by the Legislature. Said Board shall exercise such powers as are herein provided together with such other powers and duties not inconsistent herewith as may be prescribed by the Legislature. All moneys from whatever source coming into the fund to provide retirement, disability, and death benefits for persons employed in the public schools, colleges, and universities supported wholly or partly by the state and all other securities, moneys, and assets of the Teacher Retirement System of Texas shall be administered by said Board and said Board shall be the trustees thereof. The Treasurer of the State of Texas shall be custodian of said moneys and securities. Said Board is hereby authorized and empowered to acquire, hold, manage, purchase, sell, assign, trade, transfer, and dispose of any securities, evidences of debt, and other investments in which said securities, moneys, and assets have been or may hereafter be invested by said Board. Said Board is hereby authorized and empowered to invest and reinvest any of said moneys, securities, and assets, as well as the proceeds of any of such investments, in bonds, notes, or other evidences of indebtedness issued or assumed or guaranteed in whole or in part, by the United States or any agency of the United States, or by the State of Texas, or by any county, city, school district, municipal corporation, or other political subdivision of the State of Texas, both general and special obligations; or in home office facilities to be used in administering the Teacher Retirement System including land, equipment, and office building; or in such corporation bonds, notes, other evidences of indebtedness, and corporation stocks, including common and preferred stocks, of any corporation created or existing under the laws of the United States or of any of the states of the United States, as said Board may deem to be proper investments; provided that in making each and all of such investments said Board shall exercise the judgment and care under the circumstances then prevailing which men of ordinary prudence, discretion, and intelligence exercise in the management of their own affairs, not in regard to speculation but in regard to the permanent disposition of their funds, considering the probable income therefrom as well as probable safety of their capital; and further provided, that a sufficient sum shall be kept on hand to meet payments as they become due each year under such retirement plan, as may now or hereafter be provided by law. Unless investments authorized herein are hereafter further restricted by an Act of the Legislature, no more than one per cent (1%) of the book value of the total assets of the Teacher Retirement System shall be invested in the stock of any one (1) corporation, nor shall more than five per cent (5%) of the voting stock of any one (1) corporation be owned: and provided further, that stocks eligible for purchase shall be restricted to stocks of companies incorporated within the United States which have paid cash dividends for ten (10) consecutive years or longer immediately prior to the date of purchase and which, except for bank stocks

Article III.--(Continued)

and insurance stock are listed upon an exchange registered with the Securities and Exchange Commission or its successors; and provided further, that so long as less than $500,000,000 of said fund is invested in the government and municipal securities enumerated above, not more than thirty-three and one-third per cent (33 1/3%) of the fund shall be invested at any given time in common stocks. This amendment shall be self-enacting and shall become effective immediately upon its adoption without any enabling legislation. This section shall not alter, amend or repeal the first paragraph of Sec. 48-a of Art. III of the Constitution of Texas as amended Nov. 6, 1956, or any legislation passed pursuant thereto. This section shall not alter, amend or repeal the second paragraph of Sec. 48-a of Art. III of the Constitution of Texas as amended Nov. 6, 1956, or any legislation passed pursuant thereto, except insofar as the provisions of the second paragraph of Sec. 48-a and any legislation passed pursuant thereto, may limit or restrict the provisions hereof and only to the extent of such limitation or restriction.

[Note.—The foregoing Sec. 48-b of Art. III is an amendment added to create the Teacher Retirement System of Texas and to clarify the investment policy thereof. Submitted by Fifty-ninth Legislature (1965) and adopted in election Nov. 2, 1965.]

Sec. 48-d. **Rural Fire Prevention Districts.—The Legislature shall have the power to** provide for the establishment and creation of rural fire-prevention districts and to authorize a tax on the ad valorem property situated in said districts not to exceed three (3c) cents on the one hundred ($100) dollars valuation for the support thereof; provided that no tax shall be levied in support of said districts until approved by vote of the people residing therein.

[Note.—The foregoing Sec. 48-d of Art. III was submitted as an amendment by the Fifty-first Legislature (1949) and ratified in an election Nov. 8, 1949. The absence of Section 48c is explained by the fact that such section was proposed as an amendment but failed to carry.]

Sec. 49. **Purpose for Which Debts May Be Created.—** No debt shall be created by or on behalf of the State, except to supply casual deficiencies of revenue, repel invasion, suppress insurrection, defend the State in war or pay existing debt; and the debt created to supply deficiencies in the revenue shall never exceed in the aggregate at any one time $200.000.

Sec. 49-a. **Limiting Appropriations to Anticipated Revenue; Comptroller's Certification Required; Issuance of Certain General Revenue Bonds Authorized.—** It shall be the duty of the Comptroller of Public Accounts in advance of each regular session of the Legislature to prepare and submit to the Governor and to the Legislature upon its convening a statement under oath showing fully the financial condition of the State Treasury at the close of the last fiscal period and an estimate of the probable receipts and disbursements for the then current fiscal year. There shall also be contained in said statement an itemized estimate of the anticipated revenue based on the laws then in effect that will be received by and for the State from all sources showing the fund accounts to be credited during the succeeding biennium and said statement shall contain such other information as may be required by law. Supplemental statements shall be submitted at any special session of the Legislature and at such other times as may be necessary to show probable changes.

From and after Jan. 1, 1945, save in the case of emergency and imperative public necessity and with a four-fifths vote of the total membership of each house, no appropriation in excess of the cash and anticipated revenue of the funds from which such appropriation is to be made shall be valid. From and after Jan. 1, 1945, no bill containing an appropriation shall be considered as passed or be sent to the Governor for consideration until and unless the Comptroller of Public Accounts endorses his certificate thereon showing that the amount appropriated is within the amount estimated to be available in the affected funds When the Comptroller finds an appropriation bill exceeds the estimated revenue he shall endorse such finding thereon and return to the house in which same originated. Such information shall be immediately made known to both the House of Representatives and the Senate, and the necessary steps shall be taken to bring such appropriation to within the revenue, either by providing additional revenue or reducing the appropriation.

For the purpose of financing the outstanding obligations of the general revenue fund of the State and placing its current accounts on a cash basis the Legislature of the State of Texas is hereby authorized to provide for the issuance, sale and retirement of serial bonds equal in principal to the total outstanding, valid and approved obligations owing by said fund on Sept. 1, 1943, provided such bonds shall not draw interest in excess of 2 per cent per annum and shall mature within twenty years from date.

[Note.—The foregoing Sec. 49-a of Art. III is an amendment added to provide for Comptroller's estimates of receipts and disbursements and limit legislative appropriations, as stated. Adopted in an election Nov. 3, 1942.]

Sec. 49-b. **Veterans' Land Board; Bonds Authorized for Creation of Veterans' Land Fund; Purchase of Land by State and Sales to Veterans.—**There is hereby created a board to be known as the Veterans' Land Board, which shall be composed of the Commissioner of the General Land Office, and two citizens of the State who shall be appointed by the Governor with the advice and consent of the Senate. The Governor shall biennially appoint one such member to serve for a term of four years, with the initial appointments to the Board under this section to be for terms of two and four years, respectively, and all subsequent appointments to be according to provisions of this section. One such appointive member shall be well versed in veterans' affairs and the other such appointive member shall be well versed in finances. The Commissioner of the General Land Office shall act as Chairman of the Board and shall be the administrator of the Veterans' Land Program under such terms and restrictions as may be now or hereafter provided by law. The compensation for said appointive members shall be as fixed by the Legislature, and each shall make bond in such amount as may be prescribed by the Legislature. The Veterans' Land Board may issue not to exceed Two Hundred Million Dollars ($200.000.000) in bonds or obligations of the State of Texas for the purpose of creating a fund to be known as the Veterans' Land Fund. Such bonds shall be executed by said Board as an obligation of the State of Texas, in such form, denominations, and upon the terms as are now provided by law or as may hereafter be provided by law; provided, however, that said bonds shall bear a rate of interest not to exceed three per cent (3%) per annum, and that the same shall be sold for not less than par value and accrued interest.

In the sale of any such bonds a preferential right of purchase shall be given to the administrators of the various teacher retirement funds, the permanent university funds and the permanent school funds; such bonds to be issued as needed, in the opinion of the Veterans' Land Board.

The veterans' land fund shall be used by the board for the sole purpose of purchasing lands suitable for the purpose hereinafter stated, situated in this State (a) owned by the United States, or any governmental agency thereof; (b) owned by the Texas Prison System or any other governmental agency of the State of Texas, or (c) owned by any person, firm or corporation. Provided, however, the portion of the Veterans' Land Fund not immediately committed for the purchase of lands may be invested in short term United States Bonds or obligations until such funds are needed for the purchase of lands. The interest accruing thereon shall become a part of the Veterans' Land Fund.

All lands thus purchased shall be acquired at the lowest price obtainable, to be paid for in cash, and shall be a part of the veterans' land fund.

The lands of the veterans' land fund shall be sold by the State to Texas veterans of the present war or wars, commonly known as World War II, and to Texas veterans of service in the armed forces of the United States of America subsequent to 1945, as may be included within this program by legislative act, in such quantities, and on such terms, and at such prices and rates of interest, and under such rules and regulations as are now provided by law, or as may hereafter be provided by law.

All moneys received and which have been received under the constitutional amendment as adopted by the people of Texas at the election held on Nov. 13, 1951, and which have not been used for repurchase of land as provided herein by the Veterans' Land Board from the sale of lands and for interest on deferred payments shall be credited to the veterans' land fund for use in purchasing additional lands to be sold to

Article III.--(Continued.)

Texas Veterans of World War II and to Texas veterans of service in the armed forces of the United States of America subsequent to 1945, as may be included within this program by legislative act, in like manner as provided for the sale of lands purchased with the proceeds from the sales of the bonds, provided for herein, for a period ending Dec. 1, 1959; provided, however, that so much of such moneys as may be necessary during the period ending Dec. 1, 1959, to pay the principal of and interest on the bonds heretofore issued and on bonds hereafter issued by the Veterans' Land Board shall be set aside for that purpose. After Dec. 1, 1959, all moneys received by the Veterans' Land Board from the sale of the lands and interest on deferred payments, or so much thereof as may be necessary, shall be set aside for the retirement of bonds heretofore issued and to pay interest thereon, and any of such moneys not so needed shall not later than the maturity date of the last maturing bond or bonds be deposited to the credit of the General revenue fund to be appropriated to such purposes as may be prescribed by law. All bonds issued hereunder shall, after approval by the Attorney General of Texas, registration by the Comptroller of the State of Texas, and delivery to the purchasers, be incontestable and shall constitute obligations of the state under the Constitution of Texas. Of the total two hundred million dollars ($200,000,000) of bonds herein authorized, the sum of one hundred million dollars ($100,000,000) has heretofore been issued; said bonds heretofore issued are hereby in all respects validated and declared to be obligations of the State of Texas

The additional bonds herein authorized may be sold in such installments as deemed necessary and advisable by the Veterans' Land Board. All monies received from the sale of land and for interest on deferred payments on land purchased with the proceeds of such additional bonds, shall be credited to the Veterans' Land Fund for use in purchasing additional lands to be sold to Texas veterans, as herein provided, in like manner as provided for the sale of lands purchased with proceeds from the sales of the bonds provided for herein, for a period ending December 1, 1965, provided, however, that so much of such monies as may be necessary to pay interest on the additional bonds herein provided for shall be set aside for that purpose. After December 1, 1965, all monies received by the Veterans' Land Board from the sale of the lands and interest on payments, or so much thereof as may be necessary, shall be set aside for the retirement of said additional bonds and to pay interest thereon, and any of such monies not so needed shall not later than the maturity date of the last maturing bond be deposited to the credit of the General Revenue Fund to be appropriated to such purposes as may be prescribed by law.

The foregoing notwithstanding, bonds hereafter issued by the Veterans' Land Board pursuant to the authority of this Sec. 49-b of the Constitution may bear a rate or rates of interest not to exceed three and one-half per cent (3½%) per annum.

The foregoing notwithstanding, any lands in the Veterans Land Fund which have been first offered for resale to veterans and which have not been sold may be resold to such purchasers, in such quantities, and on such terms, and at such prices and rates of interest, and under such rules and regulations as are now provided by law, or as may hereafter be provided by law.

[Note.—The foregoing Sec. 49-b of Art. III has been five times amended: First, for the purpose of aiding war veterans in land purchases. Submitted by Forty-ninth Legislature (1945), and ratified in a special election Nov. 7, 1946. (It was by error that the date was set as Nov. 7 instead of Nov. 5, which was the general election date.) Second, it was amended to increase the authorized bond issue from $25,000,000 to $100,000,000 and to make minor changes. Submitted by the Fifty-second Legislature (1951), and ratified in an election Nov. 13, 1951. Third it was amended to change membership of the Veterans Land Board and to raise the total of bonds authorized to $200,000,000. Submitted by the Fifty-fourth Legislature (1955) and adopted in election Nov. 6, 1956. Fourth, it was amended to fix the rate of interest not to exceed 3½ per cent per annum. Submitted by Fifty-sixth Legislature (1959) and adopted in election Nov. 8, 1960. Fifth, it was amended to provide for offering land in the Veterans Land Fund to nonveteran purchasers after land has first been offered to veterans. Submitted by Fifty-seventh Legislature (1961) and adopted in election Nov. 6, 1962.]

Section 49-c. Texas Water Development Board, Fund; Purpose.—There is hereby created as an agency of the State of Texas the Water Development Board to exercise such powers as necessary under this provision together with such other duties and restrictions as may be prescribed by law. The qualifications, compensation, and number of members of said Board shall be determined by law. They shall be appointed by the Governor with the advice and consent of the Senate in the manner and for such terms as may be prescribed by law.

The Texas Water Development Board shall have the authority to provide for, issue and sell general obligation bonds of the State of Texas in an amount not to exceed One Hundred Million Dollars ($100,000,000). The Legislature of Texas, upon two-thirds (2-3) vote of the elected Members of each House, may authorize the Board to issue additional bonds in an amount not exceeding One Hundred Million Dollars ($100,000,000). The bonds authorized herein or permitted to be authorized by the Legislature shall be called 'Texas Water Development Bonds,' shall be executed in such form, denominations and upon such terms as may be prescribed by law, provided, however, that the bonds shall not bear more than four per cent (4%) interest per annum; they may be issued in such installments as the Board finds feasible and practical in accompliishing the purpose set forth herein.

All moneys received from the sale of State bonds shall be deposited in a fund hereby created in the State Treasury to be known as the Texas Water Development Fund to be administered (without further appropriation) by the Texas Water Development Board in such manner as prescribed by law.

Such fund shall be used only for the purpose of aiding or making funds available upon such terms and conditions as the Legislature may prescribe, to the various political subdivisions or bodies politic and corporate of the State of Texas including river authorities, conservation and reclamation districts and districts created or organized or authorized to be created or organized under Article XVI, Section 59 or Article III, Section 52, of this Constitution, interstate compact commissions to which the State of Texas is a party and municipal corporations, in the conservation and development of the water resources of this State, including the control, storing and preservation of its storm and flood waters and the waters of its rivers and streams, for all useful and lawful purposes by the acquisition, improvement, extension, or construction of dams, reservoirs and other water storage projects, including any system necessary for the transportation of water from storage to points of treatment and/or distribution, including facilities for transporting water therefrom to wholesale purchasers, or for any one or more of such purposes or methods.

Any or all financial assistance as provided herein shall be repaid with interest upon such terms, conditions and manner of repayment as may be provided by law.

While any of the bonds authorized by this provision or while any of the bonds that may be authorized by the Legislature under this provision, or any interest on any of such bonds, is outstanding and unpaid, there is hereby appropriated out of the first moneys coming into the Treasury in each fiscal year, not otherwise appropriated by this Constitution, an amount which is sufficient to pay the principal and interest on such bonds that mature or become due during such fiscal year, less the amount in the sinking fund at the close of the prior fiscal year.

The Legislature may provide for the investment of moneys available in the Texas Water Development Fund, and the interest and sinking funds established for the payment of bonds issued by the Texas Water Development Board. Income from such investment shall be used for the purposes prescribed by the Legislature. The Legislature may also make appropriations from the General Revenue Fund for paying administrative expenses of the Board.

From the moneys received by the Texas Water Development Board as repayment of principal for financial assistance or as interest thereon, there shall be deposited in the interest and sinking fund for the bonds authorized by this Section sufficient moneys to pay the interest and principal to become due during the ensuing year and sufficient to establish and maintain a reserve in said fund equal to the average annual principal and interest requirements on all outstanding bonds issued under this Section. If any year prior to December 31, 1982 moneys are received in excess of the foregoing requirements then such excess shall be deposited to the Texas Water Development Fund, and may be used for administrative ex-

Article III.--(Continued)

penses of the Board and for the same purposes and upon the same terms and conditions prescribed for the proceeds derived from the sale of such State bonds. No grant of financial assistance shall be made under the provisions of this Section after December 31, 1982, and all moneys thereafter received as repayment of principal for financial assistance or as interest thereon shall be deposited in the interest and sinking fund for the State bonds; except that such amount as may be required to meet the administrative expenses of the Board may be annually set aside; and provided, that after all State bonds have been fully paid with interest, or after there are on deposit in the interest and sinking fund sufficient moneys to pay all future maturities of principal and interest, additional moneys so received shall be deposited to the General Revenue Fund.

All bonds issued hereunder shall after approval by the Attorney General, registration by the Comptroller of Public Accounts of the State of Texas, and delivery to the purchasers, be incontestable and shall constitute general obligations of the State of Texas under the Constitution of Texas.

[Note.—The foregoing Sec. 49-c of Art. III, an amendment, was added, setting up the Texas Water Development Board and Fund and providing for supervision thereof. Submitted by Fifty-fifth Legislature (1957) and adopted in election Nov. 5, 1957.]

Sec. 49-d. **Development and Conservation of Public Waters.**—It is hereby declared to be the policy of the State of Texas to encourage the optimum development of the limited number of feasible sites available for the construction or enlargement of dams and reservoirs for conservation of the public waters of the state, which waters are held in trust for the use and benefit of the public. The proceeds from the sale of the additional bonds authorized hereunder deposited in the Texas Water Development Fund and the proceeds of bonds previously authorized by Art. III, Sec. 49-c of this Constitution, may be used by the Texas Water Development Board, under such provisions as the Legislature may prescribe by general law, including the requirement of a permit for storage or beneficial use, for the additional purposes of acquiring and developing storage facilities, and any system or works necessary for the filtration, treatment and transportation of water from storage to points of treatment, filtration and/or distribution, including facilities for transporting water therefrom to wholesale purchasers, or for any one or more of such purposes or methods; provided, however, the Texas Water Development Fund or any other state fund provided for water development, transmission, transfer or filtration shall not be used to finance any project which contemplates or results in the removal from the basin of origin of any surface water necessary to supply the reasonably foreseeable future water requirements for the next ensuing fifty-year period within the river basin of origin, except on a temporary, interim basis.

Under such provisions as the Legislature may prescribe by general law the Texas Water Development Fund may be used for the conservation and development of water for useful purposes by construction or reconstruction or enlargement of reservoirs constructed or to be constructed or enlarged within the State of Texas or on any stream constituting a boundary of the State of Texas, together with any system or works necessary for the filtration, treatment and/or transportation of water, by any one or more of the following governmental agencies: by the United States of America or any agency, department or instrumentality thereof; by the State of Texas or any agency, department or instrumentality thereof; by political subdivisions or bodies politic and corporate of the state; by interstate compact commissions to which the State of Texas is a party; and by municipal corporations. The Legislature shall provide terms and conditions under which the Texas Water Development Board may sell, transfer or lease, in whole or in part, any reservoir and associated system or works which the Texas Water Development Board has financed in whole or in part.

Under such provisions as the Legislature may prescribe by general law, the Texas Water Development Board may also execute long-term contracts with the United States or any of its agencies for the acquisition and development of storage facilities in reservoirs constructed or to be constructed by the Federal Government. Such contracts when executed shall constitute general obligations of the State of Texas in the same manner and with the same effect as state bonds issued under the authority of the preceding Sec. 49-c of this Constitution, and the provisions in said Sec. 49-c with respect to payment of principal and interest on state bonds issued shall likewise apply with respect to payment of principal and interest required to be paid by such contracts. If storage facilities are acquired for a term of years, such contracts shall contain provisions for renewal that will protect the state's investment.

The aggregate of the bonds authorized hereunder shall not exceed $200,000,000 and shall be in addition to the aggregate of the bonds previously authorized by said Sec. 49-c of Art. III of this Constitution. The Legislature upon two-thirds (2/3) vote of the elected members of each House, may authorize the board to issue all or any portion of such $200,000,000 in additional bonds herein authorized.

The Legislature shall provide terms and conditions for the Texas Water Development Board to sell, transfer or lease, in whole or in part, any acquired storage facilities or the right to use such storage facilities together with any associated system or works necessary for the filtration, treatment or transportation of water at a price not less than the direct cost of the board in acquiring same; and the Legislature may provide terms and conditions for the board to sell any unappropriated public waters of the state that might be stored in such facilities. As a prerequisite to the purchase of such storage or water, the applicant therefor shall have secured a valid permit from the Texas Water Commission or its successor authorizing the acquisition of such storage facilities or the water impounded therein. The money received from any sale, transfer or lease of storage facilities or associated system or works shall be used to pay principal and interest on state bonds issued or contractural obligations incurred by the Texas Water Development Board, provided that when moneys are sufficient to pay the full amount of indebtedness then outstanding and the full amount of interest to accrue thereon, any further sums received from the sale, transfer or lease of such storage facilities or associated system or works may be used for the acquisition of additional storage facilities or associated system or works or for providing financial assistance as authorized by said Sec. 49-c. Money received from the sale of water, which shall include standby service, may be used for the operation and maintenance of acquired facilities, and for the payment of principal and interest on debt incurred.

Should the Legislature enact enabling laws in anticipation of the adoption of this amendment, such acts shall not be void by reason of their anticipatory character.

[Note.—The foregoing Sec. 49-d of Art. III, an amendment, was added to authorize the Texas Water Development Board to acquire and develop storage facilities in reservoirs and to dispose of such storage facilities and water upon such terms as Legislature shall prescribe. Submitted by the Fifty-seventh Legislature (1961) and adopted in election Nov. 6, 1962. It was further amended to provide for optimum development of water reservoirs and investment of the Texas Water Development Fund. Submitted by Fifty-ninth Legislature (1965) and adopted in an election Nov. 8, 1966.]

Sec. 50. **Credit of State Not to Be Pledged.**—The Legislature shall have no power to give or to lend or to authorize the giving or lending of the credit of the State in aid of, or to any person, association or corporation, whether municipal or other, or to pledge the credit of the State in any manner whatsoever, for the payment of the liabilities, present or prospective, of any individual, association of individuals, municipal or other corporation whatsoever.

Sec. 50-a. **State Medical Education Board, Fund; Purpose.**—The Legislature shall create a State Medical Education Board to be composed of not more than six (6) members whose qualifications, duties and terms of office shall be prescribed by law. The Legislature shall also establish a State Medical Education Fund and make adequate appropriations therefor to be used by the State Medical Education Board to provide grants, loans or scholarships to students desiring to study medicine and agreeing to practice in the rural areas of this State, upon such terms and conditions as shall be prescribed by law. The term "rural areas" as used in this section shall be defined by law.

[Note.—The foregoing Sec. 50-a. of Art. III, an amendment, was added for the stated purpose of providing scholarships and to set up a State Medical Education Board. Submitted by the Fifty-second Legislature and adopted in an election Nov. 4, 1952.]

Article III.—(Continued.)

Sec. 50-b. **Student Loans.**—(a) The Legislature may provide that the Coordinating Board, Texas College and University System, or its successor or successors, shall have the authority to provide for, issue and sell general obligation bonds of the State of Texas in an amount not to exceed Eighty-five Million Dollars ($85,000,000). The bonds authorized herein shall be called "Texas College Student Loan Bonds," shall be executed in such form, denominations and upon such terms as may be prescribed by law, provided, however, that the bonds shall not bear more than four per cent (4%) interest per annum; they may be issued in such installments as the Board finds feasible and practical in accomplishing the purposes of this section.

(b) All moneys received from the sale of such bonds shall be deposited in a fund hereby created in the State Treasury to be known as the Texas Opportunity Plan Fund to be administered by the Coordinating Board, Texas College and University System, or its successor or successors to make loans to students who have been admitted to attend any institution of higher education within the State of Texas, public or private, including Junior Colleges, which are recognized or accredited under terms and conditions prescribed by the Legislature, and to pay interest and principal on such bonds and provide a sinking fund therefor under such conditions as the Legislature may prescribe.

(c) While any of the bonds, or interest on said bonds authorized by this section is outstanding and unpaid, there is hereby appropriated out of the first moneys coming into the Treasury in each fiscal year, not otherwise appropriated by this Constitution, an amount sufficient to pay the principal and interest on such bonds that mature or become due during such fiscal year, less the amount in the sinking fund at the close of the prior fiscal year.

(d) The Legislature may provide for the investment of moneys available in the Texas Opportunity Plan Fund, and the interest and sinking funds established for the payment of bonds issued by the Coordinating Board, Texas College and University System, or its successor or successors. Income from such investment shall be used for the purposes prescribed by the Legislature.

(e) All bonds issued hereunder shall, after approval by the Attorney General, registration by the Comptroller of Public Accounts of the State of Texas, and delivery to the purchasers, be incontestable and shall constitute general obligations of the State of Texas under this Constitution.

(f) Should the Legislature enact enabling laws in anticipation of the adoption of this Amendment, such acts shall not be void because of their anticipatory nature.

[Note.—The foregoing Sec. 50-b of Art. III, an amendment, was added to provide a system of student loans at institutions of higher education and to provide for creation of the Texas Opportunity Plan Fund. Submitted by the Fifty-ninth Legislature (1965) and adopted in an election Nov. 2, 1965.]

Sec. 51. Tax Levy Authorized for Confederate Soldiers and Sailors and Their Widows.—The Legislature shall have no power to make any grant or authorize the making of any grant of public moneys to any individual, association of individuals, municipal or other corporations whatsoever; provided, however, the Legislature may grant aid to indigent and disabled Confederate soldiers and sailors under such regulations and limitations as may be deemed by the Legislature as expedient, and to their widows in indigent circumstances under such regulations and limitations as may be deemed by the Legislature as expedient; to indigent and disabled soldiers, who, under special laws of the State of Texas, during the War Between the States, served in organizations for the protection of the frontier against Indian raids or Mexican marauders, and to indigent and disabled soldiers of the militia who were in active service during the War Between the States, and to the widows of such soldiers who are in indigent circumstances, and who are or may be eligible to receive aid under such regulations and limitations as may be deemed by the Legislature as expedient; and also grant for the establishment and maintenance of a home for said soldiers and sailors, their wives and widows and women who aided in the Confederacy, under such regulations and limitations as may be provided for by law; provided, the Legislature may provide for husband and wife to remain together in the home. There is hereby levied in addition to all other taxes heretofore permitted by the Constitution of Texas, a State ad valorem tax on property of *seven ($0.07) cents on the one hundred ($100) dollars valuation for the purpose of creating a special fund for the payment of pensions for services in the Confederate Army and Navy, frontier organizations and the militia of the State of Texas, and for the widows of such soldiers serving in said armies, navies, organizations or militia; provided that the Legislature may reduce the tax rate herein levied, and provided, further, that the provisions of this section shall not be construed so as to prevent the grant of aid in cases of public calamity.

*See No. (8) in note below this section, also Sec. 17, Art. VII, cutting this tax to 2c, and note thereon.

[Note.—The foregoing Sec. 51 of Art. III, in its present form, is the result of much amendment. The original Sec. 51, which prohibited all grants of public money to individuals, associations, etc., with the single exception of cases of "public calamity," has been amended eight times, as follows: (1) Establishing Confederate Home. Submitted by Twenty-third Legislature (1893) and ratified at election, Nov. 6, 1894, and proclaimed adopted Dec. 21, 1894. (2) Providing for pensions for Confederate veterans from appropriations not to exceed $250,000 annually. Submitted by Twenty-fifth Legislature (1897) and adopted at election, Nov. 1, 1898, and proclaimed Dec. 22, 1898. (3) Raising amount that might be appropriated for Confederate pensions from $250,000 to $500,000 annually. Submitted by Twenty-eighth Legislature (1903), adopted in election Nov. 8, 1904, and proclaimed Dec. 29, 1904. (4) Increasing authorized maximum appropriations for Confederate Home from $100,000 to $150,000 annually. Submitted by Thirty-first Legislature (1909), adopted in election, Nov. 8, 1910, and declared adopted Dec. 31, 1910. (5) Authorizing 5c ad valorem tax for Confederate pension fund—also omitting "public calamity" clause. Submitted by Thirty-second Legislature (1911), adopted Nov. 3, 1912, and proclaimed Dec. 30, 1912. (6) Authorizing 7c ad valorem tax for Confederate pension fund—also reinstating "public calamity" clause. Submitted by Thirty-eighth Legislature (1923) and adopted Nov. 4, 1924. (7) Eliminating specific restrictions upon grants of aid to Confederate soldiers, sailors and others with respect to date of removal to Texas, etc.; and conferring such authority upon the Legislature. Submitted by Fortieth Legislature (1927); ratified Nov. 6, 1928; proclaimed Feb. 6, 1929. (8) Cutting tax from 7c to 2c by addition of Sec. 17 of Art. VII. (See note on that section.)]

Sec. 51-a. **Assistance and Medical Care to Needy Aged, Needy Blind, Needy Children and Totally Disabled; Limitation on Expenditures for Same.**—The Legislature shall have the power, by general laws, to provide, subject to limitations herein contained, and such other limitations, restrictions and regulations as may by the Legislature be deemed expedient for assistance to and/or medical care for, and for rehabilitation and any other services included in the federal legislation providing matching funds to help such families and individuals attain or retain capability for independence or self-care, and for the payment of assistance to and/or medical care for, and for rehabilitation and other services for:

(1) Needy aged persons who are citizens of the United States or noncitizens who shall have resided within the boundaries of the United States for at least twenty-five (25) years and are over the age of sixty-five (65) years;

(2) Needy individuals who are citizens of the United States who shall have passed their eighteenth (18th) birthday but have not passed their sixty-fifth (65th) birthday and who are totally and permanently disabled by reason of a mental or physical handicap or a combination of physical and mental handicaps;

(3) Needy blind persons who are citizens of the United States and who are over the age of eighteen (18) years;

(4) Needy children who are citizens of the United States and who are under the age of twenty-one (21) years, and to the caretakers of such children.

The Legislature may define the residence requirements, if any, for participation in these programs.

The Legislature shall have authority to enact appropriate legislation which will enable the State of Texas to cooperate with the government of the United States in providing assistance to and/or medical care on behalf of needy persons, and in providing rehabilitation and any other services included in the federal legislation providing matching funds to help such families and individuals attain or retain capability

Article III.--(Continued.)

for independence or self-care, and to accept and expend funds from the government of the United States for such purposes in accordance with the laws of the United States as they now are or as they may hereafter be amended, and to make appropriations out of state funds for such purposes; provided that the maximum amount paid out of state funds to or on behalf of any individual recipient shall not exceed the amount that is matchable out of federal funds; provided that the total amount of such assistance payments and/or medical assistance payments out of state funds on behalf of such recipients shall not exceed the amount that is matchable out of federal funds; provided that if the limitations and restrictions herein contained are found to be in conflict with the provisions of appropriate federal statutes as they now are or as they may be amended, to the extent that federal matching money is not available to the state for these purposes, then and in that event the Legislature is specifically authorized and empowered to prescribe such limitations and restrictions and enact such laws as may be necessary in order that such federal matching money will be available for assistance and/or medical care for or on behalf of needy persons; and provided further that the total amount of money to be expended per fiscal year out of state funds for assistance payments only to recipients of Old-Age Assistance, Aid to the Permanently and Totally Disabled, Aid to the Blind, and Aid to Families with Dependent Children shall never exceed Sixty Million Dollars ($60,000,000).

Nothing in this section shall be construed to amend, modify or repeal Sec. 31 of Art. XVI of this Constitution; provided further, however, that such medical care, services or assistance shall also include the employment of objective or subjective means, without the use of drugs, for the purpose of ascertaining and measuring the powers of vision of the human eye, and fitting lenses or prisms to correct or remedy any defect or abnormal condition of vision. Nothing herein shall be construed to permit optometrists to treat the eyes for any defect whatsoever in any manner nor to administer nor to prescribe any drug or physical treatment whatsoever, unless such optometrist is a regularly licensed physician or surgeon under the laws of this state.

[Note.—The foregoing Sec. 51-a. of Art. III, an amendment, was first submitted by the Forty-ninth Legislature and adopted in an election Aug. 25, 1945. It supplanted four earlier amendments, as follows: An original Sec. 51-a which provided for issuance of $20,000,000 in state bonds for relief (the so-called "Bread Bonds"), this amendment having been submitted by the Forty-third Legislature and adopted Aug. 26, 1933; and also Secs. 51-b, 51-c and 51-d, which originally provided for old-age pensions and other welfare measures, adopted in elections Aug. 24, 1935, and Aug. 23, 1937. Because of this consolidation, the Constitution did skip from Sec. 51-a to Sec. 51-e until a Sec. 51-b was added in election Nov. 2, 1954, and a Subsection 51-a was added in election Nov. 5, 1957. It was further amended to raise the limit from $35,000,000 to $42,000,000. Submitted by Fifty-third Legislature (1953) and adopted in election Nov. 2, 1954. It was again amended to raise the limit from $42,000,000 to $47,000,000 and authorizing legislative appropriations to raise the needed money. Submitted by Fifty-fifth Legislature (1957) and adopted in election Nov. 5, 1957. It was further amended to raise the total amount of assistance to $52,000,000 per year. Submitted by Fifty-seventh Legislature (1961) and adopted in election Nov. 6, 1962. It was further amended to combine the former Sections 51-a and 51-b-1 of Art. III into one section to be known as Sec. 51-a; further raising the total amount of assistance to $60,000,000 per year and providing that Legislature shall prescribe the residence requirements. Submitted by Fifty-eighth Legislature (1963) and adopted in election Nov. 9, 1963. It was further amended in 1965 to create a new Sec. 51-a which consolidates the old Sec. 51-a and Subsections 51-a-1 and 51-a-2. The new Sec. 51-a enables the State of Texas to cooperate with the U.S. government in providing assistance and medical care for the needy aged, needy blind, needy children and needy totally disabled; expands age categories of those eligible for blind assistance and of needy children; and extends eligibility for the aged to citizens of the U.S. or non-citizens who have resided in the U.S. for 25 years. Submitted by Fifty-ninth Legislature (1965) and adopted in election Nov. 2, 1965.]

Sec. 51-b. **State Building Commission Created.**—(a) The State Building Commission is hereby created. Its membership shall consist of the Governor, the Attorney General and the Chairman of the Board of Control. The Legislature may provide by law for some other state official to be a member of this commission in lieu of the Chairman of the Board of Control, and in the event said State official has not already been confirmed by the Senate as such State official he shall be so confirmed as a member of the State Building Commission in the same manner that other State officials are confirmed.

(b) The State Building Fund is hereby created. On or before the first day of January following the adoption of this amendment, and each year thereafter, the Comptroller of Public Accounts shall certify to the State Treasurer that amount of money necessary to pay Confederate pensions for the ensuing calendar year as provided by the Constitution and laws of this State. Thereupon each year the State Treasurer shall transfer forthwith from the Confederate Pension Fund to the State Building Fund all money except that needed to pay the Confederate pensions as certified by the Comptroller. This provision is self-enacting. The State Building Fund shall be expended by the Commission upon appropriation by the Legislature for the uses and purposes set forth in subdivision (c) hereof.

(c) Under such terms and conditions as are now or may be hereafter provided by law, the Commission may acquire necessary real and personal property, salvage and dispose of property unsuitable for State purposes, modernize, remodel, build and equip buildings for State purposes, and negotiate and make contracts necessary to carry out and effectuate the purposes herein mentioned.

The first major structure erected from the State Building Fund shall be known and designated as a memorial to the Texans who served in the Armed Forces of the Confederate States of America, and shall be devoted to the use and occupancy of the Supreme Court and such other courts and State agencies as may be provided by law. The second major structure erected from the State Building Fund shall be a State office building and shall be used by whatever State agencies as may be provided by law.

Under such terms and conditions as are now are may hereafter be provided by law, the State Building Commission may expend not exceeding five (5%) per cent of the moneys available to it in any one year, for the purpose of erecting memorials to the Texans who served in the Armed Forces of the Confederate States of America. Said memorials may be upon battlefields or other suitable places within or without the boundaries of this State. The authorization for expenditures for memorials herein mentioned shall cease as of Dec. 31, 1965.

Under such terms and conditions as are now or may hereafter be permitted by law, the State Building Commission may expend not exceeding thirty thousand ($30,000) dollars in the aggregate for the purpose of erecting memorials to the Texans who served in the Armed Forces of the Republic in the Texas War for Independence. Said memorials may be erected upon battlefields, in cemeteries, or other suitable places within or without the boundaries of this State. The authorization for expenditures for memorials herein mentioned shall cease as of Dec. 31, 1965.

(d) The State ad valorem tax on property of two (2c) cents on the one hundred ($100) dollars valuation now levied under Sec. 51 of Art. III of the Constitution as amended by Sec. 17 of Art. VII (adopted in 1947) is hereby specifically levied for the purposes of continuing the payment of Confederate pensions as provided under Art. III, Sec. 51, and for the establishment and continued maintenance of the State Building Fund hereby created.

(e) Should the Fifty-third Legislature enact a law or laws in anticipation of the adoption of this amendment, such shall not be invalid by reason of their anticipatory character.

[Note.—The foregoing Sec. 51-b of Art. III, an amendment, was added for the stated purpose of establishing a State Building Commission and fund and transferring funds from the Confederate Pension Fund to the new State Building Fund created by this amendment. Submitted by the Fifty-third Legislature (1953) and adopted in an election Nov. 2, 1954. See note beneath next section on repetition of "51-b" as number of that section.]

Article III.--(Continued)

Sec. 51-c. **False Imprisonment.**—The Legislature may grant aid and compensation to any person who has heretofore paid a fine or served a sentence in prison, or who may hereafter pay a fine or serve a sentence in prison, under the laws of this State for an offense for which he or she is not guilty, under such regulations and limitations as the Legislature may deem expedient.

[Note.—Sec. 51-c of Art. III was added to provide that Legislature may grant aid and compensation to persons who have been fined or imprisoned under laws of this state for offenses of which they are not guilty. Submitted by Fifty-fourth Legislature (1955) and adopted in election Nov. 6, 1956.]

Sec. 51-d. **Assistance to Survivors of Law Enforcement Officers Killed on Duty.**—The Legislature shall have the power, by general law, to provide for the payment of assistance by the State of Texas to the surviving spouse and minor children of law enforcement officers, custodial personnel of the Texas Department of Corrections or of full-paid firemen who suffer violent death in the course of the performance of their duties as law enforcement officers, custodial personnel of the Texas Department of Corrections or as full-paid firemen.

[Note.—The foregoing Sec. 51-d, an amendment, was added to provide assistance for survivors of law enforcement officers killed while performing their duty. Submitted by Fifty-ninth Legislature (1965), adopted in election Nov. 8, 1966.]

Sec. 51-e. **City and Town Pension System.**—Each incorporated city and town in this State shall have the power and authority to provide a system of retirement and disability pensions for its appointive officers and employees who have become disabled as a direct and proximate result of the performance of their duties, or have passed their sixty-fifth birthday, or have been employed by such city or town for more than twenty-five (25) years and have passed their sixtieth birthday, when and if, but only when and if such system has been approved at an election by the qualified voters of such city or town entitled to vote on the question of issuance of tax-supported bonds; provided, that no city or town shall contribute more than the equivalent of seven and one half (7½%) per centum of salaries and wages of the officers and employees entitled to participate in its pension system, and that said officers and employees shall contribute a like amount; and this amendment shall not reduce the authority nor duty of any city or town otherwise existing.

[Note.—The foregoing Sec. 51-e of Art. III, an amendment, was added for the stated purpose of providing retirement pay for municipal employees. Submitted by Forty-eighth Legislature and adopted in an election Nov. 7, 1944.]

Sec. 51-f. **Local Pension Plans.**—The Legislature of this State shall have the authority to provide for a system of retirement and disability pensions for appointive officers and employees of cities and towns to operate state-wide or by districts under such a plan and program as the Legislature shall direct and shall provide that participation therein by cities and towns shall be voluntary; provided, that the Legislature shall never make an appropriation to pay any of the cost of any system authorized by this section.

[Note.—The foregoing Sec. 51-f of Art. III, an amendment, was added to amplify Sec. 51-e and set stated restrictions. Submitted by Forty-eighth Legislature and adopted in an election Nov. 7, 1944.]

Sec. 51-g. **Social Security Coverage for Municipal Employees.**—The Legislature shall have the power to pass such laws as may be necessary to enable the State to enter into agreements with the Federal Government to obtain for proprietary employees of its political subdivisions coverage under the old-age and survivors insurance provisions of Title II of the Federal Social Security Act as amended. The Legislature shall have the power to make appropriations and authorize all obligations necessary to the establishment of such Social Security coverage program.

[Note.—The foregoing Sec. 51-g of Art. III, an amendment, was added for the stated purpose of extending Social Security coverage to municipal employees. Submitted by the Fifty-third Legislature (1953) and adopted in an election Nov. 2, 1954.]

Sec. 52. **Counties, Cities, Etc., Not Authorized to Grant Money or Become Stockholders; Exceptions.**—The Legislature shall have no power to authorize any county, city, town or other political corporation or subdivision of the State to lend its credit or to grant public money or thing of value in aid of, or to any individual, association or corporation whatsoever, or to become a stockholder in such corporation, association or company; provided, however, that under legislative provision any county, any political subdivision of a county, any number of adjoining counties or any political subdivision of the State or any defined district now or hereafter to be described and defined within the State of Texas, and which may or may not include towns, villages or municipal corporations, upon a vote of a two-thirds majority of the resident property taxpayers voting thereon who are qualified electors of such district or territory to be affected thereby, in addition to all other debts, may issue bonds or otherwise lend its credit in any amount not to exceed one fourth of the assessed valuation of the real property of such district or territory, except that the total bonded indebtedness of any city or town shall never exceed the limits imposed by other provisions of this Constitution, and levy and collect such taxes to pay the interest thereon and provide a sinking fund for the redemption thereof, as the Legislature may authorize, and in such manner as it may authorize the same, for the following purposes, to wit:

(a) The improvement of rivers, creeks and streams to prevent overflows and to permit of navigation thereof or irrigation thereof, or in aid of such purposes.

(b) The construction and maintenance of pools, lakes, reservoirs, dams, canals and waterways for the purpose of irrigation, drainage or navigation, or in aid thereof.

(c) The construction, maintenance and operation of macadamized, graveled or paved roads and turnpikes or in aid thereof.

[Note.—The foregoing Sec. 52 of Art. III is an amended section, the amendment authorizing formation of districts for issuance of bonds for leveeing, drainage, irrigation, highway construction and other public improvements. Submitted by Twenty-eighth Legislature (1903), adopted in election, Nov. 8, 1904, and proclaimed Dec. 29, 1904.]

Sec. 52-b. **Legislature Prohibited to Lend Credit of State in Building or Maintaining Toll Roads and Turnpikes.**—The Legislature shall have no power or authority to in any manner lend the credit of the State or grant any public money to, or assume any indebtedness, present or future, bonded or otherwise, of any individual, person, firm, partnership, association, corporation, public corporation, public agency, or political subdivision of the State, or anyone else, which is now or hereafter authorized to construct, maintain or operate toll roads and turnpikes within this State.

[Note.—The foregoing Sec. 52-b of Art. III, an amendment was added for the stated purpose of prohibiting Legislature from lending credit of State in building or maintaining toll roads and turnpikes. Submitted by the Fifty-third Legislature (1953) and adopted in an election Nov. 2, 1954.]

Sec. 52-d. **Harris County Road Districts.**—Upon the vote of a majority of the resident qualified electors owning rendered taxable property therein so authorizing, a county or road district may collect an annual tax for a period not exceeding five (5) years to create a fund for constructing lasting and permanent roads and bridges or both. No contract involving the expenditure of any of such fund shall be valid unless, when it is made, money shall be on hand in such fund.

At such election, the Commissioners Court shall submit for adoption a road plan and designate the amount of special tax to be levied; the number of years said tax is to be levied; the location, description and character of the roads and bridges; and the estimated cost thereof. The funds raised by such taxes shall not be used for purposes other than those specified in the plan submitted to the voters. Elections may be held from time to time to extend or discontinue said plan or to increase or diminish said tax. The Legislature shall enact laws prescribing the procedure hereunder.

The provisions of this section shall apply only to Harris County and road districts therein.

Article III.--(Continued.)

[Note.—The foregoing Sec. 52-d of Art. III, an amendment, was added for the stated purpose of giving special local tax powers to Harris County. Adopted in an election Aug. 23, 1937.

*Note that Secs. 52-a and 52-c are omitted. Such sections never existed. The Fifty-third Legislature (1953) submitted an amendment to be numbered 52-b, and same was adopted in an election Nov. 2, 1954. Obviously, the designation, "Sec. 52-d," in Senate Joint Resolution No. 16 of the Forty-fifth Legislature resulted from confusion of a new section number with the sequence of paragraphs "a, b and c" under section 52 immediately above. Some published texts of the State Constitution give this as "Paragraph d," under Sec. 52, as it might properly have been designated, but SJR No. 16 of the Fifty-third Legislature definitely gave it as a separate "Sec. 52-d." Since Sec. 52-b was added in 1954, Secs. 52-a and 52-c are still missing.

Sec. 53. **Extra Compensation by Municipal Corporations.**—The Legislature shall have no power to grant or to authorize any county or municipal authority to grant any extra compensation, fee or allowance to a public officer, agent, servant or contractor, after service has been rendered or a contract has been entered into and performed in whole or in part; nor pay, nor authorize the payment of any claim created against any county or municipality of the State under any agreement or contract made without authority of law.

Sec. 54. **Liens on Railroads.**—The Legislature shall have no power to release or alienate any lien held by the State upon any railroad, or in anywise change the tenor or meaning or pass any act explanatory thereof; but the same shall be enforced in accordance with the original terms upon which it was acquired.

Sec. 55. **Power of Legislature to Release Debt.**—The Legislature shall have no power to release or extinguish, or to authorize the releasing or extinguishing, in whole or in part, the indebtedness, liability or obligation of any corporation or individual, to this State or to any county or defined subdivision thereof, or other municipal corporation therein, except delinquent taxes which have been due for a period of at least ten years.

[Note.—The foregoing Sec. 55 of Art. III is an amendment of an original section, the amendment having been adopted to include the clause "except delinquent taxes which have been due for a period of at least ten years." Submitted by the Forty-second Legislature (1931) and adopted in an election Nov. 8, 1932. Proclaimed Jan. 9, 1933.]

Sec. 56. **Special Laws; Limitations.**—The Legislature shall not, except as otherwise provided in this Constitution, pass any local or special law authorizing:

The creation, extension or impairing of liens;

Regulating the affairs of counties, cities, towns, wards or school districts;

Changing the names of persons or places;

Changing the venue in civil or criminal cases;

Authorizing the laying out, opening, altering or maintaining of roads, highways, streets or alleys;

Relating to ferries or bridges, or incorporating ferry or bridge companies, except for the erection of bridges crossing streams which form boundaries between this and any other State;

Vacating roads, town plats, streets or alleys;

Relating to cemeteries, graveyards or public grounds not of the states;

Authorizing the adoption or legitimation of children;

Locating or changing county seats;

Incorporating cities, towns or villages, or changing their charter;

For the opening and conducting of elections or fixing or changing the places of voting;

Granting divorces;

Creating offices, or prescribing the powers and duties of officers in counties, cities, towns, election or school districts;

Changing the law of descent or succession;

Regulating the practice or jurisdiction of, or changing the rules of evidence in any judicial proceeding or inquiry before courts, justices of the peace, sheriffs, commissioners, arbitrators or other tribunals, or providing or changing methods for the collection of debts or the enforcing of judgments or prescribing the effect of judicial sales of real estate;

Regulating the fees or extending the powers and duties of aldermen, justices of the peace, magistrates or constables;

Regulating the management of public schools, the building or repairing of schoolhouses, and the raising of money for such purposes;

Fixing the rate of interest;

Affecting the estates of minors or persons under disability;

Remitting fines, penalties and forfeitures and refunding moneys legally paid into the Treasury;

Exempting property from taxation;

Regulating labor, trade, mining and manufacturing;

Declaring any named person of age;

Extending the time for the assessment or collection of taxes, or otherwise relieving any assessor or collector of taxes from the due performance of his official duties or his securities from liability;

Giving effect to informal or invalid wills or deeds;

Summoning or impaneling grand or petit juries;

For limitation of civil or criminal actions;

For incorporating railroads or other works of internal improvements;

And in all other cases where a general law can be made applicable no local or special law shall be enacted; provided, that nothing herein contained shall be construed to prohibit the Legislature from passing special laws for the preservation of the game and fish of this State in certain localities.

Sec. 57. **Notice of Local or Special Laws.**—No local or special law shall be passed unless notice of the intention to apply therefor shall have been published in the locality where the matter or thing to be affected may be situated, which notice shall state the substance of the contemplated law, and shall be published at least thirty days prior to the introduction into the Legislature of such bill and in the manner to be provided by law. The evidence of such notice having been published shall be exhibited in the Legislature before such act shall be passed.

Sec. 58. **Sessions to Be Held at Austin, Seat of Government.**—The Legislature shall hold its sessions at the City of Austin, which is hereby declared to be the seat of government.

Sec. 59. **Workmen's Compensation for State Employees.**—The Legislature shall have power to pass such laws as may be necessary to provide for workmen's compensation insurance for such State employees, as in its judgment is necessary or required; and to provide for the payment of all costs, charges and premiums on such policies of insurance; providing, the state shall never be required to purchase insurance for any employee.

[Note.—The foregoing Sec. 59 of Art. III, an amendment, was added for the stated purpose of providing for workmen's compensation for state employees. Adopted in an election, Nov. 3, 1936.]

Sec. 60. **Workmen's Compensation Insurance for County Employees.**—The Legislature shall have the power to pass such laws as may be necessary to enable all counties and other political subdivisions of this State to provide Workmen's Compensation insurance, including the right to provide its own insurance risk, for all employees of the county or political subdivision as in its judgment is necessary or required; and the Legislature shall provide suitable laws for the administration of such insurance in the counties or political subdivisions of this State and for the payment of the costs, charges and premiums on such policies of insurance and the benefits to be paid thereunder.

[Note.—The foregoing Sec. 60 of Art. III was first added for the stated purpose of providing workmen's compensation insurance for county employees. Adopted in election Nov. 2, 1948. Further amended to include all political subdivisions. Submitted by Fifty-seventh Legislature (1961) and adopted in election Nov. 6, 1962.]

Sec. 61. The Legislature shall have the power to enact laws to enable cities, towns and villages of this state to provide Workmen's Compensation Insurance, including the right to provide their own insurance risk for all employees; and the Legislature shall provide suitable laws for the administration of such insurance in the said municipalities and for payment of the costs, charges, and premiums on policies of insurance and the benefits to be paid thereunder.

[Note.—The foregoing Sec. 61 of Art. III, an amendment, was added for the stated purpose of providing workmen's compensation insurance for municipal employees. Submitted by the Fifty-second Legislature and adopted in an election Nov. 4, 1952.]

Sec. 61-a. **Salary of Governor, Attorney General, Comptroller of Public Accounts, Treasurer, Commissioner of General Land Office and Secretary of State.**—The Legislature shall not fix the salary of the Governor, Attorney General, Comptroller of Public Accounts, the Treasurer, Commissioner of the General Land Office or Secretary of State at a sum less than that fixed for such officials in the Constitution on Jan. 1, 1953.

[Note.—The foregoing Sec. 61-a of Art. III, an amendment, was added to fix the salaries of the aforementioned officials. Submitted by the Fifty-third Legislature (1953) and adopted in an election Nov. 2, 1954, as submitted in SJR 5, this amendment was designated merely as "Section 61" duplicating the number of an existing section. To distinguish between the two, it is here designated as "Section 61-a."]

Sec. 62. **Continuity of State and Local Governmental Operations.**—The Legislature, in order to insure continuity of state and local governmental operations in periods of emergency resulting from disasters caused by enemy attack, shall have the power and the immediate duty to provide for prompt and temporary succession to the powers and duties of public offices, except members of the Legislature, of whatever nature and whether filled by election or appointment, the incumbents of which may become unavailable for carrying on the powers and duties of such offices. Provided, however, that Article I of the Constitution of Texas, known as the "Bill of Rights" shall not be in any manner, affected, amended, impaired, suspended, repealed or suspended hereby.

[Note.—The foregoing Sec. 62 of Art. III, an amendment, was added to provide for temporary succession to powers and duties of public offices in periods of emergency resulting from disaster caused by enemy attack. Submitted by the Fifty-seventh Legislature (1961) and adopted in election Nov. 6, 1962.]

Sec. 63. **Consolidation of Governmental Functions in Counties of 1,200,000 or More Inhabitants.**—(1) The Legislature may by statute provide for the consolidation of some functions of government of any one or more political subdivisions comprising or located within any county in this state having one million, two hundred thousand (1,200,000) or more inhabitants. Any such statute shall require an election to be held within the political subdivisions affected thereby with approval by a majority of the voters in each of these political subdivisions, under such terms and conditions as the Legislature may require.

(2) The county government, or any political subdivision(s) comprising or located therein, may contract one with another for the performance of governmental functions required or authorized by this Constitution or the laws of this state, under such terms and conditions as the Legislature may prescribe. The term "governmental functions," as it relates to counties, includes all duties, activities and operations of statewide importance in which the county acts for the state, as well as of local importance, whether required or authorized by this Constitution or the laws of this state.

[Note.—The foregoing Sec. 63 of Art. III, an amendment, was added to provide for consolidation of governmental functions between political subdivisions within counties of 1,200,000 or more inhabitants. Submitted by Fifty-ninth Legislature (1965) and adopted in election Nov. 8, 1966.]

ARTICLE IV.—EXECUTIVE DEPARTMENT.

Sec. 1. **Officers of Executive Department.**—The executive department of the State shall consist of a Governor, who shall be the chief executive officer of the State; a Lieutenant Governor, Secretary of State, Comptroller of Public Accounts, Treasurer, Commissioner of the General Land Office and Attorney General.

Sec. 2. **Election of Executive Officers.**—All the above officers of the executive department (except Secretary of State) shall be elected by the qualified voters of the State at the time and places of election for members of the Legislature.

Sec. 3. **Election Results; Ties; Contests.**—The returns of every election for said executive officers, until otherwise provided by law, shall be made out, sealed up and transmitted by the returning officers prescribed by law, to the seat of government, directed to the Secretary of State, who shall deliver the same to the Speaker of the House of Representatives as soon as the Speaker shall be chosen, and the said Speaker shall, during the first week of the session of the Legislature, open and publish them in the presence of both houses of the Legislature. The person voted for at said election having the highest number of votes for each of said offices, respectively, and being constitutionally eligible, shall be declared by the Speaker, under sanction of the Legislature, to be elected to said office. But if two or more persons shall have the highest and an equal number of votes for either of said offices, one of them shall be immediately chosen to such office by a joint vote of both houses of the Legislature. Contested elections for either of said offices shall be determined by both houses of the Legislature in joint session.

Sec. 3a. **Gubernatorial Succession.**—If, at the time the Legislature shall canvass the election returns for the offices of Governor and Lieutenant Governor, the person receiving the highest number of votes for the office of Governor, as declared by the Speaker, has died, then the person having the highest number of votes for the office of Lieutenant Governor shall act as Governor until after the next general election. It is further provided that in the event the person with the highest number of votes for the office of Governor as declared by the Speaker, shall become disabled, or fail to qualify, then the Lieutenant Governor shall act as Governor until a person has qualified for the office of Governor, or until after the next general election. Any succession to the governorship not otherwise provided for in this Constitution may be provided for by law; provided, however, that any person succeeding to the office of Governor shall be qualified as otherwise provided in this Constitution, and shall, during the entire term to which he may succeed, be under all the restrictions and inhibitions imposed in this Constitution on the Governor.

[Note.—An added amendment, for the purpose stated therein. Submitted by the Fiftieth Legislature (1947) and adopted in election, Nov. 2, 1948.]

Sec. 4. **Governor, When Installed; Term; Qualifications.**—The Governor shall be installed on the first Tuesday after the organization of the Legislature, or as soon thereafter as practicable, and shall hold his office for the term of two years, or until his successor shall be duly installed. He shall be at least 30 years of age, a citizen of the United States, and shall have resided in this State at least five years immediately preceding his election.

Sec. 5. **Governor's Salary and Mansion.**—The Governor shall, at stated times, receive as compensation for his services an annual salary in an amount to be fixed by the Legislature, and shall have the use and occupation of the Governor's Mansion, fixtures and furniture.

[Note.—The foregoing Sec. 5 of Art. IV was first amended to raise Governor's salary from $4,000 to $12,000. Adopted in an election Nov. 3, 1936. Further amended to give Legislature authority to fix salary. Submitted by Fifty-third Legislature (1953) and adopted in election Nov. 2, 1954.]

Sec. 6. **Governor to Hold No Other Office, Etc.**—During the time he holds the office of Governor he shall not hold any other office, civil, military or corporate; nor shall he practice any profession or receive compensation, reward, fee or the promise thereof for the same; nor receive any salary, reward or compensation or the promise thereof from any person or corporation for any service rendered or performed during the time he is Governor or to be thereafter rendered or performed.

Sec. 7. **Commander in Chief; May Call Out Militia.**—He shall be commander in chief of the military forces of the State, except when they are called into actual service of the United States. He shall have power to call forth the militia to execute the laws of the State, to suppress insurrections, repel invasions and protect the frontier from hostile incursions by Indians or other predatory bands.

Article IV.—(Continued.):

Sec. 8. **Governor May Convene Legislature.**—The Governor may, on extraordinary occasions, convene the Legislature at the seat of government or at a different place in case that should be in possession of the public enemy, or in case of the prevalence of disease threat. His proclamation therefor shall state specifically the purpose for which the Legislature is convened.

Sec. 9. **Governor's Message; to Account for Moneys; Present Estimates, Etc.**—The Governor shall, at the commencement of each session of the Legislature, and at the close of his term of office, give to the Legislature information, by message, of the condition of the State; and he shall recommend to the Legislature such measures as he may deem expedient. He shall account to the Legislature for all public moneys received and paid out by him from any funds subject to his order, with vouchers; and shall accompany his message with a statement of the same. And at the commencement of each regular session he shall present estimates of the amount of money required to be raised by taxation for all purposes.

Sec. 10. **Governor Shall Cause the Laws to Be Executed; Intercourse With Other States.**—He shall cause the laws to be faithfully executed and shall conduct, in person, or in such manner as shall be prescribed by law, all intercourse and business of the State with other States and with the United States.

Sec. 11. **Board of Pardons and Paroles: Advisory Authority to Governor in Granting Reprieves, Paroles, Pardons, Etc.**—There is hereby created a Board of Pardons and Paroles, to be composed of three members, who shall have been resident citizens of the State of Texas for a period of not less than two years immediately preceding such appointment, each of whom shall hold office for a term of six years; provided, that of the members of the first board appointed, one shall serve for two years, one for four years and one for six years from the first day of February, 1937, and they shall cast lots for their respective terms. One member of said board shall be appointed by the Governor, one member by the Chief Justice of the Supreme Court of the State of Texas and one member by the presiding Justice of the Court of Criminal Appeals; the appointments of all members of said board shall be made with the advice and consent of two thirds of the Senate present. Each vacancy shall be filled by the respective appointing power that theretofore made the appointment to such position, and the appointive powers shall have the authority to make recess appointments until the convening of the Senate.

In all criminal cases, except treason and impeachment, the Governor shall have power, after conviction, on the written signed recommendation and advice of the Board of Pardons and Paroles or a majority thereof, to grant reprieves, commutations of punishment and pardons; and under such rules as the Legislature may prescribe, and upon the written recommendation and advice of a majority of the Board of Pardons and Paroles, he shall have the power to remit fines and forfeitures. The Governor shall have the power to grant one reprieve in any capital case for a period not to exceed thirty (30) days, and he shall have the power to revoke paroles and conditional pardons. With the advice and consent of the Legislature, he may grant reprieves, commutations of punishment and pardons in cases of treason.

The Legislature shall have power to regulate procedure before the Board of Pardons and Paroles and shall require it to keep record of its actions and the reasons therefor, and shall have authority to enact parole laws.

[Note.—The foregoing Sec. 11 of Art. IV was amended from the original to establish the stated procedure for granting pardons and paroles, which was originally vested exclusively in the Governor's office. Submitted by Forty-fourth Legislature (1935) and adopted in an election Nov. 3, 1936.]

Sec. 11-a. **Suspension of Sentences; Probation.**—The courts of the State of Texas having original jurisdiction of criminal actions shall have the power, after conviction, to suspend the imposition or execution of sentence and to place the defendant upon probation and to reimpose such sentence, under such conditions as the Legislature may prescribe.

[Note.—The foregoing Sec. 11-a of Art. IV, an amendment, was added for the stated purpose of providing suspended sentences. Submitted by Forty-fourth Legislature (1935) and adopted in an election Aug. 24, 1935.]

Sec. 12. **Governor to Fill Vacancies in State and District Offices.**—All vacancies in State or district offices, except members of the Legislature, shall be filled, unless otherwise provided by law, by appointment of the Governor, which appointment, if made during its session, shall be with the advice and consent of two thirds of the Senate present. If made during the recess of the Senate, the said appointee, or some other person to fill such vacancy, shall be nominated to the Senate during the first ten days of its session. If rejected, said office shall immediately become vacant, and the Governor shall, without delay, make further nominations until a confirmation takes place. But should there be no confirmation during the session of the Senate, the Governor shall not thereafter appoint any person to fill such vacancy who has been rejected by the Senate, but may appoint some other person to fill the vacancy until the next session of the Senate or until the regular election to said office, should it sooner occur. Appointments to vacancies in offices elective by the people shall only continue until the first general election thereafter.

Sec 13. **Where Governor Shall Reside.**—During the session of the Legislature the Governor shall reside where its sessions are held and at all other times at the seat of government, except when, by act of the Legislature he may be required or authorized to reside elsewhere.

Sec. 14. **Approval of Bills; Veto Bill Not Returned to Become a Law.**—Every bill which shall have passed both houses of the Legislature shall be presented to the Governor for his approval. If he approve, he shall sign it; but if he disapprove it, he shall return it with his objections to the house in which it originated, which house shall enter the objections at large upon its journal, and proceed to reconsider it. If, after such reconsideration, two thirds of the members present agree to pass the bill, it shall be sent, with the objections, to the other house, by which likewise it shall be reconsidered; and if approved by two thirds of the members of that house, it shall become a law; but in such cases the votes of both houses shall be determined by yeas and nays; and the names of the members voting for and against the bill shall be entered on the journal of each house, respectively. If any bill shall not be returned by the Governor with his objections within ten days (Sundays excepted) after it shall have been presented to him, the same shall be a law in like manner as if he had signed it, unless the Legislature, by its adjournment, prevent its return, in which case it shall be a law, unless he shall file the same, with his objections, in the office of the Secretary of State and give notice thereof by public proclamation within twenty days after such adjournment. If any bill presented to the Governor contains several items of appropriation he may object to one or more of such items, and approve the other portion of the bill. In such case he shall append to the bill, at the time of signing it, a statement of the items to which he objects, and no item so objected to shall take effect. If the Legislature be in session he shall transmit to the house in which the bill originated a copy of such statement, and the items objected to shall be separately considered. If, on reconsideration, one or more of such items be approved by two thirds of the members present, of each house, the same shall be part of the law, notwithstanding the objection of the Governor. If any such bill containing several items of appropriation not having been presented to the Governor ten days (Sundays excepted) prior to adjournment, be in the hands of the Governor at the time of adjournment, he shall have twenty days from such adjournment within which to file objections to any items thereof and make proclamation of the same, and such item or items shall not take effect.

Sec. 15. **What to Be Presented for Approval.**—Every order, resolution or vote to which the concurrence of both houses of the Legislature may be necessary except on questions of adjournment shall be presented to the Governor, and before it shall take effect shall be approved by him; or, being disapproved, shall be repassed by both houses, and all the rules, provisions and limitations shall apply thereto as prescribed in the last preceding section in the case of a bill.

Article IV.—(Continued.)

Sec. 16. **Lieutenant Governor; Election; Term; Powers and Duties.**—There shall also be a Lieutenant Governor, who shall be chosen at every election for Governor by the same electors, in the same manner, continue in office for the same time and possess the same qualifications. The electors shall distinguish for whom they vote as Governor and for whom as Lieutenant Governor. The Lieutenant Governor shall, by virtue of his office, be President of the Senate and shall have, when in committee of the whole, a right to debate, and vote on all questions; and when the Senate is equally divided, to give the casting vote. In case of the death, resignation, removal from office, inability or refusal of the Governor to serve, or of his impeachment or absence from the State, the Lieutenant Governor shall exercise the powers and authority appertaining to the office of Governor until another be chosen at the periodical election, and be duly qualified; or until the Governor, impeached, absent or disabled, shall be acquitted, return or his disability be removed.

Sec. 17. **Vacancy in Office; Compensation.**—If, during the vacancy in the office of Governor, the Lieutenant Governor should die, resign, refuse to serve or be removed from office or be unable to serve; or if he shall be impeached or absent from the State, the President of the Senate, for the time being, shall, in like manner, administer the government until he shall be superseded by a Governor or Lieutenant Governor. The Lieutenant Governor shall, while he acts as President of the Senate, receive for his services the same compensation and mileage which shall be allowed to the members of the Senate, and no more; and during the time he administers the government as Governor, he shall receive in like manner the same compensation which the Governor would have received had he been employed in the duties of his office, and no more. The president, for the time being, of the Senate, shall, during the time he administers the government, receive in like manner the same compensation which the Governor would have received had he been employed in the duties of his office.

Sec. 18. **Succession to Governorship.**—The Lieutenant Governor, or President of the Senate, succeeding to the office of Governor shall, during the entire terms to which he may succeed, be under all the restrictions and inhibitions imposed in this Constitution on the Governor.

Sec. 19. **Seal of State; Secretary of State to Keep, Etc.**—There shall be a seal of the State which shall be kept by the Secretary of State and used by him officially under the direction of the Governor. The seal of the State shall be a star of five points, encircled by olive and live oak branches, and the words "The State of Texas."

Sec. 20. **Commissions to Be Signed and Sealed.**—All commissions shall be in the name and by the authority of the State of Texas, sealed with the State seal, signed by the Governor, and attested by the Secretary of State.

Sec. 21. **Secretary of State; Term; Duties; Compensation.**—There shall be a Secretary of State, who shall be appointed by the Governor, by and with the advice and consent of the Senate, and who shall continue in office during the term of service of the Governor. He shall authenticate the publication of the laws and keep a fair register of all official acts and proceedings of the Governor, and shall, when required, lay the same and all papers, minutes and vouchers relative thereto, before the Legislature or either house thereof, and shall perform such other duties as may be required of him by law. He shall receive for his services an annual salary in an amount to be fixed by the Legislature.

[Note.—The foregoing Sec. 21 of Art. IV was first amended from the original to raise the salary of the Secretary of State from $2,000 to $6,000 a year. Amendment adopted in an election Nov. 3, 1936. Further amended to give Legislature authority to fix salary. Submitted by Fifty-third Legislature (1953) and adopted in election Nov. 2, 1954.]

Sec. 22. **Attorney General; Term; Duties; Residence; Salary.**—The Attorney General shall hold his office for two years and until his successor is duly qualified. He shall represent the State in all suits and pleas in the Supreme Court of the State in which the State may be a party and shall especially inquire into the charter rights of all private corporations, and from time to time in the name of the State, take such action in the courts as may be proper and necessary to prevent any private corporation from exercising any power or demanding or collecting any species of taxes, tolls, freight or wharfage not authorized by law. He shall, whenever sufficient cause exists, seek a judicial forfeiture of such charters, unless otherwise expressly directed by law, and give legal advice in writing to the Governor and other executive officers when requested by them, and perform such other duties as may be required by law. He shall reside at the seat of government during his continuance in office. He shall receive for his services an annual salary in an amount to be fixed by the Legislature.

[Note.—The foregoing Sec. 22 of Art. IV was amended from the original to raise the Attorney General's fixed salary from $2,000 to $10,000 a year and to eliminate provisions for fees not to exceed $2,000 a year. Amendment adopted in an election Nov. 3, 1936. Further amended to give Legislature authority to fix salary. Submitted by Fifty-third Legislature (1953) and adopted in election Nov. 2, 1954.]

Sec. 23. **Comptroller; Treasurer, and Commissioner of the General Land Office; Terms; Salaries; Residence; Fees.**—The Comptroller of Public Accounts, the Treasurer and the Commissioner of the General Land Office shall each hold office for the term of two years and until his successor is qualified; receive an annual salary in an amount to be fixed by Legislature; reside at the capital of the State during his continuance in office, and perform such duties as are or may be required by law. They and the Secretary of State shall not receive to their own use any fees, costs or perquisites of office. All fees that may be payable by law for any service performed by any officer specified in this section, or in his office, shall be paid, when received, into the State Treasury.

[Note.—The foregoing Sec. 23 of Art. IV was first amended from the original to raise salaries of three state officials mentioned from $2,500 each to $6,000 each annually. Amendment adopted in an election Nov. 3, 1936. Further amended to give Legislature authority to fix salary. Submitted by Fifty-third Legislature (1953) and adopted in election Nov. 2, 1954.]

Sec. 24. **Officers to Account to the Governor; Duty of Governor; False Reports.**—An account shall be kept by the officers of the executive department and by all officers and managers of State institutions of all moneys and choses in action received and disbursed or otherwise disposed of by them, severally, from all sources, and for every service performed; and a semiannual report thereof shall be made to the Governor, under oath. The Governor may, at any time, require information in writing from any and all of said officers or managers upon any subject relating to the duties, conditions, management and expenses of their respective offices and institutions, which information shall be required by the Governor under oath, and the Governor may also inspect their books, accounts, vouchers and public funds; and any officer or manager who, at any time shall willfully make a false report or give false information, shall be guilty of perjury and so adjudged and punished accordingly and removed from office.

Sec. 25. **Laws for Investigation of Breaches of Trust.**—The Legislature shall pass efficient laws facilitating the investigation of breaches of trust and duty by all custodians of public funds and providing for their suspensions from office on reasonable cause shown, and for the appointment of temporary incumbents of their offices during such suspensions.

Sec. 26. **Notaries Public.**—(a) The Secretary of State shall appoint a convenient number of notaries public for each county, who shall perform such duties as now are or may be prescribed by law. The qualifications of notaries public shall be prescribed by law.

(b) Nothing herein shall affect the terms of office of notaries public who have qualified for the present term prior to the taking effect of this amendment.

(c) Should the Legislature enact an enabling law hereto in anticipation of the adoption of this amendment, such law shall not be invalid by reason of its anticipatory character.

[Note.—The foregoing Sec. 26 of Art IV was amended from the original to give the Secretary of State the authority, formerly held by the Governor, to appoint notaries public, and to include the stated contents of paragraphs (b) and (c). Submitted by Forty-sixth Legislature (1939), and adopted in an election Nov. 5, 1940.]

ARTICLE V.—JUDICIAL DEPARTMENT

Sec. 1. **The Several Courts; Criminal Courts.**—The judicial power of this State shall be vested in one Supreme Court, in Courts of Civil Appeals, in a Court of Criminal Appeals, in District Courts, in County Courts, in Commissioners' Courts, in courts of Justices of the Peace and in such other courts as may be provided by law.

The Criminal District Court of Galveston and Harris Counties shall continue with the district jurisdiction and organization now existing by law until otherwise provided by law.

The Legislature may establish such other courts as it may deem necessary and prescribe the jurisdiction and organization thereof and may conform the jurisdiction of the district and other inferior courts thereto.

[Note.—The foregoing Sec. 1 of Art. V is an amended section, being a general revision of the original, to provide for "Courts of Civil Appeals" and a "Court of Criminal Appeals" in place of the old "Court of Appeals," making minor changes. Submitted by Twenty-second Legislature (1891), ratified at an election Aug. 11, 1891, and declared adopted Sept. 22, 1891.]

Sec. 1-a. **Retirement and Compensation of Judges.**—(1) Subject to the further provisions of this section, the Legislature shall provide for the retirement and compensation of justices and judges of the Appellate Courts and District and Criminal District Courts on account of length of service, age and disability, and for their reassignment to active duty where and when needed. The office of every such justice and judge shall become vacant when the incumbent reaches the age of seventy-five (75) years or such earlier age, not less than seventy (70) years, as the Legislature may prescribe; but, in the case of an incumbent whose term of office includes the effective date of this Amendment, this provision shall not prevent him from serving the remainder of said term nor be applicable to him before his period or periods of judicial service shall have reached a total of ten (10) years.

(2) There is hereby created the State Judicial Qualifications Commission, to consist of nine (9) members, to wit: (i) two (2) Justices of Courts of Civil Appeals; (ii) two (2) District Judges; (iii) two (2) members of the State Bar, who have respectively practiced as such for over ten (10) consecutive years next preceding their selection; (iiii) three (3) citizens, at least thirty (30) years of age, not licensed to practice law nor holding any salaried public office or employment; provided that no person shall be or remain a member of the Commission, who does not maintain physical residence within this state or who resides in, or holds a judgeship within or for, the same Supreme Judicial District as another member of the Commission, or who shall have ceased to retain the qualifications above specified for his respective class of membership. Commissioners of classes (i) and (ii) above shall be chosen by the Supreme Court with advice and consent of the Senate, those of class (iii) by the Board of Directors of the State Bar under regulations to be prescribed by the Supreme Court with advice and consent of the Senate, and those of class (iiii) by appointment of the governor with advice and consent of the Senate.

(3) The regular term of office of Commissioners shall be six (6) years; but the initial members of each of classes (i), (ii) and (iii) shall respectively be chosen for terms of four (4) and six (6) years, and the initial members of class (iiii) for respective terms of two (2), four (4) and six (6) years. Interim vacancies shall be filled in the same manner as vacancies due to expiration of a full term, but only for the unexpired portion of the term in question. Commissioners may succeed themselves in office only if having served less than three (3) consecutive years.

(4) Commissioners shall receive no compensation for their services as such. The Legislature shall provide for the payment of the necessary expense for the operation of the Commission.

(5) The Commission may hold its meetings, hearings and other proceedings at such times and places as it shall determine but shall meet at Austin at least once each year. It shall annually select one of its members as chairman. A quorum shall consist of five (5) members. Proceedings shall be by majority vote of those present, except that recommendations for retirement or removal of justices or judges shall be by affirmative vote of at least five (5) members.

(6) Any justice or judge within the scope of this Sec. 1-a may, subject to the other provisions hereof, be removed from office for willful or persistent conduct, which is clearly inconsistent with the proper performance of his said duties or casts public discredit upon the judiciary or administration of justice; or any such justice or judge may be involuntarily retired for disability seriously interfering with the performance of his duties, which is, or is likely to become, permanent in nature.

(7) The Commission shall keep itself informed as fully as may be of circumstances relating to misconduct or disability of particular justices or judges, receive complaints or reports, formal or informal, from any source in this behalf and make such preliminary investigations as it may determine. Its orders for the attendance or testimony of witnesses or for the production of documents at any hearing or investigation shall be enforceable by contempt proceedings in the District Court.

(8) The Commission may, after such investigation as it deems necessary, order a hearing to be held before it concerning the removal or retirement of a justice or judge, or it may in its discretion request the Supreme Court to appoint an active or retired District Judge or justice of a Court of Civil Appeals as a master to hear and take evidence in any such matter, and to report thereon to the Commission. If, after hearing, or after considering the record and report of a master, the Commission finds good cause therefor, it shall recommend to the Supreme Court the removal or retirement, as the case may be, of the justice or judge in question and shall thereupon file with the clerk of the Supreme Court the entire record before the Commission.

(9) The Supreme Court shall review the record of the proceedings on the law and facts and in its discretion may, for good cause shown, permit the introduction of additional evidence and shall order removal or retirement, as it finds just and proper, or wholly reject the recommendation. Upon an order for involuntary retirement for disability or an order for removal, the office in question shall become vacant. The rights of an incumbent so retired to retirement benefits shall be the same as if his retirement had been voluntary.

(10) All papers filed with and proceedings before the Commission or a master shall be confidential, and the filing of papers with, and the giving of testimony before, the Commission, master or the Supreme Court shall be privileged; provided that upon being filed in the Supreme Court the record loses its confidential character.

(11) The Supreme Court shall by rule provide for the procedure before the Commission, masters and the Supreme Court. Such rule shall afford to any judge against whom a proceeding is instituted to cause his retirement due process of law for the procedure before the Commission, masters and the Supreme Court in the same manner that any person whose property rights are in jeopardy in an adjudicatory proceeding is entitled to due process of law, regardless of whether or not the interest of the judge in remaining in active status is considered to be a right or a privilege. Due process shall include the right to notice, counsel, hearing, confrontation of his accusers, and all such other incidents of due process as are ordinarily available in proceedings whether or not misfeasance is charged, upon proof of which a penalty may be imposed.

(12) No justice or judge shall sit as a member of the Commission or Supreme Court in any proceeding involving his own retirement or removal.

(13) This Sec. 1-a is alternative to, and cumulative of the methods of removal of justices and judges provided elsewhere in this Constitution.

[Note.—The foregoing Sec. 1-a was added to provide for retirement and compensation of judges. Submitted by the Fiftieth Legislature (1947) and adopted in election, Nov. 2, 1948. Further amended to provide for automatic retirement of district and appellate judges for old age; creating the State Judicial Qualifications Commission and defining its functions; and empowering the Supreme Court to remove district and appellate judges for misconduct and to retire such judges in cases of disability. Submitted by Fifty-ninth Legislature (1965) and adopted in election Nov. 2, 1965.]

Sec. 2. **Supreme Court; Quorum; Qualifications; Election; Salary; Vacancy.**—The Supreme Court shall consist of a Chief Justice and eight Associate Justices, any five of whom shall constitute a quorum, and the concurrence of five shall be necessary to a decision of a case, provided, that when the business of the court may require, the court may sit in sections as designated by the court to hear argument of causes and to consider applications of writs of error or other preliminary matters. No person shall be eligible to the office of Chief Justice or Associate Justice of the Supreme Court unless he be, at the time of his election, a citizen of the United States and of this State and unless he shall have attained the age

Article V.--(Continued.)

of thirty-five years and shall have been a practicing lawyer or a lawyer and judge of a court of record together at least ten years. Said Justices shall be elected (three of them each two years) by the qualified voters of the State at a general election; shall hold their offices six years or until their successors are elected and qualified; and shall each receive such compensation as shall be provided by law. In case of a vacancy in the office of any Justice of the Supreme Court, the Governor shall fill the vacancy until the next general election for State officers, and at such general election the vacancy for the unexpired term shall be filled by election by the qualified voters of the State. The Justices of the Supreme Court who may be in office at the time this amendment takes effect shall continue in office until the expiration of their terms of office under the present Constitution and until their successors are elected and qualified. The Judges of the Commission of Appeals who may be in office at the time this amendment takes effect shall become Associate Justices of the Supreme Court and each shall continue in office as such Associate Justice of the Supreme Court until January 1st next preceding the expiration of the term to which he has been appointed and until his successor shall be elected and qualified.

[Note.—The foregoing Sec. 2 of Art. V has been twice amended: (1) To raise salaries and make minor adjustments, by amendment submitted by the Twenty-second Legislature, ratified in an election Aug. 11, 1891, and declared adopted Sept. 22, 1891; and (2) to raise the number of justices on the Supreme Court from three to nine and make other adjustments, by amendment submitted by the Forty-ninth Legislature and adopted in an election Aug. 25, 1945.]

Sec. 3. **Jurisdiction; Terms of Court.**—The Supreme Court shall have appellate jurisdiction only except as herein specified, which shall be coextensive with the limits of the State. Its appellate jurisdiction shall extend to questions of law arising in cases of which the Courts of Civil Appeals have appellate jurisdiction under such restrictions and regulations as the Legislature may prescribe. Until otherwise provided by law, the appellate jurisdiction of the Supreme Court shall extend to questions of law arising in the cases of the Courts of Civil Appeals in which the Judges of any Court of Civil Appeals may disagree, or where the several Courts of Civil Appeals may hold differently on the same question of law or where a statute of the State is held void. The Supreme Court and the Justices thereof shall have power to issue writs of habeas corpus, as may be prescribed by law; and under such regulations as may be prescribed by law, the said courts and the Justices thereof may issue the writs of mandamus, procedendo, certiorari and such other writs as may be necessary to enforce its jurisdiction. The Legislature may confer original jurisdiction on the Supreme Court to issue writs of quo warranto and mandamus in such cases as may be specified, except as against the Governor of the State.

The Supreme Court shall also have power, upon affidavit or otherwise as by the court may be determined, to ascertain such matters of fact as may be necessary to the proper exercise of its jurisdiction. The Supreme Court shall appoint a clerk, who shall give bond in such manner as is now or may hereafter be required by law, and he may hold his office for four years and shall be subject to removal by said court for good cause entered of record on the minutes of said court, who shall receive such compensation as the Legislature may provide.

[Note.—The foregoing Sec. 3 Art. V has been twice amended, as follows: (1) To readjust jurisdiction of the Supreme Court to that of the Courts of Civil Appeals which were established by amendment of the same date, and also to consolidate the original Sec. 4, providing for a clerk of the court, with Sec. 3, by amendment submitted by the Twenty-second Legislature (1891), ratified Aug. 11, 1891, and proclaimed Sept. 22, 1891; and (2) to eliminate provisions that the Supreme Court "sit from first Monday in October of each year until the last Saturday in June of the next year," by amendment submitted as part of the amendment which added Sec. 3-a. See note of that section.]

Sec. 3-a. **Time of Sitting.**—The Supreme Court may sit at any time during the year at the seat of government for the transaction of business and each term thereof shall begin and end with each calendar year.

[Note.—The foregoing Sec. 3-a of Art. V was added to make the time of sitting of the Supreme Court discretionary with that court. It was substituted for a provision formerly incorporated in Sec. 3. (See note on Sec. 3.) Submitted by Forty-first Legislature (1929) ratified in an election Nov. 4, 1930, and proclaimed Dec. 17, 1930.]

Sec. 3-b. **Direct Appeal.**—The Legislature shall have the power to provide by law, for an appeal direct to the Supreme Court of this State from an order of any trial court granting or denying an interlocutory or permanent injuction on the grounds of the constitutionality or unconstitutionality of any statute of this State, or on the validity or invalidity of any administrative order issued by any state agency under any statute of this State.

[Note.—The foregoing Sec. 3-b of Art. V was added for the stated purpose of providing for direct appeals. Submitted by Forty-sixth Legislature and adopted in an election Nov. 5, 1940.]

Sec. 4. **Court of Criminal Appeals.**—The Court of Criminal Appeals shall consist of five judges, one of whom shall be presiding judge, a majority of whom shall constitute a quorum, and the concurrence of three judges shall be necessary to a decision of said court. Said judges shall have the same qualifications and receive the same salaries as the Associate Justices of the Supreme Court. They shall be elected by the qualified voters of the state at a general election and shall hold their offices for a term of six years. In case of a vacancy in the office of a judge of the Court of Criminal Appeals, the governor shall, with the advice and consent of the Senate, fill said vacancy by appointment until the next succeeding general election.

The judges of the Court of Criminal Appeals who may be in office at the time when this amendment takes effect shall become judges of the Court of Criminal Appeals and continue in office until the expiration of the term of office for which each has been elected or appointed under the present Constitution and laws of this state, and until his successor shall have been elected and qualified.

The two members of the Commission of Appeals in aid of the Court of Criminal Appeals who may be in office at the time when this amendment takes effect shall become judges of the Court of Criminal Appeals and shall hold their offices, one for a term of two years and the other for a term of four years, beginning the first day of January following the adoption of this amendment and until their successors are elected and qualified. Said judges shall by agreement or otherwise designate the incumbent for each of the terms mentioned.

The governor shall designate one of the five judges as Presiding Judge and at the expiration of his term and each six years thereafter a Presiding Judge shall be elected.

(Note.--The foregoing Sec. 4 of Art. V is an amendment, superseding, in part, the original Sec. 5 which provided for the old "Court of Appeals." The original Sec. 4 provided for the appointment of Supreme Court clerks, and was absorbed in the amended Sec. 3. Submitted by Twenty-second Legislature (1891); ratified Aug. 11, 1891, and adopted Sept. 22, 1891. It was further amended to raise number of judges from three to five and define their terms of office. Submitted by Fifty-ninth Legislature (1965) and adopted in election Nov. 8, 1966.)

Sec. 5. Jurisdiction; Powers; Term; Clerk, Etc.--The Court of Criminal Appeals shall have appellate jurisdiction coextensive with the limits of the state in all criminal cases of whatever grade, with such exceptions and under such regulations as may be prescribed by law.

The Court of Criminal Appeals and the judges thereof shall have the power to issue the writ of habeas corpus, and under such regulations as may be prescribed by law, issue such writs as

Article V.--(Continued).

may be necessary to enforce its own jurisdiction. The Court of Criminal Appeals shall have power upon affidavit or otherwise to ascertain such matters of fact as may be necessary to the exercise of its jurisdiction.

The Court of Criminal Appeals may sit for the transaction of business at any time from the first Monday in October to the last Saturday in September in each year, at the State Capital. The Court of Criminal Appeals shall appoint a clerk of the court who shall give bond in such manner as is now or may hereafter be required by law, and who shall hold his office for a term of four years unless sooner removed by the court for good cause entered of record on the minutes of said court.

The clerk of the Court of Criminal Appeals who may be in office at the time when this amendment takes effect shall continue in office for the term of his appointment.

[Note.—The foregoing Sec. 5 of Art. V is an amendment, superseding primarily the original Sec. 6, which defined jurisdiction, powers, etc. of the old "Court of Appeals." (See also note on Sec. 6 below.) Submitted by Twenty-second Legislature (1891); ratified at an election Aug. 11, 1891, and declared adopted Sept. 22, 1891. It was further amended to redefine jurisdiction, powers and terms of office. Submitted by Fifty-ninth Legislature (1965) and adopted in election Nov. 8, 1966. (See note under Sec. 4 above.)]

Sec. 6. **Supreme Judicial Districts; Courts of Civil Appeals; Jurisdiction; Term; Justices; Election; Salary; Clerk.**—The Legislature shall, as soon as practicable after the adoption of this amendment, divide the State into not less than two nor more than three supreme judicial districts, and thereafter into such additional districts as the increase of population and business may require, and shall establish a Court of Civil Appeals in each of said districts, which shall consist of a Chief Justice and two Associate Justices, who shall have the qualifications as herein prescribed for Justices of the Supreme Court. Said Court of Civil Appeals shall have appellate jurisdiction coextensive with the limits of their respective districts, which shall extend to all civil cases of which the District Courts or County Courts have original or appellate jurisdiction under such restrictions and regulations as may be prescribed by law. Provided, that the decisions of said court shall be conclusive on all questions of fact brought before them on appeal or error.

Each of said Courts of Civil Appeals shall hold its sessions at a place in its district to be designated by the Legislature and at such time as may be prescribed by law. Said justices shall be elected by the qualified voters of their respective districts at a general election for a term of six years and shall receive for their services the sum of $3,500 per annum until otherwise provided by law. Said courts shall have such other jurisdiction, original and appellate, as may be prescribed by law. Each Court of Civil Appeals shall appoint a clerk in the same manner as the clerk of the Supreme Court, which clerk shall receive such compensation as may be fixed by law.

Until the organization of the Courts of Civil Appeals and Criminal Appeals, as herein provided for, the jurisdiction, power and organization and location of the Supreme Court, the Court of Appeals and the Commission of Appeals shall continue as they were before the adoption of this amendment.

All civil cases which may be pending in the Court of Appeals shall, as soon as practicable after the organization of the Courts of Civil Appeals, be certified to and the records thereof transmitted to the proper Court of Civil Appeals to be decided by said courts. At the first session of the Supreme Court, the Court of Criminal Appeals and such of the Courts of Civil Appeals which may be hereafter created under this article, after the first election of the judges of such courts, under this amendment, the terms of office of the judges of each court shall be divided into three classes and the Justices thereof shall draw for the different classes. Those who shall draw class No. 1 shall hold their offices two years, those drawing class No. 2 shall hold their offices for four years, and those who may draw class No. 3 shall hold their offices for six years from the date of their election and until their successors are elected and qualified, and thereafter each of the said judges shall hold his office for six years, as provided in this Constitution.

[Note.—The foregoing Sec. 6 of Art. V, establishing the Courts of Civil Appeals, is an amendment superseding parts of the original Secs. 5 and 6, which provided for the old "Court of Appeals," and defined its jurisdiction, powers, etc. Submitted by Twenty-second Legislature (1891), ratified at an election Aug. 11, 1891, and declared adopted Sept. 22, 1891.]

Sec. 7. **Judicial Districts; Judges; Their Qualifications; Residence; Term of Office; Salary; Terms of Court.**—The State shall be divided into as many judicial districts as may now or hereafter be provided by law, which may be increased or diminished by law. For each district there shall be elected by the qualified voters thereof, at a General Election, a Judge, who shall be a citizen of the United States and of this State, who shall be licensed to practice law in this State and shall have been a practicing lawyer or a Judge of a Court in this State, or both combined, for four (4) years next preceding his election, who shall have resided in the district in which he was elected for two (2) years next preceding his election, who shall reside in his district during his term of office, who shall hold his office for the period of four (4) years, and shall receive for his services an annual salary to be fixed by the Legislature. The Court shall conduct its proceedings at the county seat of the county in which the case is pending, except as otherwise provided by law. He shall hold the regular terms of his Court at the County Seat of each County in his district at least twice in each year in such manner as may be prescribed by law. The Legislature shall have power by General and Special Laws to make such provisions concerning the terms or sessions of each Court as it may deem necessary.

The Legislature shall also provide for the holding of District Court when the Judge thereof is absent, or is from any cause disabled or disqualified from presiding.

The District Judges who may be in office when this Amendment takes effect shall hold their offices until their respective terms shall expire under their present election or appointment.

[Note.—The foregoing Sec. 7 of Art. V has been twice amended: (1) Effecting a general revision of the original Sec. 7 to eliminate specification that judge must be "twenty-five years of age" and making minor changes. Submitted by Twenty-second Legislature (1891) and ratified in election Aug. 11, 1891. (2) Providing that the District Court shall conduct its proceedings in the county seat of the county in which the case is pending "except as otherwise provided by law." Submitted by Fifty-first Legislature (1949) and adopted in election Nov. 8, 1949.]

Sec. 8. **Jurisdiction and Powers of the District Courts.**—The District Court shall have original jurisdiction of all criminal cases of the grade of felony; in all suits in behalf of the State to recover penalties, forfeitures and escheats; of all cases of divorce; of all misdemeanors involving official misconduct; of all suits to recover damages for slander or defamation of character; of all suits for trial of title of land and for the enforcement of liens thereon; of all suits for the trial of the right of property levied upon by virtue of any writ of execution, sequestration or attachment when the property levied on shall be equal to or exceed in value $500; of all suits, complaints or pleas whatever, without regard to any distinction between law and equity, when the matter in controversy shall be valued at or amount to $500, exclusive of interest; of contested elections; and said court and the judges thereof shall have power to issue writs of habeas corpus, mandamus, injunction and certiorari, and all writs necessary to enforce their jurisdiction.

The District Court shall have appellate jurisdiction and general control in probate matters over the County Court established in each county for appointing guardians, granting letters testamentary and of administration, probating wills, for settling the accounts of executors, administrators, guardians, and for the transaction of all business appertaining to estates; and original jurisdiction and general control over executors, administrators, guardians and minors, under such regulations as may be prescribed by law. The District Court shall have appellate jurisdiction and general supervisory control over the County Commissioners' Court with such exceptions and under such regulations as may be prescribed by law; and shall have general original jurisdiction over all causes of action whatever for which a remedy or jurisdiction is not provided by law or this Constitution, and such other jurisdiction, original and appellate, as may be provided by law.

Article V.--(Continued.)

[Note.—The foregoing Sec. 8 of Art. V is an amendment of the original Sec. 8, including the words "of contested elections" in the first paragraph and adding the last sentence in the last paragraph. Submitted by Twenty-second Legislature (1891), ratified at an election Aug. 11, 1891, and declared adopted Sept. 22, 1891.]

Sec. 9. **Clerk of the District Court; Term of Office; How Removed; How Vacancy Is Filled.**—There shall be a Clerk for the District Court of each county, who shall be elected by the qualified voters for the state and county officers, and who shall hold his office for four years, subject to removal by information, or by indictment of a grand jury and conviction by a petit jury. In case of vacancy the judge of a District Court shall have the power to appoint a Clerk, who shall hold until the office can be filled by election.

[Note.—The foregoing Sec. 9 of Art. V has been amended to change the term of office from two to four years. Submitted by Fifty-third Legislature (1953) and adopted in election Nov. 2, 1954.]

Sec. 10. **Jury Trial; by Whom Fee Is to Be Paid.**—In the trial of all causes in the District Courts, the plaintiff or defendant shall, upon application made in open court, have the right of trial by jury; but no jury shall be impaneled in any civil case unless demanded by a party to the case, and a jury fee be paid by the party demanding a jury, for such sum and with such exceptions as may be prescribed by the Legislature.

Sec. 11. **Disqualification of Judges; Special Judges; Exchange of Districts; Vacancies.**—No Judge shall sit in any case wherein he may be interested, or where either of the parties may be connected with him either by affinity or consanguinity, within such a degree as may be prescribed by law, or when he shall have been counsel in the case. When the Supreme Court, the Court of Criminal Appeals, the Court of Civil Appeals, or any member of either, shall be thus disqualified to hear and determine any case or cases in said court, the same shall be certified to the Governor of the State, who shall immediately commission the requisite number of persons, learned in the law, for the trial and determination of such cause or causes. When a Judge of the District Court is disqualified by any of the causes above stated, the parties may, by consent, appoint a proper person to try said case; or, upon their failing to do so, a competent person may be appointed to try the same in the county where it is pending in such manner as may be prescribed by law.

And the District Judges may exchange districts or hold courts for each other when they may deem it expedient, and shall do so when required by law. This disqualification of Judges of inferior tribunals shall be remedied, and vacancies in their offices filled, as may be prescribed by law.

[Note.—The foregoing Sec. 11 of Art. V is an amended section, having been amended to use correct references to courts as established in amended Secs. 1, 3, 4, 5 and 6. Submitted by Twenty-second Legislature (1891), ratified at an election Aug. 11, 1891, and declared adopted Sept. 22, 1891.]

Sec. 12. **Judges Conservators of Peace; Style of Writs; Prosecution by State.**—All Judges of Courts of this State, by virtue of their office *(shall) be conservators of the peace throughout the State. The style of all writs and process shall be "The State of Texas." All prosecutions shall be carried on in the name and by the authority of the State of Texas, and shall conclude "against the peace and dignity of the state."

[Note.—The foregoing Sec. 12 of Art. V has been amended from the original to substitute "Courts of the State" for enumeration of kinds of courts contained in original sections and applying to courts before general revision of judiciary in 1891. Submitted by Twenty-second Legislature (1891), ratified at an election Aug. 11, 1891, and declared adopted Sept. 22, 1891.]

*The word, "shall," was omitted, apparently by error, from the resolution proposing this amended section.

Sec. 13. **Jurors, Grand and Petit; Number Required to Return Verdict.**—Grand and petit juries in the District Courts shall be composed of twelve men; but nine members of a grand jury shall be a quorum to transact business and present bills. In trials of civil cases and in trials of criminal cases below the grade of felony in the District Courts, nine members of the jury concurring may render a verdict, but when the verdict shall be rendered by less than the whole number, it shall be signed by every member of the jury concurring in it. When, pending the trial of any case, one or more jurors, not exceeding three may die, or be disabled from sitting, the remainder of the jury shall have the power to render the verdict; provided, that the Legislature may change or modify the rule authorizing less than the whole number of the jury to render a verdict.

Sec. 14. **Districts Fixed by Ordinance.**—The judicial districts in this State and the time of holding the courts therein are fixed by ordinance forming part of this Constitution until otherwise provided by law.

Sec. 15. **County Court; Election; Term of Office of County Judges; Fees.**—There shall be established in each county in this State, a County Court, which shall be a court of record; and there shall be elected in each county by the qualified voters a County Judge, who shall be well informed in the law of the state, shall be a conservator of the peace, and shall hold his office for four years and until his successor shall be elected and qualified. He shall receive as compensation for his services such fees and perquisites as may be prescribed by law.

[Note.—The foregoing Sec. 15 of Art. V has been amended to change the term of office from two to four years. Submitted by Fifty-third Legislature (1953) and adopted in election Nov. 2, 1954.]

Sec. 16. **Jurisdiction of County Court; Appeals; Probate Jurisdiction; May Issue Writs; Judge Disqualified, When.**—The County Courts shall have original jurisdiction of all misdemeanors of which exclusive original jurisdiction is not given to the Justices' Courts as the same is now or may hereafter be prescribed by law, and when the fine to be imposed shall exceed $200; and they shall have exclusive jurisdiction in all civil cases when the matter in controversy shall exceed in value $200 and not exceed $500, exclusive of interest; and concurrent jurisdiction with the District Court when the matter in controversy shall exceed $500 and not exceed $1,000, exclusive of interest, but shall not have jurisdiction of suits for recovery of land. They shall have appellate jurisdiction in cases, civil and criminal, of which Justices' Courts have original jurisdiction, but of such civil cases only when the judgment of the court appealed from shall exceed $20, exclusive of costs, under such regulations as may be prescribed by law. In all appeals from Justices' Courts there shall be a trial de novo in the County Court, and appeals may be prosecuted from the final judgment rendered in such cases by the County Court, as well as all cases, civil and criminal, of which the County Court has exclusive or concurrent or original jurisdiction of civil appeals in civil cases to the Court of Civil Appeals, and in such criminal cases to the Court of Criminal Appeals, with such exceptions and under such regulations as may be prescribed by law.

The County Court shall have the general jurisdiction of a Probate Court; they shall probate wills, appoint guardians of minors, idiots, lunatics, persons non compos mentis, and common drunkards; grant letters testamentary and of administration; settle accounts of executors; transact all business appertaining to deceased persons, minors, idiots, lunatics, persons non compos mentis, and common drunkards, including the settlement, partition and distribution of estates of deceased persons; and to apprentice minors as provided by law; and the County Court or Judge thereof shall have power to issue writs of injunction, mandamus, and all writs necessary to the enforcement of the jurisdiction of said court, and to issue writs of habeas corpus in cases where the offense charged is within the jurisdiction of the County Court, or any other court or tribunal inferior to said court. The County Court shall not have criminal jurisdiction in any county where there is a Criminal District Court unless expressly conferred by law; and in such counties appeals from Justices' Courts and other inferior courts and tribunals in criminal cases shall be to the Criminal District Court, under such regulations as may be prescribed by law, and in all such cases an appeal shall lie from such District Court to the Court of Criminal Appeals. When the Judge of the County Court is disqualified in any case pending in the County Court the parties interested may by consent appoint a proper person to try said case, or upon their failing to do so, a competent person may be appointed to try the same in the county where it is pending in such manner as may be prescribed by law.

Article V.--(Continued.)

[Note.—The foregoing Sec. 16 of Art. V is an amendment from the original to make changes relating to appeals to the county court, relating to disqualification of the judge, and minor changes. Submitted by the Twenty-second Legislature (1891), ratified at an election Aug. 11, 1891, and declared adopted Sept. 22, 1891.]

Sec. 17. **Terms of County Court for Criminal Business; Prosecutions Commenced by Information; Grand Jury to Inquire Into Misdemeanors; Quashing of Grand Jury Indictments; Jury.**—The County Court shall hold a term for civil business at least once in every two months, and shall dispose of probate business, either in term time or vacation, as may be provided by law, and said court shall hold a term for criminal business once in every month, as may be provided by law. Prosecutions may be commenced in said court by information filed by the County Attorney, or by affidavit, as may be provided by law. Grand juries impaneled in the District Courts shall inquire into misdemeanors, and all indictments therefor returned into the District Courts shall forthwith be certified to the County Courts, or other inferior courts having jurisdiction to try them, for trial; and if such indictment be quashed in the county, or other inferior court, the person charged shall not be discharged if there is probable cause of guilt, but may be held by such court or magistrate to answer an information or affidavit. A jury in the County Court shall consist of six men; but no jury shall be impaneled to try a civil case, unless demanded by one of the parties, who shall pay such jury fee therefor in advance as may be prescribed by law, unless he makes affidavit that he is unable to pay the same.

Sec. 18. **Terms of Justices of the Peace; County Commissioners and Commissioners' Court.**—Each organized county in the State, now or hereafter existing, shall be divided from time to time, for the convenience of the people, into precincts, not less than four and not more than eight. Divisions shall be made by the Commissioners Court provided for by this Constitution. In each such precinct there shall be elected one Justice of the Peace and one Constable, each of whom shall hold his office for four years, and until his successor shall be elected and qualified; provided, that in any precinct in which there may be a city of 8,000 or more inhabitants, there shall be elected two Justices of the Peace. Each county shall in like manner be divided into four Commissioners' precincts, in each of which there shall be elected by the qualified voters thereof one County Commissioner, who shall hold his office for four years and until his successor shall be elected and qualified. The County Commissioners so chosen, with the County Judge as presiding officer, shall compose the County Commissioners Court, which shall exercise such powers and jurisdiction over all county business as is conferred by this Constitution and the laws of the state, or as may be hereafter prescribed.

[Note.—The foregoing Sec. 18 of Art. V has been amended to change the term of office from two to four years. Submitted by Fifty-third Legislature (1953) and adopted in election Nov. 2, 1954.]

Sec. 19. **Criminal Jurisdiction of Justices of the Peace; Appeals; Justices of the Peace ex-Officio Notaries.**—Justices of the Peace shall have jurisdiction in criminal matters of all cases where the penalty or fine to be imposed by law may not be more than for $200, and in civil matters of all cases where the amount in controversy is $200 or less, exclusive of interest, of which exclusive original jurisdiction is not given to the District or County Courts; and such other jurisdiction, criminal and civil, as may be provided by law, under such regulations as may be prescribed by law; and appeals to the County Courts shall be allowed in all cases decided in Justices' Courts where the judgment is for more than $20, exclusive of costs, and in all criminal cases, under such regulations as may be prescribed by law. And the Justices of the Peace shall be ex-officio notaries public; and they shall hold their courts at such times and places as may be provided by law.

Sec. 20. **County Clerk; Election; Term; Duties; Vacancies.**—There shall be elected for each county, by the qualified voters, a County Clerk, who shall hold his office for four years, who shall be clerk of the County and Commissioners' Courts and recorder of the county, whose duties, perquisites and fees of office shall be prescribed by the Legislature, and a vacancy in whose office shall be filled by the Commissioners' Court until the next general election; provided, that in counties having a population of less than 8,000 persons there may be an election of a single clerk, who shall perform the duties of District and County Clerks.

[Note.—The foregoing Sec. 20 of Art. V has been amended to change the term of office from two to four years. Submitted by Fifty-third Legislature (1953) and adopted in election Nov. 2, 1954.]

Sec. 21. **County and District Attorneys; Duties; Vacancies; Fees.**—A County Attorney, for counties in which there is not a resident Criminal District Attorney, shall be elected by the qualified voters of each county, who shall be commissioned by the Governor and hold his office for the term of four years. In case of vacancy the Commissioners' Court of the county shall have power to appoint a County Attorney until the next general election. The County Attorneys shall represent the State in all cases in the District and inferior courts in their respective counties; but if any county shall be included in a district in which there shall be a District Attorney, the respective duties of District Attorneys and County Attorneys shall, in such counties, be regulated by the Legislature. The Legislature may provide for the election of District Attorneys in such districts as may be deemed necessary, and make provisions for the compensation of District Attorneys and County Attorneys. District Attorneys shall hold office for a term of four years, and until their successors have qualified.

[Note.—The foregoing Sec. 21 of Art. V has been amended to change the term of office from two to four years; also leaves solely to Legislature provision for annual salary to be paid by State to District and County Attorneys. Submitted by Fifty-third Legislature (1953) and adopted in election Nov. 2, 1954.]

Sec. 22. **Jurisdiction of Courts May Be Changed by Legislature.**—The Legislature shall have power, by local or general law, to increase, diminish or change the civil and criminal jurisdiction of County Courts; and in cases of any such change of jurisdiction the Legislature shall also conform the jurisdiction of the other courts to such change.

Sec. 23. **Sheriff; Term of Office; Vacancy.**—There shall be elected by the qualified voters of each county a Sheriff, who shall hold his office for the term of four years, whose duties and perquisites and fees of office shall be prescribed by the Legislature, and vacancies in whose office shall be filled by the Commissioner's Court until the next general election.

[Note.—The foregoing Sec. 23 of Art. V has been amended to change the term of office from two to four years. Submitted by Fifty-third Legislature (1953) and adopted in election Nov. 2, 1954.]

Sec. 24. **Certain Officers Removed by District Courts for Drunkenness, Incompetency, Official Misconduct, Etc.**—County Judges, County Attorneys, Clerks of the District and County Courts, Justices of the Peace, Constables and other county officers may be removed by the Judges of the District Courts for incompetency, official misconduct, habitual drunkenness or other causes defined by law, upon the cause therefor being set forth in writing, and the finding of its truth by a jury.

Sec. 25 **Supreme Court to Regulate Practice.**—The Supreme Court shall have power to make and establish rules of procedure not inconsistent with the laws of the State for the government of said court and the other courts of this State, to expedite the dispatch of business therein.

[Note.—The foregoing Sec. 25 of Art. V was amended from the original to add the phrase "not inconsistent with the laws of the State." Submitted by Twenty-second Legislature (1891), ratified at an election Aug. 11, 1891, and declared adopted Sept. 22, 1891.]

Sec. 26. **No Appeal in Criminal Cases by the State.**—The State shall have no right of appeal in criminal cases.

Sec. 27. **Transfer of Cases by the Legislature.**—The Legislature shall, at its first session, provide for the transfer of all business, civil and criminal, pending in District Courts, over which jurisdiction is given by this Constitution to the County Courts or other inferior courts, to such county or inferior courts, and for the trial or disposition of all such causes by such county or other inferior courts.

Article V.--(Continued). Article VI

Sec. 28. **Vacancies in Offices of Judges of Superior Courts to Be Filled by the Governor.**—Vacancies in the office of the Judges of the Supreme Court, the Court of Criminal Appeals, the Court of Civil Appeals and District Courts shall be filled by the Governor until the next succeeding general election, and vacancies in the office of County Judge and Justices of the Peace shall be filled by the Commissioners' Court until the next succeeding general election.

[Note.—The foregoing Sec. 28 of Art. V has been amended from the original to make names of courts harmonize with names in amended Secs. 1, 3, 4, 5 and 6. Submitted by Twenty-second Legislature (1891), ratified in an election Aug. 11, 1891, and declared adopted Sept. 22, 1891. This section was again amended to provide that appointments to the offices of County Judge and Justice of the Peace should be filled only to the next succeeding general election instead of for the full elected term. Submitted by the Fifty-fifth Legislature (1957) and adopted in election Nov. 4, 1958.]

Sec. 29. **Terms of County Courts; Probate Business; Prosecutions.**—The County Court shall hold at least four terms for both civil and criminal business annually, as may be provided by the Legislature, or by the Commissioners' Court of the county under authority of law, and such other terms each year as may be fixed by the Commissioners' Court; provided, the Commissioners' Court of any county having fixed the times and number of terms of the County Court shall not change the same again until the expiration of one year. Said court shall dispose of probate business either in term time or vacation, under such regulations as may be prescribed by law. Prosecutions may be commenced in said courts in such manner as is or may be provided by law, and a jury therein shall consist of six men. Until otherwise provided, the terms of the County Court shall be held on the first Mondays in February, May, August and November, and may remain in session three weeks.

[Note.—Sec. 29 of Art. V, an amendment, was added for stated purpose of prescribing county court terms. Submitted by Eighteenth Legislature (1883), ratified in an election Aug. 14, 1883, and proclaimed adopted Sept. 25, 1883.]

Sec. 30. **County Judges and Criminal District Attorneys; Terms.**—The Judges of all courts of county-wide jurisdiction heretofore or hereafter created by the Legislature of this State, and all Criminal District Attorneys now or hereafter authorized by the laws of this State, shall be elected for a term of four years, and shall serve until their successors have qualified.

[Note.—Sec. 30 of Art. V, an amendment, was added for purpose of prescribing term of office of County Judges and Criminal District Attorneys. Submitted by Fifty-third Legislature (1953) and adopted in election Nov. 2, 1954.]

ARTICLE VI.—SUFFRAGE

Sec. 1. **Persons Who Cannot Vote.**—The following classes of persons shall not be allowed to vote in this State, to wit:

First: Persons under twenty-one (21) years of age.

Second. Idiots and lunatics.

Third: All paupers supported by any county.

Fourth: All persons convicted of any felony, subject to such exceptions as the Legislature may make.

[Note.—The foregoing Sec. 1 of Art. VI has been twice amended from the original to give privilege of ballot to officers and enlisted men of National Guard, National Guard Reserves, Officers Reserve Corps, Organized Reserves and retired officers and enlisted men of Army, Navy and Marine Corps. Submitted by Forty-second Legislature (1931) and adopted in an election Nov. 8, 1932. Proclaimed Jan. 9, 1933. It was further amended by HJR 10 submitted by Fifty-third Legislature (1953) and adopted in an election Nov. 2, 1954, to remove restrictions against members of the Armed Forces. This amendment also repealed the original Sec. 2-a of Art. VI which provided for poll tax exemption for war veterans. See also note under Sec. 2 and new Sec. 2-a.]

Sec. 2. Who Are Qualified Electors; Annual Registration; Absentee Voting.--Every person subject to none of the foregoing disqualifications, who shall have attained the age of twenty-one (21) years and who shall be a citizen of the United States and who shall have resided in this State one (1) year next preceding an election and the last six (6) months within the district or county in which such person offers to vote, shall be deemed a qualified elector; provided, however, that before offering to vote at an election a voter shall have registered annually, but such requirement for registration shall not be considered a qualification of an elector within the meaning of the term "qualified elector" as used in any other Article of this Constitution in respect to any matter except qualification and eligibility to vote at an election. Any legislation enacted in anticipation of the adoption of this Amendment shall not be invalid because of its anticipatory nature. The Legislature may authorize absentee voting. And this provision of the Constitution shall be self-enacting without the necessity of further legislation.

[Note.—The foregoing Sec. 2 of Art. VI has been amended six times, as follows: (1) To include provision that declaration of foreigner must be filed at least six months before election to enable him to vote in such election. Submitted by Twenty-fourth Legislature (1895), ratified in an election Nov. 3, 1896, and declared adopted Dec. 18, 1896. (2) To make poll tax receipt certificate of registration for voting. Submitted by Twenty-seventh Legislature (1901), ratified in an election Nov. 4, 1902, and declared adopted Dec. 26, 1902. (3) To limit suffrage to citizens; allowing husband or wife to pay poll tax for other; authorizing absentee voting. Submitted by Thirty-seventh Legislature (1921) and ratified in election July 23, 1921. (4) To extend suffrage to members of the Armed Forces of the United States. Submitted by Fifty-third Legislature (1953) and adopted in an election Nov. 2, 1954. (5) To omit the requirement that members of armed services may vote only in county in which they resided at time of entering the service. Submitted by Fifty-ninth Legislature (1965) and adopted in election Nov. 8, 1966. (6) To repeal the poll tax as a voting requirement and substituting therefor annual registration. Submitted by Fifty-ninth Legislature (1965) unofficial tabulation of 659,604 votes for adoption of amendment, 466,119 votes against adoption in election of November 8, 1966; at the time of printing, there is pending an election law suit in the appellate courts, and the official canvass and certification of the vote has not been made because of this law suit.)

Sec. 2-a. Voting Rights Of Persons Not Meeting Residence Requirements For Fully Qualified Electors.--(a) Notwithstanding any other provision of this Constitution, the Legislature may enact laws and provide a method of registration, including the time of such registration, permitting any person who is qualified to vote in this state except for the residence requirements within a county or district, as set forth in Sec. 2 of this article, to vote for (1) electors for president and vice-president of the United States and (2) all offices, questions or propositions to be voted on by all electors throughout this state.

(b) Notwithstanding any other provision of this Constitution, the Legislature may enact laws and provide for a method of registration, including the time for such registration, permitting any person (1) who is qualified to vote in this state except for the residence requirements of Sec. 2 of this article, and (2) who shall have resided anywhere within this state at least thirty (30) days next preceding a general election in a presidential election year, and (3) who shall have been a qualified elector in another state

immediately prior to his removal to this state or would have been eligible to vote in such other state had he remained there until such election, to vote for electors for president and vice-president of the United States in that election.

(c) Notwithstanding any other provision of this Constitution, the Legislature may enact laws and provide for a method of registration, including the time for such registration, permitting absentee voting for electors for president and vice-president of the United States in this state by former residents of this state (1) who have removed to another state, and (2) who meet all qualifications, except residence requirements, for voting for electors for president and vice-president in this state at the time of the election, but the privileges of suffrage so granted shall be only for such period of time as would permit a former resident of this state to meet the residence requirements for voting in his new state of residence, and in no case for more than twenty-four (24) months.

[Note.—The foregoing Sec. 2-a, an amendment, was added to provide for voting on electors for president and vice-president and on all statewide offices. Submitted by Fifty-ninth Legislature (1965) and adopted in election Nov. 8, 1966.]

Sec. 3. **Electors in Towns and Cities; Only Property Taxpayers to Vote in Certain Instances.**—All qualified electors of the State, as herein described, who shall have resided for six months immediately preceding an election within the limits of any city or corporate town, shall have the right to vote for Mayor and all other elective officers; but in all elections to determine expenditure of money or assumption of debt, only those shall be qualified to vote who pay taxes on property in said city or incorporated town; provided, that no poll tax for the payment of debts thus incurred shall be levied upon the persons debarred from voting in relation thereto.

Sec. 3-a. **Only Those Who Have Rendered Property for Taxation May Vote in Bond Elections.**—When an election is held by any county, or any number of counties, or any political subdivision of the State, or any political subdivision of a county, or any defined district now or hereafter to be described and defined within the State and which may or may not include towns, villages or municipal corporations, or any city, town or village, for the purpose of issuing bonds or otherwise lending credit, or expending money or assuming any debt, only qualified electors who own taxable property in the State, county, political subdivision, district, city, town or village where such election is held, and who have duly rendered the same for taxation, shall be qualified to vote and all electors shall vote in the election precinct of their residence.

[Note.—The foregoing Sec. 3-a of Art. VI, an amendment, was added for the purpose of limiting voters participating in bond elections to those who have rendered property for taxation. Submitted by the Forty-second Legislature (1931) and adopted in an election Nov. 8, 1932; proclaimed Jan. 9, 1933.]

Sec. 4. Election By Ballot; Registration Of Voters.--In all elections by the people the vote shall be by ballot, and the Legislature shall provide for the numbering of tickets and make such other regulations as may be necessary to detect and punish fraud and preserve the purity of the ballot box; and the Legislature shall provide by law for the registration of all voters.

(Note.--The foregoing Sec. 4 of Art. VI has been amended twice as follows: A provision for the registration of voters in cities of 10,000 or more population was added by amendment submitted by Twenty-second Legislature (1891), ratified in election Aug. 11, 1891, and declared adopted Sept. 22, 1891. It was further amended to delete this provision for registration of voters in cities of 10,000 or more population. (See also note under Sec. 2, Art. VI.) Submitted by Fifty-ninth Legislature (1965) and unofficial tabulation of 659,604 votes for adoption of amendment, 466,119 votes against adoption in election of November 8, 1966; at the time of printing, there is pending an election law suit in the appellate courts, and the official canvass and certification of the vote has not been made because of this law suit.

Sec. 5. **Voters Privileged From Arrest.**—Voters shall, in all cases except treason, felony or breach of the peace, be privileged from arrest during their attendance at elections and in going to and returning therefrom.

ARTICLE VII.—EDUCATION— THE PUBLIC FREE SCHOOLS.

Sec. 1. **Public Schools to Be Established.**—A general diffusion of knowledge being essential to the preservation of the liberties and rights of the people, it shall be the duty of the Legislature of the State to establish and make suitable provision for the support and maintenance of an efficient system of public free schools.

Sec. 2. **Provisions Governing the Levy and Collection of Taxes for the Support of the Public Free Schools.**—All funds, lands and other property heretofore set apart and appropriated for the support of public schools, all the alternate sections of land reserved by the State out of grants heretofore made or that may hereafter be made to railroads or other corporations, of any nature whatsoever, one half of the public domain of the State, and all sums of money that may come to the State from the sale of any portion of the same shall constitute a perpetual public school fund.

Sec. 3. **School Taxes.**—One fourth of the revenue derived from the State occupation taxes and a poll tax of one ($1.00) dollar on every inhabitant of this State, between the ages of 21 and 60 years, shall be set apart annually for the benefit of the public free schools; and in addition thereto, there shall be levied and collected an annual ad valorem State tax of such an amount not to exceed 35c on the one hundred ($100.00) dollars valuation, as, with the available school fund arising from all other sources, will be sufficient to maintain and support the public schools of this State for a period of not less than six months in each year, and it shall be the duty of the State Board of Education to set aside a sufficient amount out of the said tax to provide free textbooks for the use of children attending the public free schools of this State; provided, however, that should the limit of taxation herein named be insufficient the deficit may be met by appropriation from the general funds of the State, and the Legislature may also provide for the formation of school districts by general laws, and all such school districts may embrace parts of two or more counties. And the Legislature shall be authorized to pass laws for the assessment and collection of taxes in all said districts and for the management and control of the public school or schools of such districts, whether such districts are composed of territory wholly within a county or in parts of two or more counties. And the Legislature may authorize an additional ad valorem tax to be levied and collected within all school districts heretofore formed or hereafter formed, for the further maintenance of public free schools, and for the erection and equipment of school buildings therein; provided, that a majority of the qualified property taxpaying voters of the district voting at an election to be held for that purpose shall vote such tax not to exceed in any one year $1 on the $100 valuation of the property subject to taxation in such district, but the limitation upon the amount of school district tax herein authorized shall not apply to incorporated cities or towns constituting separate and independent school districts, nor to independent or common school districts created by general or special law.

[Note.—The foregoing Sec. 3 of Art. VII is an amended section, having been altered six times: (1) To authorize a State ad valorem school tax of not more than 20c, and further to authorize creation by Legislature of school districts for local taxation not to exceed 20c. Submitted by Eighteenth Legislature (1883), ratified in election Aug. 14, 1883, and declared adopted Sept. 25, 1883. (2) To authorize maximum tax in school districts of 50c. Submitted by Thirtieth Legislature (1907), ratified in an election Nov. 3, 1908, and declared adopted Feb. 2, 1909. (3) To authorize intercounty school districts and authorizing Legislature to pass laws for management and control of districts. Submitted by Thirty-first Legislature (1909), ratified in an election Aug. 3, 1909. See Sec. 3-a below

Article VII.--(Continued.)

and note. (4) To increase maximum tax for State school purposes from 20c to 35c and provide for free textbooks. Submitted by Thirty-fifth Legislature (1917) and adopted at election of Nov. 5, 1918. (5) To remove 50c limit on school district tax submitted by Thirty-sixth Legislature (1919) and adopted at election of Nov. 2, 1920. (6) To eliminate the provision authorizing the Legislature to create districts by special law. Submitted by Thirty-ninth Legislature (1925) and ratified in an election Nov. 2, 1926, and proclaimed Jan. 20, 1927.]

Sec. 3-a. **County Line Districts; Validation; Bonds; Taxation.**—Every school district heretofore formed, whether formed under the general law or by special act, and whether the territory embraced within its boundaries lies wholly within a single county or partly in two or more counties, is hereby declared to be, and from its formation to have been, a valid and lawful district.

All bonds heretofore issued by any such districts, which have been approved by the Attorney General and registered by the Comptroller are hereby declared to be, and at the time of their issuance to have been, issued in conformity with the Constitution and laws of this State, and any and all such bonds are hereby in all things validated and declared to be valid and binding obligations upon the district or districts issuing the same.

Each such district is hereby authorized to, and shall, annually levy and collect an ad valorem tax sufficient to pay the interest on all such bonds, and to provide a sinking fund sufficient to redeem the same at maturity, not to exceed such a rate as may be provided by law under other provisions of this Constitution.

And all trustees heretofore elected in districts made up of more than one county are hereby declared to have been duly elected, and shall be and are hereby named as trustees of their respective districts, with power to levy the taxes herein authorized until their successors shall be duly elected and qualified as is or may be provided by law.

[Note.—The foregoing Sec. 3-a of Art. VII, an amendment, was added to validate county-line districts which had been declared void by court decision. Submitted by Thirty-first Legislature (1909), ratified in an election Aug. 3, 1909, and declared adopted Sept. 24, 1909.]

Sec. 3-b. **County School Districts.**—No tax for the maintenance of public free schools voted in any independent school district and no tax for the maintenance of a junior college voted by a junior college district, nor any bonds voted in any such district, but unissued, shall be abrogated, canceled or invalidated by change of any kind in the boundaries thereof. After any change in boundaries, the governing body of any such district, without the necessity of an additional election, shall have the power to assess, levy and collect ad valorem taxes on all taxable property within the boundaries of the district as changed, for the purposes of the maintenance of public free schools or the maintenance of a junior college, as the case may be, and the payment of principal of and interest on all bonded indebtedness outstanding against, or attributable, adjusted or allocated to, such district or any territory therein, in the amount, at the rate, or not to exceed the rate, and in the manner authorized in the district prior to the change in its boundaries, and further in accordance with the laws under which all such bonds, respectively, were voted; and such governing body also shall have the power, without the necessity of an additional election, to sell and deliver any unissued bonds voted in the district prior to any such change in boundaries, and to assess, levy and collect ad valorem taxes on all taxable property in the district as changed, for the payment of principal of and interest on such bonds in the manner permitted by the laws under which such bonds were voted. In those instances where the boundaries of any such independent school district are changed by the annexation of, or consolidation with, one or more whole school districts, the taxes to be levied for the purposes hereinabove authorized may be in the amount or at not to exceed the rate theretofore voted in the district having at the time of such change the greatest scholastic population according to the latest scholastic census and only the unissued bonds of such district voted prior to such change, may be subsequently sold and delivered and any voted, but unissued, bonds of other school districts involved in such annexation or consolidation shall not thereafter be issued.

[Note.—The foregoing Sec. 3-b of Art. VII, an amendment was added originally for the purpose of allowing independent school districts in Dallas County to work out adjustment of boundaries without abrogating, canceling or invalidating existing tax rates and bonds. Submitted by Fifty-seventh Legislature (1961) and adopted in election Nov. 6, 1962. Further amended to include school districts in any county of Texas. Submitted by Fifty-ninth Legislature (1965) and adopted in election Nov. 8, 1966.]

Sec. 4. **Sale of School Lands; No Release to Purchasers; the Investment of Proceeds.**—The lands herein set apart to the public free school fund shall be sold under such regulations, at such times and on such terms as may be prescribed by law; and the legislature shall not have power to grant any relief to purchasers thereof. The Comptroller shall invest the proceeds of such sales, and of those heretofore made, as may be directed by the Board of Education herein provided for, in the bonds of the United States, the State of Texas, or counties in said State, or in such other securities and under such restrictions as may be prescribed by law; and the State shall be responsible for all investments.

[Note.—The foregoing Sec. 4 of Art. VII is an amended section, the amendment authorizing investment of money from sale of State public school lands in securities other than State and United States bonds, as was required by the original section. The amendment also added the clause making the State responsible for such investments. Submitted by Eighteenth Legislature (1883), ratified in an election Aug. 14, 1883, and declared adopted Sept. 25, 1883.]

Sec. 5. **Permanent School Fund; Interest; Alienation; Sectarian Schools.**—The principal of all bonds and other funds, and the principal arising from the sale of the lands hereinbefore set apart to said school fund, shall be the permanent school fund, and all the interest derivable therefrom and the taxes herein authorized and levied shall be the available school fund. The available school fund shall be applied annually to the support of the public free schools. And no law shall ever be enacted appropriating any part of the permanent or available school fund to any other purpose whatever; nor shall the same or any part thereof ever be appropriated to or used for the support of any sectarian school; and the available school fund herein provided shall be distributed to the several counties according to their scholastic population and applied in such manner as may be provided by law.

[Note.—The foregoing Sec. 5 of Art. VII is an amended section. It was first amended to allow Legislature to add not exceeding 1 per cent annually of the total value of the permanent school fund to the available school fund. Submitted by Twenty-second Legislature (1891), ratified in an election Aug. 11, 1891, and declared adopted Sept. 22, 1891. It was further amended to delete this provision. Submitted by Fifty-eighth Legislature (1963), and adopted in election Nov. 3, 1964.]

Sec. 6. **County School Lands; Limitations; Settlers; Proceeds.**—All lands heretofore or hereafter granted to the several counties of this State for educational purposes are of right the property of said counties respectively to which they were granted, and title thereto is vested in said counties, and no adverse possession or limitation shall ever be available against the title of any county. Each county may sell or dispose of its lands in whole or in part, in manner to be here provided by the Commissioners' Court of the county. Actual settlers residing on said land shall be protected in the prior right of purchasing the same to the extent of their settlement, not to exceed 160 acres, at the price fixed by said court, which price shall not include the value of existing improvements made thereon by such settlers. Said lands, and the proceeds thereof, when sold, shall be held by said counties alone as a trust for the benefit of public schools therein; said proceeds to be invested in bonds of the United States, the State of Texas, or counties in said State, or in such other securities and under such restrictions as may be prescribed by law; and the counties shall be responsible for all investments; the interest thereon and other revenue, except the principal, shall be available fund.

[Note.—The foregoing Sec. 6 of Art. VII is an amended section, the amendment authorizing the investment of money from sale of county public school lands in securities other than State and United States bonds (as was required in the original section), and making counties responsible for such investments. Submitted by the Eighteenth Legis-

Article VII.--(Continued.)

lature (1883), ratified in an election Aug. 14, 1883, and declared adopted Sept. 25, 1883.)]

Sec. 6-a **Taxation of County School Lands.**—All agriculture or grazing school land mentioned in Sec. 6 of this article owned by any county shall be subject to taxation except for State purposes to the same extent as lands privately owned.

[Note.—The foregoing Sec. 6-a of Art. VII, an amendment, was added for the stated purpose of providing taxation of lands mentioned in Sec. 6. Submitted by Thirty-ninth Legislature (1925), ratified in an election Nov. 2, 1926, and proclaimed Jan. 20, 1927.)]

Sec. 7. **Schools for White and Colored.**—Separate schools shall be provided for the white and colored children, and impartial provision shall be made for both.

Sec. 8. **Board of Education; Terms and Duties.**—The Legislature shall provide by law for a State Board of Education, whose members shall be appointed or elected in such manner and by such authority and shall serve for such terms as the Legislature shall prescribe not to exceed six years. The said board shall perform such duties as may be prescribed by law.

[Note.—The foregoing Sec. 8 of Art. VII is an amended section, reconstituting the State Board of Education. The original text provided for a Board of Education consisting of Governor, Comptroller and Secretary of State, serving ex officio. Submitted by Fortieth Legislature (1927); ratified Nov. 6, 1928; proclaimed Feb. 6, 1929.]

Asylums

Sec. 9. **Lands of Asylums; Sale.**—All lands heretofore granted for the benefit of the lunatic, blind, deaf and dumb, and orphan asylums, together with such donations as may have been or may hereafter be made to either of them, respectively, as indicated in the several grants, are hereby set apart to provide a permanent fund for the support, maintenance and improvement of said asylums. And the Legislature may provide for the sale of the lands and the investment of the proceeds in the manner as provided for the sale and investment of school lands in Sec. 4 of this article.

University.

Sec. 10. **University Lands and Funds.**—The Legislature shall, as soon as practicable, establish, organize and provide for the maintenance, support and direction of a university of the first class, to be located by a vote of the people of this State and styled "The University of Texas," for the promotion of literature and the arts and sciences, including an agricultural, and mechanical department.

Sec. 11. **University Funds; How Invested.**—In order to enable the Legislature to perform the duties set forth in the foregoing section, it is hereby declared all lands and other property heretofore set apart and appropriated for the establishment and maintenance of the University of Texas, together with all the proceeds of sales of the same, heretofore made or hereafter to be made, and all grants, donations and appropriations that may hereafter be made by the State of Texas, or from any other source, except donations limited to specific purposes, shall constitute and become a permanent university fund. And the same as realized and received into the treasury of the State (together with such sums belonging to the fund, as may now be in the treasury) shall be invested in bonds of the United States, the State of Texas, or counties of said State, or in school bonds of municipalities or in bonds of any city of this State or in bonds issued under and by virtue of the Federal Farm Loan Act approved by the President of the United States July 17, 1916, and amendments thereto; and the interest accruing thereon shall be subject to appropriation by the Legislature to accomplish the purpose declared in the foregoing section; provided, that the one tenth of the alternate sections of the lands granted to railroads reserved by the State, which were set apart and appropriated to the establishment of the University of Texas by an act of the Legislature of Feb. 11, 1858, entitled "An act to establish the University of Texas" shall not be included in, or constitute a part of, the permanent university fund.

[Note.—The foregoing Sec. 11 of Art. VII has been twice amended as follows: (1) Adding a clause giving the Board of Regents of the University of Texas latitude in expending part of the permanent fund for buildings. Submitted by the Forty-first Legislature (1929); ratified Nov. 4, 1930. (2) Eliminating this latitude allowed the Board of Regents and restoring the original provisions of the Constitution which limited investments to bonds of the United States, State or civil subdivisions. This last amendment added also the clause "except donations limited to specific purposes." Submitted by Forty-second Legislature (1931); adopted Nov. 8, 1932. Proclaimed Jan. 9, 1933.]

Section 11-a. In addition to the bonds now enumerated in Section 11 of Article VII of the Constitution of the State of Texas, the Permanent University Fund may be invested in first lien real estate mortgage securities guaranteed in any manner in whole by the United States Government or any agency thereof and in such corporation bonds, preferred stocks and common stocks as the Board of Regents of The University of Texas may deem to be proper investments for said fund; and the interest and dividends accruing from the securities listed in Section 11 and Section 11-a, except the portion thereof which is appropriated by the operation of Section 18 of Article VII for the payment of principal and interest on bonds or notes issued thereunder, shall be subject to appropriation by the Legislature to accomplish the purposes declared in Section 10 of Article VII of this Constitution. In making each and all of such investments said Board of Regents shall exercise the judgment and care under the circumstances then prevailing which men of ordinary prudence discretion, and intelligence exercise in the management of their own affairs not in regard to speculation but in regard to the permanent disposition of their funds, considering the probable income therefrom as well as the probable safety of their capital; provided, however, that not more than fifty per cent (50%) of said fund shall be invested at any given time in corporate stocks and bonds, nor shall more than one per cent(1%) of said fund be invested in securities issued by any one (1) corporation, nor shall more than five per cent (5%) of the voting stock of any one (1) corporation be owned; and provided, further, that stocks eligible for purchase shall be restricted to stocks of companies incorporated within the United States which have paid dividends for ten (10) consecutive years or longer immediately prior to the date of purchase and which, except for bank stocks and insurance stocks, are listed upon an exchange registered with the Securities and Exchange Commission or its successors. This amendment shall be self-enacting, and shall become effective upon its adoption, provided, however, that the Legislature shall provide by law for full disclosure of all details concerning the investments in corporate stocks and bonds and other investments authorized herein.

[Note.—Sec. 11-a of Art. VII was added to provide for broader investment of the permanent university fund in corporate bonds and stocks under certain conditions and limitations. Submitted by Fifty-fourth Legislature (1955) and adopted in election Nov. 6, 1956. (See also Sec. 17 and Sec. 18 of Art. VII.)]

Sec. 12. **Lands to Be Sold; No Relief of Purchasers.**—The land herein set apart to the university fund shall be sold under such regulations at such times and on such terms as may be provided by law, and the Legislature shall provide for the prompt collection, at maturity, of all debts due on account of university lands heretofore sold, or that may hereafter be sold, and shall in neither event have the power to grant relief to the purchasers.

Sec. 13. **Agricultural and Mechanical College; Appropriations.**—The Agricultural and Mechanical College of Texas, established by an act of the Legislature passed April 17, 1871, located in the County of Brazos, is hereby made and constituted a branch of the University of Texas, for instruction in agriculture, the mechanic arts and the natural sciences connected therewith. And the Legislature shall at its next session make an appropriation not to exceed $40,000 for the construction and completion of the buildings and improvements, and for providing the furniture necessary to put said college in immediate and successful operation.

Article VII.--(Continued.)

Sec. 14. **Branch University for Colored.**—The Legislature shall also, when deemed practicable, establish and provide for the maintenance of a college or branch university for the instruction of the colored youths of the state, to be located by a vote of the people; provided, that no tax shall be levied and no money appropriated out of the general revenue, either for this purpose or for the establishment and erection of the buildings of the University of Texas.

Sec. 15. **Land Appropriated for University; How Sold.**—In addition to the lands heretofore granted to the University of Texas, there is hereby set apart and appropriated, for the endowment, maintenance and support of said university and its branches, 1,000,000 acres of the unappropriated public domain of the State, to be designated and surveyed as may be provided by law; and said lands shall be sold under the same regulations and the proceeds invested in the same manner as is provided for the sale and investment of the permanent university fund; and the Legislature shall not have the power to grant any relief to the purchasers of said lands.

Sec. 16. **Terms of Office in School Systems.**—The Legislature shall fix by law the terms of all offices of the public school system and of the State institutions of higher education, inclusive, and the terms of members of the respective boards, not to exceed six years.

[Note.—The foregoing Sec. 16 of Art. VII is the first of two amendments numbered 16. (See following section and note thereon.) This amendment was added for the stated purpose of providing for fixing of terms of office in public school system. Submitted by the Fortieth Legislature (1927); ratified Nov. 6, 1928; proclaimed Feb. 6, 1929.]

Sec. 16 [a.]. **Taxation of University Lands.**—All land mentioned in Secs. 11, 12 and 15 of Article VII of the Constitution of the State of Texas, now belonging to the University of Texas, shall be subject to the taxation for county purposes to the same extent as lands privately owned; provided, they shall be rendered for taxation upon values fixed by the State Tax Board; and providing, that the State shall remit annually to each of the counties in which said lands are located an amount equal to the tax imposed upon said land for county purposes.

[Note.—The foregoing section, which obviously should have been numbered either 16-a or 17, was designated as No. 16 in H.J.R. No. 11 of the Forty-first Legislature (1929) in which the amendment was submitted. It is customarily printed in legal references as Sec. 16 [a]. This amendment was added for the stated purpose of providing for taxation of University of Texas lands. It was ratified Nov. 4, 1930. Declared adopted Dec. 17, 1930.]

Sec. 17. **Confederate Pension Fund Tax; College Building Fund Tax, Permission to Issue Bonds and Distribute Proceeds Therefrom, Etc.; Reducing Ad Valorem Ceiling for General Purposes From Thirty-five to Thirty Cents.**—In lieu of the State ad valorem tax on property of Seven Cents (7c) on the One Hundred Dollars ($100.00) valuation heretofore permitted to be levied by Sec. 51 of Art. III, as amended, there is hereby levied, in addition to all other taxes permitted by the Constitution of Texas, a state ad valorem tax on property of Two Cents (2c) on the One Hundred Dollars ($100.00) valuation for the purpose of creating a special fund for the continuing payment of Confederate pensions as provided under Sec. 51, Art. III, and for the establishment and continued maintenance of the State Building Fund as provided in Sec. 51-b, Art. III, of the Constitution.

Also, there is hereby levied, in addition to all other taxes permitted by the Constitution of Texas, a state ad valorem tax on property of Ten Cents (10c) on the One Hundred Dollars ($100.00) valuation for the purpose of creating a special fund for the purpose of acquiring, constructing and initially equipping buildings or other permanent improvements at the designated institutions of higher learning provided that none of the proceeds of this tax shall be used for auxiliary enterprises; and the governing board of each such institution of higher learning is fully authorized to pledge all or any part of said funds allotted to such institution as hereinafter provided, to secure bonds or notes issued for the purpose of acquiring, constructing and initially equipping such buildings or other permanent improvements at said respective institutions. Such bonds or notes shall be issued in such amounts as may be determined by the governing boards of said respective institutions, shall bear interest not to exceed four per cent (4%) per annum and shall mature serially or otherwise in not more than ten (10) years; provided further, that the state tax on property as heretofore permitted to be levied by Sec. 9 of Art. VIII, as amended, exclusive of the tax necessary to pay the public debt, and of the taxes provided for the benefit of the public free schools, shall never exceed Thirty Cents (30c) on the One Hundred Dollars ($100.00) valuation. All bonds shall be examined and approved by the Attorney General of the State of Texas, and when so approved shall be incontestable; and all approved bonds shall be registered in the office of the Comptroller of Public Accounts of the State of Texas. Said bonds shall be sold only through competitive bids and shall never be sold for less than their par value and accrued interest.

The following state institutions then in existence shall be eligible to receive funds raised from said Ten Cent (10c) tax levy for the twelve-year period beginning Jan. 1, 1966, and for the succeeding ten-year period:

Arlington State College at Arlington
Texas Technological College at Lubbock
North Texas State University at Denton
Lamar State College of Technology at Beaumont
Texas College of Arts and Industries at Kingsville
Texas Woman's University at Denton
Texas Southern University at Houston
Midwestern University at Wichita Falls
University of Houston at Houston
Pan American College at Edinburg
East Texas State College at Commerce
Sam Houston State Teachers College at Huntsville
Southwest Texas State College at San Marcos
West Texas State University at Canyon
Stephen F. Austin State College at Nacogdoches
Sul Ross State College at Alpine
Angelo State College at San Angelo.

Eighty-five per cent (85%) of such funds shall be allocated by the Comptroller of Public Accounts of the State of Texas on June 1, 1966, and fifteen per cent (15%) of such funds shall be allocated by said Comptroller on June 1, 1972, based on the following determinations:

(1) Ninety per cent (90%) of the funds allocated on June 1, 1966, shall be allocated to state institutions based on projected enrollment increases published by the Coordinating Board, Texas College and University System for fall 1966 to fall 1978.

(2) Ten per cent (10%) of the funds allocated on June 1, 1966, shall be allocated to certain of the eligible state institutions based on the number of additional square feet needed in educational and general facilities by such eligible state institution to meet the average square feet per full-time equivalent student of all state senior institutions (currently numbering twenty-two).

(3) All of the funds allocated on June 1, 1972, shall be allocated to certain of the eligible state institutions based on determinations used in the June 1, 1966, allocations except that the allocation of fifty per cent (50%) of the funds allocated on June 1, 1972, shall be based on projected enrollment increases for fall 1972 to fall 1978, and fifty per cent (50%) of such funds allocated on June 1, 1972, shall be based on the need for additional square feet of educational and general facilities.

Not later than June first of the beginning year of each succeeding ten-year period the Comptroller of Public Accounts of the State of Texas shall reallocate eighty-five per cent (85%) of the funds to be derived from said Ten Cent (10c) ad valorem tax for said ten-year period and not later than June first of the sixth year of each succeeding ten-year period said Comptroller shall reallocate fifteen per cent (15%) of such funds to the eligible state institutions then in existence based on determinations for the said ten-year period that are similar to the determinations used in allocating funds during the twelve-year period beginning Jan. 1, 1966, except that enrollment projections for succeeding ten-year periods will be from the fall semester of the first year to the fall semester of the tenth year. All such designated institutions of higher learning shall not thereafter receive any general revenue funds for the acquiring or constructing of buildings or other permanent improvements for which said Ten Cent (10c) ad valorem tax is herein provided, except in case of fire, flood, storm, or earthquake occurring at any such institution, in which case an appropriation in an amount sufficient to replace the uninsured loss so incurred may be made by the Legislature out of any General Revenue Funds. The State Comptroller of Public Accounts shall draw all necessary and proper warrants upon the State Treasury in order to carry out the purpose of this

amendment, and the State Treasurer shall pay warrants so issued out of the special fund hereby created for said purpose. This amendment shall be self-enacting. It shall become operative or effective upon its adoption so as to supersede and repeal the former provisions of this Section; provided further, that nothing herein shall be construed as impairing the obligation incurred by any outstanding notes or bonds heretofore issued by any state institution of higher learning under this Section prior to the adoption of this amendment but such notes or bonds shall be paid, both as to principal and interest, from the fund as allocated to any such institution.

[Note.—Sec. 17 of Art. VII was originally added by adoption in election Aug. 23, 1947 (submitted by Fiftieth Legislature in 1947) to amend Sec. 51 of Art. III by (1) reducing the Confederate pension tax from 7c to 2c, and (2) levying a new tax of 5c, providing for the distribution of revenues derived therefrom among the state colleges and reducing ad valorem tax for general revenue from 35c to 30c. (See Art. VIII, Sec. 1-a, and note thereon.) It was further amended to provide a method of payment for construction and equipment of buildings and other permanent improvements at state institutions of higher learning; also to repeal Chap. 330, Acts, Regular Session, Fifty-third Legislature. (See Sec. 18 below; also footnote under Sec. 51 of Art. III and Sec. 11-a of Art. VII.) The latest amendment provides for raising the ad valorem tax on property to 10c on the $100 valuation; it adds five schools to those already benefiting from funds obtained under Sec. 17; changes method of allocating revenues from this tax; increases to 4% the interest rate allowed on bonds issued for acquiring, constructing and initially equipping buildings at participating colleges and universities. Submitted by Fifty-ninth Legislature (1965) and approved in election Nov. 2, 1965.]

Sec. 18. **Building Bonds Authorized for the University of Texas and Texas A&M University; Retired From Income From the Permanent University Fund; Etc.**—For the purpose of constructing, equipping, or acquiring buildings or other permanent improvements for the Texas A&M University System, including Texas A&M University, Prairie View Agricultural and Mechanical College of Texas at Prairie View, Tarleton State College at Stephenville, Texas Agricultural Experiment Stations, Texas Agricultural Extension Service, Texas Engineering Experiment Station at College Station, Texas Engineering Extension Service at College Station, and the Texas Forest Service, the board of directors is hereby authorized to issue negotiable bonds or notes not to exceed a total amount of one-third (1/3) of twenty per cent (20%) of the value of the Permanent University Fund exclusive of real estate at the time of any issuance thereof; provided, however, no building or other permanent improvement shall be acquired or constructed hereunder for use by any part of the Texas A&M University System, except at and for the use of the general academic institutions of said system, namely, Texas A&M University, Tarleton State College, and Prairie View A&M College, without the prior approval of the Legislature or of such agency as may be authorized by the Legislature to grant such approval; and for the purpose of constructing, equipping, or acquiring buildings or other permanent improvements for the University of Texas System, including the main University of Texas at Austin, the University of Texas Medical Branch at Galveston, the University of Texas Southwestern Medical School at Dallas, the University of Texas Dental Branch at Houston, Texas Western College of the University of Texas at El Paso, the University of Texas M. D. Anderson Hospital and Tumor Institute at Houston, the University of Texas Postgraduate School of Medicine, the University of Texas School of Public Health, McDonald Observatory at Mount Locke, and the Marine Science Institute at Port Aransas, the Board of Regents of the University of Texas is hereby authorized to issue negotiable bonds and notes not to exceed a total amount of two-thirds (2/3) of twenty per cent (20%) of the value of the Permanent University Fund exclusive of real estate at the time of any issuance thereof; provided, however, no building or other permanent improvement shall be acquired or constructed hereunder for use by any institution of the University of Texas System, except at and for the use of the general academic institutions of said system, namely, the main university and Texas Western College, without the prior approval of the Legislature or of such agency as may be authorized by the Legislature to grant such approval. Any bonds or notes issued hereunder shall be payable solely out of the income from the Permanent University Fund. Bonds or notes so issued shall mature serially or otherwise not more than thirty (30) years from their respective dates.

The Texas A&M University System and all of the institutions constituting such system as hereinabove enumerated, and the University of Texas System, and all of the institutions constituting such system as hereinabove enumerated, shall not receive any general revenue funds for the acquiring or constructing of buildings or other permanent improvements, except in case of fire, flood, storm, or earthquake occurring at any such institution, in which case an appropriation in an amount sufficient to replace the uninsured loss so incurred may be made by the Legislature out of general revenue funds.

Said boards are severally authorized to pledge the whole or any part of the respective interests of Texas A&M University and of the University of Texas in the income from the Permanent University Fund, as such interests are now apportioned by Chapter 42 of the Acts of the Regular Session of the Forty-second Legislature of the State of Texas, for the purpose of securing the payment of the principal and interest of such bonds or notes. The Permanent University Fund may be invested in such bonds or notes.

All bonds or notes issued pursuant hereto shall be approved by the Attorney General of Texas and when so approved shall be incontestable. This amendment shall be self-enacting provided, however, that nothing herein shall be construed as impairing any obligation heretofore created by the issuance of any outstanding notes or bonds under this section by the respective boards prior to the adoption of this amendment but any such outstanding notes or bonds shall be paid in full, both principal and interest, in accordance with the terms of such contracts.

[Note.—Sec. 18 and the preceding Sec. 17 of Art. VII were originally added to the Constitution as a single amendment. (See note under Sec. 17 above.) The purpose of Sec. 18 is fully explained in its text. Submitted by the Fiftieth Legislature (1947) and adopted in election Aug. 23, 1947. Further amended, along with Sec. 17, in election Nov. 6, 1956. Sec. 17 again amended in election Nov. 2, 1965. Sec. 18 again amended in election Nov. 8, 1966.]

ARTICLE VIII.—TAXATION AND REVENUE

Sec. 1. **Taxation to Be Equal and Uniform; Occupation and Income Taxes; Exemptions; Limitations Upon Counties, Cities, Etc.**—Taxation shall be equal and uniform. All property in this State, whether owned by natural persons or corporations, other than municipal, shall be taxed in proportion to its value, which shall be ascertained as may be provided by law. The Legislature may impose a poll tax. It may also impose occupation taxes, both upon natural persons and upon corporations, other than municipal, doing any business in this State. It may also tax incomes of both natural persons and corporations, other than municipal, except that persons engaged in mechanical and agricultural pursuits shall never be required to pay an occupation tax; provided, that $250 worth of household and kitchen furniture belonging to each family in this State shall be exempt from taxation; and provided, further, that the occupation tax levied by any county, city or town, for any year, on persons or corporations pursuing any profession or business, shall not exceed one half of the tax levied by the State for the same period on such profession or business.

Sec. 1-a. **Abolishing Ad Valorem Tax for State's General Fund Purposes; Providing Local Tax Rate, Etc.**—From and after January 1, 1951, no State ad valorem tax shall be levied upon any property within this State for general revenue purposes. From and after January 1, 1951, the several counties of the State are authorized to levy ad valorem taxes upon all property within their respective boundaries for county purposes, except the first three thousand dollars ($3,000) value of residential homesteads, not to exceed thirty cents (30c) on each one hundred dollars ($100) valuation, in addition to all other ad valorem taxes authorized by the Constitution of this State, provided the revenue derived therefrom shall be used for construction and maintenance of farm-to-market roads or for flood control, except as herein otherwise provided.

Provided that in those counties or political subdivisions or areas of the State from which tax donations have heretofore been granted, the State Automatic Tax Board shall continue to levy the full amount of the State ad valorem tax for the duration of such donation, or until all legal obligations heretofore authorized by the law granting such donation or

Article VIII.—(Continued.)

donations shall have been fully discharged, whichever shall first occur; provided that if such donation to any such county or political subdivision is for less than the full amount of State ad valorem taxes so levied, the portion of such taxes remaining over and above such donation shall be retained by said county or subdivision.

[Note.—Sec. 1-a of Art. VIII was first added and then amended, as follows: (1) Giving homesteads $3,000 exemption from State taxes. Submitted by the Forty-second Legislature (1931), and adopted at an election Nov. 8, 1932. (2) Making more definite the provision for extending the exemption to counties and subdivisions having tax remission as soon as tax remission ceased, whether by expiration of the period designated in the act granting remission or voluntarily by action of local authorities. The original amendment failed to make provision for the latter contingency. Submitted by the Forty-third Legislature (1933), and adopted in an election Aug. 26, 1933. (3) Reducing maximum ad valorem tax for general revenue from 35c to 30c. (See Art. VII, Sec. 17, and note thereon.) (4) Abolishing ad valorem tax for state general fund purposes and providing for local taxation as indicated in text of section. (See also Sec. 1-b immediately below and note thereon.) Submitted by Fiftieth Legislature (1947) and adopted in election Nov. 2, 1948.]

Sec. 1-b. **Homestead Exemption Under State Tax.**—Three thousand dollars ($3,000) of the assessed taxable value of all residence homesteads as now defined by law shall be exempt from all taxation for all State purposes.

[Note.—See note under Sec. 1-c, immediately below.]

Sec. 1-c. **Optional Provisions Relating to Sec. 1-a and Sec. 1-b.**—Provided, however, the terms of this resolution shall not be effective unless House Joint Resolution No. 24 is adopted by the people and in no event shall this resolution go into effect until January 1, 1951.

[Note.—Sec. 1-b and Sec. 1-c were added because of an oversight in writing the text of Sec. 1-a (adopted by joint resolution at an earlier date) which would have abolished the $3,000 homestead exemption under the state school tax on adoption of Sec. 1-a by the people. Submitted by Fiftieth Legislature (1947) and adopted in election Nov. 2, 1948.]

Sec. 1-d. **Taxation of Agricultural Land.**—(a) All land owned by natural persons which is designated for agricultural use in accordance with the provisions of this section shall be assessed for all tax purposes on the consideration of only those factors relative to such agricultural use. "Agricultural use" means the raising of livestock or growing of crops, fruit, flowers, and other products of the soil under natural conditions as a business venture for profit, which business is the primary occupation and source of income of the owner.

(b) For each assessment year the owner wishes to qualify his land under provisions of this section as designated for agricultural use he shall file with the local tax assessor a sworn statement in writing describing the use to which the land is devoted.

(c) Upon receipt of the sworn statement in writing the local tax assessor shall determine whether or not such land qualifies for the designation as to agricultural use as defined herein and in the event it so qualifies he shall designate such land as being for agricultural use and assess the land accordingly.

(d) Such local tax assessor may inspect the land and require such evidence of use and source of income as may be necessary or useful in determining whether or not the agricultural use provision of this article applies.

(e) No land may qualify for the designation provided for in this act unless for at least three (3) successive years immediately preceding the assessment date the land has been devoted exclusively for agricultural use, or unless the land has been continuously developed for agriculture during such time.

(f) Each year during which the land is designated for agricultural use, the local tax assessor shall note on his records the valuation which would have been made had the land not qualified for such designation under this section. If designated land is subsequently diverted to a purpose other than that of agricultural use, or is sold, the land shall be subject to an additional tax. The additional tax shall equal the difference between taxes paid or payable, hereunder, and the amount of tax payable for the preceding three years had the land been otherwise assessed. Until paid, there shall be a lien for additional taxes and interest on land assessed under the provisions of this section.

(g) The valuation and assessment of any minerals or subsurface rights to minerals shall not come within the provisions of this section.

[Note.—The foregoing Sec. 1-d of Art. VIII, an amendment, was added for the stated purpose of providing that all land designated for agricultural use be assessed only as such. Submitted by Fifty-ninth Legislature (1965) and adopted in an election Nov. 8, 1966.]

Sec. 2. **Occupation Taxes Equal and Uniform; Exemptions Therefrom.**—All occupation taxes shall be equal and uniform upon the same class of subjects within the limits of the authority levying the tax; but the Legislature may, by general laws, exempt from taxation public property used for public purposes; actual places or (of) religious worship, also any property owned by a church or by a strictly religious society for the exclusive use as a dwelling place for the ministry of such church or religious society, and which yields no revenue whatever to such church or religious society; provided that such exemption shall not extend to more property than is reasonably necessary for a dwelling place and in no event more than one acre of land; places of burial not held for private or corporate profit; all buildings used exclusively and owned by persons or associations of persons for school purposes and the necessary furniture of all schools and property used exclusively and reasonably necessary in conducting any association engaged in promoting the religious, educational and physical development of boys, girls, young men or young women operating under a State or National organization of like character; also, the endowment funds of such institutions of learning and religion not used with a view to profit; and when the same are invested in bonds or mortgages, or in land or other property which has been and shall hereafter be bought in by such institutions under foreclosure sales made to satisfy or protect such bonds or mortgages, that such exemption of such land and property shall continue only for two years after the purchase of the same at such sale by such institutions and no longer, and institutions of purely public charity; and all laws exempting property from taxation other than the property above mentioned shall be null and void.

[Note.—Sec. 2 of Art. VIII has been amended twice, as follows: (1) Adding clause with reference to endowment fund. Submitted by Twenty-ninth Legislature (1905); ratified Nov. 6, 1906, and proclaimed adopted Jan. 7, 1907. (2) Permitting exemption of ministers' dwellings and certain other property of religious organizations, the original amendment having provided only for exemption for "actual places of worship." Submitted by Fortieth Legislature (1927); ratified Nov. 6, 1928; proclaimed Feb. 6, 1929.]

Sec. 3. **Taxes to Be Collected for Public Purposes Only.**—Taxes shall be levied and collected by general laws and for public purposes only.

Sec. 4. **Power to Tax Corporations Not to Be Surrendered.**—The power to tax corporations and corporate property shall not be surrendered or suspended by act of the Legislature, by any contract or grant to which the State shall be a party.

Sec. 5. **Railroad Taxes Due Cities and Towns.**—All property of railroad companies, of whatever description lying or being within the limits of any city or incorporated town within this State, shall bear its proportionate share of municipal taxation, and if any such property shall not have been heretofore rendered, the authorities of the city or town within which it lies shall have power to require its rendition and collect the usual municipal tax thereon, as on other property lying within said municipality.

Sec. 6. **Appropriations; How Made and for What Period.**—No money shall be drawn from the Treasury but in pursuance of specific appropriations made by law; nor shall any appropriation of money be made for a longer term than two years, except by the First Legislature to assemble under this Constitution, which may make the necessary appropriations to carry on the government until the assembling of the Sixteenth Legislature.

Article VIII.—(Continued.)

Sec. 7. **Special Funds Not to Be Borrowed or Diverted.**—The Legislature shall not have power to borrow, or in any manner divert from its purpose any special fund that may, or ought to, come into the Treasury; and shall make it penal for any person or persons to borrow, withhold or in any manner to divert from its purpose, any special fund or any part thereof.

Sec. 7-a. **Net Motor License Fees and Motor Fuel Tax Revenues Restricted, Except One Fourth of Fuel Taxes to Schools, to Highway Improvement, Policing and Administration.**—Subject to legislative appropriation, allocation and direction, all net revenues remaining after payment of all refunds allowed by law and expenses of collection derived from motor vehicle registration fees, and all taxes, except gross production and ad valorem taxes, on motor fuels and lubricants used to propel motor vehicles over public roadways, shall be used for the sole purpose of acquiring rights of way, constructing, maintaining, and policing such public road ways and for the administration of such laws as may be prescribed by the Legislature pertaining to the supervision of traffic and safety on such roads; and for the payment of the principal and interest on county and road district bonds or warrants voted or issued prior to January 2, 1939, and declared eligible prior to January 2, 1945, for payment out of the County and Road District Highway Fund under existing law, provided, however, that one fourth (¼) of such net revenue from the motor fuel tax shall be allocated to the Available School Fund; and, provided, however, that the net revenue derived by counties from motor vehicle registration fees shall never be less than the maximum amounts allowed to be retained by each county and the percentage allowed to be retained by each county under the laws in effect on January 1, 1945. Nothing contained herein shall be construed as authorizing the pledging of the State's credit for any purpose.

[Note.—Sec. 7-a of Art. VIII is an added amendment, restricting revenues from motor vehicle registration and motor fuel taxes to the stated purposes of highway improvement, policing and administration. Submitted by Forty-ninth Legislature (1945), ratified in an election Nov. 5, 1946.]

Sec. 8. **Railroad Property; How Assessed.**—All property of railroad companies shall be assessed, and the taxes collected in the several counties in which said property is situated, including so much of the roadbed and fixtures as shall be in each county. The rolling stock may be assessed in gross in the county where the principal office of the company is located, and the county tax paid upon it shall be apportioned by the Comptroller, in proportion to the distance such road may run through any such county, among the several counties through which the road passes, as part of their tax assets.

Sec. 9. **Rate of State and Municipal Taxation.**—The State tax on property, exclusive of the tax necessary to pay the public debt, and of the taxes provided for the benefit of the public free schools, shall never exceed thirty-five cents (35c) on the One Hundred Dollar ($100) valuation; and no county, city or town shall levy a tax rate in excess of Eighty Cents (80c) on the One Hundred Dollars ($100) valuation in any one (1) year for general fund, permanent improvement fund, road and bridge fund and jury fund purposes; provided further that at the time the Commissioners Court meets to levy the annual tax rate for each county it shall levy whatever tax rate may be needed for the four (4) constitutional purposes; namely, general fund, permanent improvement fund, road and bridge fund and jury fund so long as the Court does not impair any outstanding bonds or other obligations and so long as the total of the foregoing tax levies does not exceed Eighty Cents (80c) on the One Hundred Dollars ($100) valuation in any one (1) year. Once the Court has levied the annual tax rate, the same shall remain in force and effect during that taxable year; and the Legislature may also authorize an additional annual ad valorem tax to be levied and collected for the further maintenance of the public roads; provided that a majority of the qualified property tax paying voters of the county voting at an election to be held for that purpose shall vote such tax, not to exceed fifteen cents (15c) on the One Hundred Dollars ($100) valuation of the property subject to taxation in such county. And the Legislature may pass local laws for the maintenance of the public road and highways, without the local notice required for special or local laws. This section shall not be construed as a limitation of powers delegated to counties, cities or towns by any other section or sections of this Constitution.

[Note.—The foregoing Sec. 9 of Art. VIII has been amended six times as follows: (1) To lower State tax rate from 50c to 35c, a separate State school tax having been provided by companion amendment, Sec. 3 of Art. VII. Submitted by Eighteenth Legislature (1883), ratified in an election Aug. 14, 1883, and declared adopted Sept. 25, 1883. (2) To authorize Legislature to provide for a 15c local road tax. Submitted by Twenty-first Legislature (1889), ratified in an election Nov. 3, 1890, and declared adopted Dec. 19, 1890. (3) To authorize 15c tax for jurors. Submitted by Tweny-ninth Legislature (1905), ratified in an election Nov. 6, 1906, and declared adopted Jan. 7, 1907. (4) Providing that County Commissioners "may re-allocate the foregoing county taxes by changing the rates provided for any of the foregoing purposes" if approved by "a majority of the qualified property taxpaying voters," but restricting the period to six years, and restricting total to 80c on the $100 valuation. Submitted by Forty-eighth Legislature and adopted in an election Nov. 7, 1944 (5) Abolishing ad valorem tax for State general revenue fund purposes, and making other provisions. (See Sec. 1-a of Art. VIII and note thereon.) (6) Giving Commissioners Court authority to levy whatever sums may be necessary for general fund purposes, permanent improvement fund purposes, road and bridge purposes and jury purposes, so long as total of these tax rates does not exceed 80c on the $100 valuation in any one year. Submitted by Fifty-fourth Legislature (1955) and adopted in election Nov. 6, 1956.]

Sec. 10. **Taxes Not to Be Released Except by Two-Thirds Vote of Each House.**—The Legislature shall have no power to release the inhabitants of, or property in, any county, city or town, from the payment of taxes levied for State or county purposes, unless in case of great public calamity in any such county, city or town, when such release may be made by a vote of two thirds of each house of the Legislature.

Sec. 11. **Where Property Is to Be Assessed.**—All property, whether owned by persons or corporations, shall be assessed for taxation and the taxes paid in the county where situated, but the Legislature may by a two-thirds vote authorize the payment of taxes of non-residents of counties to be made at the office of the Comptroller of Public Accounts. And all lands and other property not rendered for taxation by the owner thereof shall be assessed at its fair value by the proper officer.

Sec. 12. **Unorganized Counties.**—All property subject to taxation in, and owned by residents of, unorganized counties shall be assessed and the taxes thereon paid in the counties to which such unorganized counties shall be attached for judicial purposes; and lands lying in and owned by nonresidents of unorganized counties and lands lying in the territory not laid off into counties shall be assessed and the taxes thereon collected at the office of the Comptroller of the State.

Sec. 13. **Tax Sales; Tax Deeds; Redemptions.**—Provision shall be made by the first Legislature for the speedy sale, without the necessity of a suit in court, of a sufficient portion of all lands and other property for the taxes due thereon, and every year thereafter for the sale, in like manner, of all lands and other property upon which the taxes have not been paid; and the deed of conveyance to the purchaser, for all lands and other property thus sold shall be held to vest a good and perfect title in the purchaser thereof, subject to be impeached only for actual fraud; provided, that the former owner shall within two years from date of filing for record of purchaser's deed have the right to redeem the land upon the following basis:

(1) Within the first year of the redemption period upon the payment of the amount of money paid for the land, including one ($1) dollar tax deed recording fee and all taxes, penalties, interest and costs paid plus not exceeding twenty-five (25%) per cent of the aggregate total;

(2) Within the last year of the redemption period upon the payment of the amount of money paid for the land, including one ($1) dollar tax deed recording fee and all taxes, penalties, interest and costs paid plus not exceeding fifty (50%) per cent of the aggregate total.

[Note.—The foregoing Sec. 13 of Art. VIII was amended to insert the provisions for redemption given above for the original clause, which provided for "double the amount of money paid for the land" to be paid by the original owner for redemption. Submitted by Forty-second Legislature (1931), and adopted in an election Nov. 8, 1932. Proclaimed July 26, 1933.]

Sec. 14. **County Tax Assessor and Collector.**—Except as provided in Sec. 16 of this Article, there shall be elected by the qualified electors of each county an Assessor and Collector of Taxes, who shall hold his office for four years and until his successor is elected and qualified; and such Assessor and Collector of Taxes shall perform all the duties with respect to assessing property for the purpose of taxation and of collecting taxes as may be prescribed by the Legislature.

[Note.—Sec. 14 of Art. VIII was first amended to consolidate offices of Tax Assessor and Tax Collector. (See also Sec. 16.) Submitted by Forty-second Legislature (1931), and adopted in an election Nov. 8, 1932. Proclaimed Jan. 9, 1933. It was again amended to change term of office from two to four years. Submitted by Fifty-third Legislature (1953) and adopted in election Nov. 2, 1954.]

Sec. 15. **Tax Liens and Sales.**—The annual assessment made upon landed property shall be a special lien thereon; and all property, both real and personal, belonging to any delinquent taxpayer shall be liable to seizure and sale for the payment of all the taxes and penalties due by such delinquent, and such property may be sold for the payment of the taxes and penalties due by such delinquent, under such regulations as the Legislature may provide.

Sec. 16. **Sheriff to Be County Tax Assessor-Collector in Some Counties.**—The Sheriff of each county, in addition to his other duties, shall be the Assessor and Collector of Taxes therefor. But in counties having ten thousand (10,000) or more inhabitants, to be determined by the last preceding census of the United States, an Assessor and Collector of Taxes shall be elected, as provided in Sec. 14 of this Article and shall hold office for four years and until his successor shall be elected and qualified.

[Note.—Sec. 16 of Art. VIII was first amended to harmonize with section consolidating offices of Assessor and Collector of Taxes. (See also Sec. 14.) Submitted by Forty-second Legislature (1931) and adopted in an election Nov. 8, 1932. Proclaimed Jan. 9, 1933 It was again amended to change term of office from two to four years. Submitted by Fifty-third Legislature (1953) and adopted in election Nov. 2, 1954.]

Sec. 16-a. **Assessor-Collector of Taxes in Counties of Less Than Ten Thousand.**—In any county having a population of less than ten thousand (10,000) inhabitants, as determined by last preceding census of the United States, the Commissioners Court may submit to the qualified property taxpaying voters of such county at an election the question of adding an Assessor-Collector of Taxes to the list of authorized county officials. If a majority of such voters voting in such election shall approve of adding an Assessor-Collector of Taxes to such list, then such official shall be elected at the next General Election for such Constitutional term of office as is provided for other Tax Assessor-Collectors in this State.

[Note.—The foregoing Sec. 16-a of Art. VIII, an amendment, was added for the stated purpose of providing for a Tax Assessor-Collector in counties of less than 10,000 population. Submitted by the Fifty-third Legislature (1953) and adopted in an election Nov. 2, 1954.]

Sec. 17. **Power of Legislature as to Taxes.**—The specification of the objects and subjects of taxation shall not deprive the Legislature of the power to require other subjects or objects to be taxed, in such manner as may be consistent with the principles of taxation fixed in this Constitution.

Sec. 18. **Equalization of Taxes.**—The Legislature shall provide for equalizing, as near as may be, the valuation of all property subject to or rendered for taxation (the County *Commissioner's Court to constitute a board of equalization); and may also provide for the classification of all lands with reference to their value in the several counties.

*Explanatory Note.—Official text erroneously states "Commissioner's" instead of "Commissioners'."

Sec. 19. **Farm Products in the Hands of the Producer Exempt From All Taxation.**—Farm products in the hands of the producer and family supplies for home and farm use are exempt from all taxation until otherwise directed by a two-thirds vote of all the members †elect to both houses of the Legislature.

[Note.—The foregoing Sec. 19 of Art. VIII, an amendment, was added for the stated purpose of exempting farm products from taxation. Submitted by Sixteenth Legislature (1879); ratified in an election Sept. 2, 1879, and declared adopted Oct. 14, 1879.]

†Explanatory Note.—Expressed thus in official draft of Constitution.

Sec. 20. **Limiting Ad Valorem Tax Assessment; Discount for Prompt Payment of Taxes.**—No property of any kind in this State shall ever be assessed for ad valorem taxes at a greater value than its fair cash market value nor shall any Board of Equalization of any governmental or political subdivision or taxing district within this State fix the value of any property for tax purposes at more than its fair cash market value; provided, that in order to encourage the prompt payment of taxes, the Legislature shall have the power to provide that the taxpayer shall be allowed by the State and all governmental and political subdivisions and taxing districts of the State a three per cent discount on ad valorem taxes due the State or due any governmental or political subdivision or taxing district of the State if such taxes are paid ninety days before the date when they would otherwise become delinquent; and the taxpayer shall be allowed a two per cent discount on said taxes if paid sixty days before said taxes would become delinquent; and the taxpayer shall be allowed a one per cent discount if said taxes are paid thirty days before they would otherwise become delinquent. This amendment shall be effective Jan. 1, 1939. The Legislature shall pass necessary laws for the proper administration of this section.

[Note.—The foregoing Sec. 20 of Art. VIII, an amendment, was added (1) to restrict assessed value to true market value, and (2) to provide for stated discounts for prepayment of taxes. Adopted in an election Aug. 23, 1937.]

ARTICLE IX.—COUNTIES

Sec. 1. **Creation and Organization of Counties; Changing of County Lines.**—The Legislature shall have power to create counties for the convenience of the people, subject to the following provisions:

First. In the territory of the State exterior to all counties now existing, no new counties shall be created with a less area than 900 square miles in a square form, unless prevented by pre-existing boundary lines. Should the State lines render this impracticable in border counties, the area may be less. The territory referred to may, at any time, in whole or in part, be divided into counties in advance of population and attached for judicial and land surveying purposes to the most convenient organized county or counties.

Second. Within the territory of any county or counties now existing, no new county shall be created with a less area than 700 square miles, nor shall any such county now existing be reduced to a less area than 700 square miles. No new counties shall be created so as to approach nearer than twelve miles of the county seat of any county from which it may, in whole or in part, be taken. Counties of a less area than 900, but of 700 or more square miles, within counties now existing, may be created by a two-thirds vote of each house of the Legislature, taken by yeas and nays, and entered on the journals. Any county now existing may be reduced to an area of not less than 700 square miles by a like two-thirds vote. When any part of a county is stricken off and attached to or created into another county, the part stricken off shall be holden for and obliged to pay its proportion of all the liabilities then existing of the county from which it was taken, in such manner as may be prescribed by law.

Third. No part of any existing county shall be detached from it and attached to another existing county until the proposition for such change shall have been submitted, in such manner as may be provided by law, to a vote of the electors of both counties, and shall have received a majority of those voting on the question in each.

Article IX.—(Continued.)

Sec. 1-a. **Regulation of Travel on Gulf Coast Beaches.**—The Legislature may authorize the governing body of any county bordering on the Gulf of Mexico or the tidewater limits thereof to regulate and restrict the speed, parking and travel of motor vehicles on beaches available to the public by virtue of public right and the littering of such beaches.

Nothing in this amendment shall increase the rights of any riparian or littoral landowner with regard to beaches available to the public by virtue of public right or submerged lands.

The Legislature may enact any laws not inconsistent with this Section which it may deem necessary to permit said counties to implement enforce and administer the provisions contained herein.

[Note.—The foregoing Sec. 1-a of Art. IX, an amendment, was added to authorize regulation of travel on Gulf Coast beaches open to the public. Submitted by Fifty-seventh Legislature (1961) and adopted in election Nov. 6, 1962.]

County Seats

Sec. 2. **How County Seats Are Created and Changed.**—The Legislature shall pass laws regulating the manner of removing county seats, but no county seat situated within five miles of the geographical center of the county shall be removed except by a vote of two thirds of all electors voting on the subject. A majority of such electors, however, voting at such election, may remove a county seat from a point more than five miles from a geographical center of the county to a point within five miles of such center, in either case the center to be determined by a certificate from the Commissioner of the General Land Office.

Sec. 3. **Home Rule.**—(1) Holding the belief that the highest degree of local self-government which is consistent with the efficient conduct of those affairs by necessity lodged in the Nation and the State will prove most responsive to the will of the people, and result to reward their diligence and intelligence by greater economy and efficiency in their local governmental affairs, it hereby is ordained:

(2) Any county having a population of sixty-two thousand (62,000) or more according to the then last Federal census may adopt a county home rule charter, to embrace those powers appropriate hereto, within the specific limitations hereinafter provided. It further is provided that the Legislature, by a favoring vote of two thirds of the total membership of both the Senate and the House of Representatives, may authorize any county, having a population less than that above specified, to proceed hereunder for the adoption of a charter; however, as a condition for such authorization, it is required that notice of the intent to seek legislative authority hereunder must be published in one or more newspapers, to give general circulation in the county affected, not less than once per week for four (4) consecutive weeks, and the first of such publications shall appear not less than thirty (30) days next prior to the time an act making proposal hereunder may be introduced in the Legislature. No county home rule charter may be adopted by any county save upon a favoring vote of the resident qualifying electors of the affected county. In elections, submitting to the voters a proposal to adopt a charter (unless otherwise provided by a two-thirds vote of the total membership of each house of the Legislature) the votes cast by the qualified electors residing within the limits of all the incorporated cities and towns of the county shall be separately kept but collectively counted and the votes of the qualified electors of the county who do not reside within the limits of any incorporated city or town likewise shall be separately kept and separately counted, and unless there be a favoring majority of the votes cast without such collective cities and towns, the charter shall not be adopted. It is expressly forbidden that any such charter may inconsonantly affect the operation of the general laws of the State relating to the judicial, tax, fiscal, educational, police, highway and health systems, or any other department of the State's superior government. Nothing herein contained shall be deemed to authorize the adoption of a charter provision inimical to or inconsistent with the sovereignty and established public policies of this State, and no provision having such vice shall have validity as against the State. No charter provision may operate to impair the exemption of homesteads as established by this Constitution and the status relating thereto.

(3) a. A charter hereunder may provide: the continuance of a County Commissioners' Court, as now constituted, to serve as the governing body of a county to operate hereunder; or, may provide for a governing body otherwise constituted, which shall be elective, and service therein shall be upon such qualifications, for such terms, under such plan of representation, and upon such conditions of tenure and compensation as may be fixed by any such charter. The terms of service in such governing body may exceed two (2) years, but shall not exceed six (6) years. In any event, in addition to the powers and duties provided by any such charter such governing body shall exercise all powers, and discharge all duties which, in the absence of the provisions hereof, would devolve by law on County Commissioners and County Commissioners' Courts. Further, any such charter may provide for the organization, reorganization, establishment and administration of the government of the county, including the control and regulation of the performance of and the compensation for all duties required in the conduct of the county affairs, subject to the limitations herein provided.

b. A charter hereunder may provide that judges of County Courts (including that County Court designated in this Constitution), and Justices of the Peace be compensated upon a salary basis in lieu of fees. The jurisdiction of the County Court designated in this Constitution, and the duties of the Judges thereof may be confined to that general jurisdiction of a probate court, which elsewhere is defined in this Constitution. The office of Justice of the Peace may be made either elective or appointive. Other than as herein provided, no such charter shall provide for altering the jurisdiction or procedure of any court. The duties of District Attorney and/or County Attorney may be confined to representing the State in civil cases to which the State is a party and to enforcement of the State penal code, and the compensation of said attorneys may be fixed on a salary basis in lieu of fees.

c. Save as hereinabove and hereinafter otherwise provided, such charters, within the limits expressed therein, may invest the governing body to be established for any county electing to operate hereunder with the power to create, consolidate or abolish any office or department, whether created by other provisions of the Constitution or by statute, define the duties thereof, fix the compensation for service therein, make the same elective or appointive and prescribe the time, qualifications and conditions for tenure in any such office; save, that no such charter other than as hereinbefore authorized, shall provide to regulate the status, service, duties or compensation of members of the Legislature, Judges of the courts, District Attorneys, County Attorneys, or any office whatever by the law of the State required to be filled by an election embracing more than one county. Excepting herefrom nominations, elections or appointments to offices, the terms whereof may not have expired prior to the adoption of this amendment to the Constitution, at such time as a charter provision adopted hereunder may be in effect (save as to those offices which must continue to be elective, as herein elsewhere specified), all terms of county officers and all contracts for the giving of service by deputies under such officers, may be subject to termination by the administrative body of the county, under an adopted charter so providing, and there shall be no liability by reason thereof.

d. Any county electing to operate hereunder shall have the power, by charter provision, to levy, assess and collect taxes, and to fix the maximum rate for ad valorem taxes to be levied for specific purposes, in accordance with the Constitution and laws of this State, provided, however that the limit of the aggregate taxes which may be levied, assessed and collected hereunder shall not exceed the limit or total fixed, or hereafter to be fixed by this Constitution to control counties, and the annual assessment upon property, both real, personal and mixed, shall be a first superior and prior lien thereon.

e. In addition to the power herein provided, and in addition to powers included in county home rule charters, any county may, by a majority vote of the qualified electors of said county, amend its charter to include other powers, functions, duties and rights which now or hereafter may be provided by this Constitution and the statutes of the State for counties.

Article IX.—(Continued.)

(4) Any county operating hereunder shall have the power to borrow money for all purposes lawful under its charter, to include the refunding of a lawful debt, in a manner conforming to the general laws of the State, and may issue therefor its obligations. Such obligations, other than those to refund a lawful debt, shall not be valid unless authorized by a majority of all votes cast by those resident qualified voters of the area affected by the taxes required to retire such obligations, who may vote thereon. In case of county obligations, maturing after a period of five (5) years, the same shall be issued to mature serially, fixing the first maturity of principal at a time not to exceed two (2) years next after the date of the issuance of such obligations. Such obligations may pledge the full faith and credit of the county; but in no event shall the aggregate obligations so issued, in principal amount outstanding at any one time, exceed the then existing constitutional limits for such obligations and such indebtedness and its supporting tax shall constitute a first and superior lien upon the property taxable in such county. No obligation issued hereunder shall be valid unless prior to the time of the issuance thereof there be levied a tax sufficient to retire the same as it matures, which tax shall not exceed the then existing constitutional limits.

(5) Such charter may authorize the governing body of a county operating hereunder to prescribe the schedule of fees to be charged by the officers of the county for specified service, to be in lieu of the schedule for such fees prescribed by the general laws of the State; and, to appropriate such fees to such funds as the charter may prescribe; provided, however, no fees for a specified service shall exceed in amount the fee fixed by general law for that same service. Such charter as to all judicial officers, other than District Judges, may prescribe the qualifications for services provided the standards therefor be not lower than those fixed by the general laws of the State.

(6) a. Subject to the express limitations upon the exercise of the powers of this subdivision to be authorized, such charters may provide (or omit to provide that the governmental and/or proprietary functions of any city, town, district or other defined political subdivision (which is a governmental agency and embraced within the boundaries of the county) be transferred, either as to some or all of the functions thereof, and yielded to the control of the administrative body of the county. No such transfer or yielding of functions may be effected, unless the proposal is submitted to a vote of the people and, unless otherwise provided by a two-thirds vote of the total membership of each house of the Legislature, such a proposal shall be submitted as a separate issue, and the vote within and without any such city, town, district, or other defined governmental entity, shall be separately cast and counted, and unless two thirds of the qualified votes cast within the yielding defined governmental entity, and a majority of the qualified votes cast in the remainder of the county, favor the proposed merger, it shall not be effected. In case of the mergers hereby authorized, without express charter provision therefor, in so far as may be required to make effective the object of the proposd merger, the county shall succeed to all the appropriate lawful powers, duties, rights, procedures, restrictions and limitations which prior to the merger were reposed in, or imposed upon, the yielding governmental agency. Particularly, it is provided that the power to create funded indebtedness and to levy taxes in support thereof may be exercised only by such procedures, and within such limits as now are, or hereafter may be provided by law to control such appropriate other governmental agencies were they to be independently administered. Such mergers may be effected under proposed contracts between the county and any such yielding governmental agency, to be approved at an election as hereinbefore provided for. In order to increase governmental efficiency and effect economy the county may contract with the principal city of the county to perform one or more of its functions, provided such contracts shall not be valid for more than two (2) years.

b. In case of the partial or complete merger of the government of a city operating under a home rule charter, with the government of a county operating hereunder, those city charter provisions affected thereby shall cease to control, and the county charter provisions shall control.

c. When any embraced incorporated city or town elects to merge its governmental functions with those of the county under the provisions hereof, such charter may provide for defining or redefining the boundaries of such cities and towns, provided, however, that in defining or redefining the boundaries of such cities and towns, such boundaries may be extended only to include those areas contiguous to such cities as are urban in character; and as to such cities or towns and for the benefit thereof the county, in addition to the primary city and county tax herein authorized and any other lawful district tax, may levy and collect taxes upon the property taxable within such city or town as defined or redefined, within the limits authorized by Sections 4 and 5 of Article XI of this Constitution (or any amendments thereof), for incorporated cities according to the population, provided that no tax greater than that existing at the time of such merger or for any added purpose shall be imposed upon any such city or town unless authorized by a majority of all votes cast by the resident qualified voters of such city or town.

d. Areas urban in character though not incorporated, under appropriate charter provision may be defined as such by the governing body of the county, provided, however, that no portion of the county shall be defined as an urban area unless it has sufficient population to entitle it to incorporate under the then existing laws of the State; and no such urban area, when created, shall be vested with any taxing or bonding power which it would not possess if it were operating as a separate incorporated unit under the then existing constitutional and statutory provisions of this State; and provided further that the governing body of the county for the government of such areas shall have and exercise all powers and authority granted by law to the governing bodies of similar areas when separately incorporated as a city or town, and such areas shall be subject to additional taxation within the same constitutional limits as control taxation for a city or a town of like population. Likewise such charter may provide for the governing board of the county subject to existing constitutional and statutory provisions to define, create and administer districts, and have and exercise the powers and authority granted by the Constitution and laws relative to the same.

(7) No provision of this Constitution inconsonant with the provisions of this Section 3, of Article IX, shall be held to control the provisions of a charter adopted hereunder, and conforming herewith. Charters adopted hereunder shall make appropriate provision for the abandonment, revocation, and amendment thereof, subject only to the requirements that must be a favoring majority of the vote cast upon such a proposal by the qualified resident electors of the county; and, no charter may forbid amendments thereof for a time greater than two (2) years. The provisions hereof shall be self-executing, subject only to the duty of the Legislature to pass all laws (consistent herewith) which may be necessary to carry out the intent and purpose hereof. Further, the Legislature shall prescribe a procedure for submitting to decision, by a majority vote of the electors, voting thereon, proposed alternate and elective charter provisions.

[Note.—The foregoing Sec. 3 of Art. IX, an amendment, was added to the Constitution for the purposes of providing for county government under home rule charter, when of stated population; making permissible consolidation of city and county governments under stipulated conditions; and for other stated purposes. Submitted by the Forty-third Legislature (1933) and adopted in an election Aug 26, 1933.]

Sec. 4. **County-Wide Hospital Districts**—The Legislature may by law authorize the creation of county-wide Hospital Districts in counties having a population in excess of 190,000 and in Galveston County, with power to issue bonds for the purchase, acquisition, construction, maintenance and operation of any county-owned hospital, or where the hospital system is jointly operated by a county and city within the county, and to provide for the transfer to the county-wide hospital district of the title to any land, buildings or equipment, jointly or separately owned, and for the assumption by the district of any outstanding bonded indebtedness theretofore issued by any county or city for the establishment of hospitals or hospital facilities; to levy a tax not to exceed seventy-five

Article IX.—(Continued.)

($.75) cents on the One Hundred ($100.00) Dollars valuation of all taxable property within such district, provided, however, that such district shall be approved at an election held for that purpose, and that only qualified, property taxpaying voters in such county shall vote therein; provided further, that such hospital district shall assume full responsibility for providing medical and hospital care to needy inhabitants of the county, and thereafter such county and cities therein shall not levy any other tax for hospital purposes; and provided further that should such hospital district construct, maintain and support a hospital or hospital system, that the same shall never become a charge against the State of Texas, nor shall any direct appropriation ever be made by the Legislature for the construction, maintenance or improvement of the said hospital or hospitals. Should the Legislature enact enabling laws in anticipation of the adoption of this amendment, such acts shall not be invalid because of their anticipatory character.

[Note.—The foregoing Sec. 4 of Art. IX, an amendment, was added to the Constitution for the purpose of providing for county-wide hospital districts. Submitted by Fifty-third Legislature (1953) and adopted in election Nov 2, 1954.]

Sec. 5 (a). The Legislature may by law authorize the creation of two hospital districts, one to be coextensive with and have the same boundaries as the incorporated City of Amarillo, as such boundaries now exist or as they may hereafter be lawfully extended, and the other to be coextensive with Wichita County.

If such district or districts are created, they may be authorized to levy a tax not to exceed Seventy-five Cents (75c) on the One Hundred Dollars ($100.00) valuation of taxable property within the district; provided, however no tax may be levied until approved by a majority vote of the participating resident qualified property tax paying voters who have duly rendered their property for taxation. The maximum rate of tax may be changed at subsequent elections so long as obligations are not impaired, and not to exceed the maximum limit of Seventy-five Cents (75c) per One Hundred Dollars ($100.00) valuation, and no election shall be required by subsequent changes in the boundaries of the City of Amarillo.

If such tax is authorized, no political subdivision or municipality within or having the same boundaries as the district may levy a tax for medical or hospital care for needy individuals, nor shall they maintain or erect hospital facilities, but the district shall by resolution assume all such responsibilities and shall assume all of the liabilities and obligations (including bonds and warrants) of such subdivisions or municipalities or both. The maximum tax rate submitted shall be sufficient to discharge such obligations, liabilities, and responsibilities, and to maintain and operate the hospital system, and the Legislature may authorize the district to issue tax bonds for the purpose of the purchase, construction, acquisition, repair or renovation of improvements and initially equipping the same, and such bonds shall be payable from said Seventy-five Cents (75c) tax. The Legislature shall provide for transfer of title to properties to the district.

b. The Legislature may by law permit the County of Potter (in which the City of Amarillo is partially located) to render financial aid to that district by paying a part of the expenses of operating and maintaining the system and paying a part of the debts of the district (whether assumed or created by the district) and may authorize the levy of a tax not to exceed Ten Cents (10c) per One Hundred Dollars ($100.00) valuation (in addition to other taxes permitted by this Constitution) upon all property within the county but without the City of Amarillo at the time such levy is made for such purposes. If such tax is authorized, the district shall by resolution assume the responsibilities, obligations, and liabilities of the county in the manner and to the extent hereinabove provided for political subdivisions having boundaries coextensive with the district, and the county shall not thereafter levy taxes (other than herein provided) for hospital purposes nor for providing hospital care for needy individuals of the county.

c. The Legislature may by law authorize the creation of a hospital district within Jefferson County, the boundaries of which shall include only the area comprising the Jefferson County Drainage District No. 7 and the Port Arthur Independent School District, as such boundaries existed on the first day of January, 1957, with the power to issue bonds for the sole purpose of purchasing a site for, and the construction and initial equipping of, a hospital system, and with the power to levy a tax of not to exceed Seventy-five Cents (75c) on the One Hundred Dollars ($100) valuation of property therein for the purpose of paying the principal and interest on such bonds.

The creation of such hospital district shall not be final until approved at an election by a majority of the resident property taxpaying voters voting at said election who have duly rendered their property for taxation upon the tax rolls of either said Drainage or said School District, nor shall such bonds be issued or such tax be levied until so approved by such voters.

The district shall not have the power to levy any tax for maintenance or operation of the hospital or facilities, but shall contract with other political subdivisions of the state or private individuals, associations, or corporations for such purposes.

If the district hereinabove authorized is finally created, no other hospital district may be created embracing any part of the territory within its boundaries, but the Legislature by law may authorize the creation of a hospital district incorporating herein the remainder of Jefferson County, having the powers and duties and with the limitations presently provided by Art. IX, Section 4, of the Constitution of Texas, except that such district shall be confirmed at an election wherein the resident qualified property taxpaying voters who have duly rendered their property within such proposed district for taxation on the county rolls, shall be authorized to vote. A majority of those participating in the election voting in favor of the district shall be necessary for its confirmation and for bonds to be issued.

[Note.—The foregoing Sec. 5 of Art. IX, an amendment, was added to provide for the creation of special hospital districts and authorizing the levying of taxes for their support. Submitted by the Fifty-fifth Legislature (1957) and adopted in an election Nov. 4, 1958.]

Sec. 6. **Lamar County Hospital District; Creation, Tax Rate.**—The Legislature may by law authorize the creation of a Hospital District co-extensive with Lamar County, having the powers and duties and with the limitations presently provided in Art. IX, Sec. 5 (a), of the Constitution of Texas, as it applies to Wichita County, except that the maximum rate of tax that the said Lamar County Hospital District may be authorized to levy shall be seventy-five cents (75c) per One Hundred Dollars ($100) valuation of taxable property within the District, subject to district taxation.

[Note.—The foregoing Sec. 6 of Art. IX, an amendment, was added to authorize creation of a hospital district in Lamar County and authorizing the levying of taxes for its support. Submitted by the Fifty-sixth Legislature (1959) and adopted in an election Nov. 8, 1960.]

Sec. 7. **Hidalgo County Hospital District; Creation, Tax Rate.**—The Legislature may by law authorize the creation of a Hospital District co-extensive with Hidalgo County, having the powers and duties and with the limitations presently provided in Art. IX, Sec. 5 (a), of the Constitution of Texas, as it applies to Hidalgo County, except that the maximum rate of tax that the said Hidalgo County Hospital District may be authorized to levy shall be ten cents (10c) per One Hundred Dollars ($100) valuation of taxable property within the District subject to district taxation.

[Note. — The foregoing Sec. 7 of Art. IX, an amendment, was added to authorize creation of a hospital district in Hidalgo County and authorizing the levying of taxes for its support. Submitted by the Fifty-sixth Legislature (1959) and adopted in an election Nov. 8, 1960.]

Sec. 8. **Comanche County Hospital District; Creation, Tax Rate.**—The Legislature may by law authorize the creation of a Hospital District to be coextensive with the limits of County Commissioners Precinct No. 4 of Comanche County, Texas.

Article IX.—(Continued.)

If such District is created it may be authorized to levy a tax not to exceed seventy-five cents (75c) on the One Hundred Dollar ($100) valuation of taxable property within the District; provided, however, no tax may be levied until approved by a majority vote of the participating resident qualified property taxpaying voters who have duly rendered their property for taxation. The maximum rate of tax may be changed at subsequent elections so long as obligations are not impaired, and not to exceed the maximum limit of seventy-five cents (75c) per One Hundred Dollar ($100) valuation, and no election shall be required by subsequent changes in the boundaries of the Commissioners Precinct No. 4 of Comanche County.

If such tax is authorized, no political subdivision or municipality within or having the same boundaries as the District may levy a tax for medical or hospital care for needy individuals, nor shall they maintain or erect hospital facilities, but the District shall by resolution assume all such responsibilities and shall assume all of the liabilities and obligations (including bonds and warrants) of such subdivisions or municipalities or both. The maximum tax rate submitted shall be sufficient to discharge such obligations, liabilities, and responsibilities and to maintain and operate the hospital system, and the Legislature may authorize the District to issue tax bonds for the purpose of the purchase, construction, acquisition, repair or renovation of improvements and initially equipping the same, and such bonds shall be payable from said seventy-five cents (75c) tax. The Legislature shall provide for transfer of title to properties to the District.

(b) The Legislature may by law permit the County of Comanche to render financial aid to that District by paying a part of the expenses of operating and maintaining the system and paying a part of the debts of the District (whether assumed or created by the District) and may authorize the levy of a tax not to exceed ten cents (10c) per One Hundred Dollar ($100) valuation (in addition to other taxes permitted by this Constitution) upon all property within the County but without the County Commissioners Precinct No. 4 of Comanche County at the time such levy is made for such purposes. If such tax is authorized, the District shall by resolution assume the responsibilities, obligations and liabilities of the County in the manner and to the extent hereinabove provided for political subdivisions having boundaries co-extensive with the District, and the County shall not thereafter levy taxes (other than herein provided) for hospital purposes nor for providing hospital care for needy individuals of the county.

(c) Should the Legislature enact enabling laws in anticipation of the adoption of this amendment, such Acts shall not be invalid because of their anticipatory character.

[Note.—The foregoing Sec. 8 of Art. IX, an amendment, was added to authorize creation of a hospital district in Comanche County and authorizing the levying of taxes for its support. Submitted by the Fifty-sixth Legislature (1959) and adopted in an election Nov. 8, 1960.]

Sec. 9. The Legislature may by law provide for the creation, establishment, maintenance and operation of hospital districts composed of one or more counties or all or any part of one or more counties with power to issue bonds for the purchase, construction, acquisition, repair or renovation of buildings and improvements and equipping same, for hospital purposes; providing for the transfer to the hospital district of the title to any land, buildings, improvements and equipment located wholly within the district which may be jointly or separately owned by any city, town or county, providing that any district so created shall assume full responsibility for providing medical and hospital care for its needy inhabitants and assume the outstanding indebtedness incurred by cities, towns and counties for hospital purposes prior to the creation of the district, if same are located wholly within its boundaries, and a pro rata portion of such indebtedness based upon the then last approved tax assessment rolls of the included cities, towns and counties if less than all the territory thereof is included within the district boundaries; providing that after its creation no other municipality or political subdivision shall have the power to levy taxes or issue bonds or other obligations for hospital purposes or for providing medical care within the boundaries of the district, providing for the levy of annual taxes at a rate not to exceed seventy-five cents (75c) on the one hundred dollar valuation of all taxable property within such district for the purpose of meeting the requirements of the district's bonds, the indebtedness assumed by it and its maintenance and operating expenses, providing that such district shall not be created or such tax authorized unless approved by a majority of the qualified property taxpaying electors thereof voting at an election called for the purpose; and providing further that the support and maintenance of the district's hospital system shall never become a charge against or obligation of the State of Texas nor shall any direct appropriation be made by the Legislature for the construction, maintenance or improvement of any of the facilities of such district.

Provided, however, that no district shall be created except by act of the Legislature and then only after thirty (30) days' public notice to the district affected, and in no event may the Legislature provide for a district to be created without the affirmative vote of a majority of the taxpaying voters in the district concerned.

The Legislature may also provide for the dissolution of hospital districts provided that a process is afforded by statute for:

(1) Determining the desire of a majority of the qualified voters within the district to dissolve it;

(2) Disposing of or transferring the assets, if any, of the district; and

(3) Satisfying the debts and bond obligations, if any, of the district, in such manner as to protect the interest of the citizens within the district, including their collective property rights in the assets and property of the district, provided, however, that any grant from federal funds, however dispensed, shall be considered an obligation to be repaid in satisfaction and provided that no election to dissolve shall be held more often than once each year. In such connection, the statute shall provide against disposal or transfer of the assets of the district except for due compensation unless such assets are transferred to another governmental agency, such as a county, embracing such district and using such transferred assets in such a way as to benefit citizens formerly within the district.

[Note.—The foregoing Sec. 9 of Art. IX, an amendment, was added to provide for the creation of special hospital districts and authorizing the levying of taxes for their support. Submitted by the Fifty-seventh Legislature (1961) and adopted in an election Nov. 6, 1962. It was further amended to provide method of dissolution of hospital districts. Submitted by Fifty-ninth Legislature (1965) and adopted in election Nov. 8, 1966.]

Sec. 11. The Legislature may by law authorize the creation of hospital districts in Ochiltree Castro, Hansford and Hopkins Counties, each district to be coextensive with the limits of such county.

If any such district is created, it may be authorized to levy a tax not to exceed Seventy-five Cents (75c) on the One Hundred Dollar ($100) valuation of taxable property within the district; provided, however, no tax may be levied until approved by a majority vote of the participating resident qualified property-taxpaying voters who have duly rendered their property for taxation. The maximum rate of tax may be changed at subsequent elections so long as obligations are not impaired and not to exceed the maximum limit of Seventy-five Cents (75c) per One Hundred Dollar ($100) valuation

If such tax is authorized, no political subdivision or municipality within or having the same boundaries as the district may levy a tax for medical or hospital care for needy individuals, nor shall they maintain or erect hospital facilities, but the district shall by resolution assume all such responsibilities and shall assume all of the liabilities and obligations (including bonds and warrants) of such subdivisions or municipalities or both. The maximum tax rate submitted shall be sufficient to discharge obligations, liabilities, and responsibilities, and to maintain and operate the hospital system, and the Legislature may authorize the district to issue tax bonds for the purpose of the purchase, construction, acquisition, repair or renovation of improvements and initially equipping the same, and such bonds shall be payable from said Seventy-five Cent (75c) tax. The Legislature shall provide for transfer of title to properties to the district

[Note.—The foregoing Sec. 11 of Art. IX, an amendment, was added to provide for the creation of special hospital districts and to authorize the levying of taxes for their support. It is obviously misnumbered, as there is no Sec. 10 of Art. IX. Submitted by the Fifth-seventh Legislature (1961) and adopted in an election Nov. 6, 1962.]

Sec. 12. **Establishment of Airport Authorities.**—The Legislature may by law provide for the creation, establishment, maintenance and operation of Airport Authorities composed of one or more counties, with power to issue general obligation bonds, revenue bonds, either or both of them, for the purchase, acquisition by the exercise of the power of eminent domain or otherwise, construction, reconstruction, repair or renovation of any airport or airports, landing fields and runways, airport buildings, hangars, facilities, equipment, fixtures, and any and all property, real or personal, necessary to operate, equip and maintain an airport; shall provide for the option by the governing body of the city or cities whose airport facilities are served by certificated airlines and whose facility or some interest therein, is proposed to be or has been acquired by the authority, to either appoint or elect a board of directors of said authority; if the directors are appointed such appointment shall be made by the County Commissioners Court after consultation with and consent of the governing body or bodies of such city or cities, and if the board of directors is elected they shall be elected by the qualified taxpaying voters of the county which chooses to elect the directors to represent that county, such directors shall serve without compensation for a term fixed by the Legislature not to exceed six (6) years, and shall be selected on the basis of the proportionate population of each county based upon the last preceding federal census, and shall be a resident or residents of such county; provide that no county shall have less than one (1) member on the board of directors; provide for the holding of an election in each county proposing the creation of an authority to be called by the Commissioners Court or Commissioners Courts, as the case may be, upon petition of five per cent (5%) of the qualified taxpaying voters within the county or counties, said elections to be held on the same day if more than one county is included, provided that no more than one (1) such election may be called in a county until after the expiration of one (1) year; in the event such an election has failed, and thereafter only upon a petition of ten per cent (10%) of the qualified taxpaying voters being presented to the Commissioners Court or Commissioners Courts of the county or counties in which such an election has failed, and in the event that two or more counties vote on the proposition of the creation of an authority therein, the proposition shall not be deemed to carry unless the majority of the qualified taxpaying voters in each county voting thereon vote in favor thereof; provided, however, that an Airport Authority may be created and be composed of the county or counties that vote in favor of its creation if separate propositions are submitted to the voters of each county so that they may vote for a two or more county authority or a single county authority; provide for the appointment by the board of directors of an assessor and collector of taxes in the authority, whether constituted of one or more counties, whose duty it shall be to assess all taxable property, both real and personal, and collect the taxes thereon, based upon the tax rolls approved by the board of directors, the tax to be levied not to exceed seventy-five cents (75c) per one hundred dollars ($100) assessed valuation of the property, provided, however, that the property of state regulated common carriers required by law to pay a tax upon intangible assets shall not be subject to taxation by the authority, said taxable property shall be assessed on a valuation not to exceed the market value and shall be equal and uniform throughout the authority as is otherwise provided by the Constitution; the Legislature shall authorize the purchase or acquisition by the authority of any existing airport facility publicly owned and financed and served by certificated airlines, in fee or of any interest therein, or to enter into any lease agreement therefor, upon such terms and conditions as may be mutually agreeable to the authority and the owner of such facilities, or authorize the acquisition of same through the exercise of the power of eminent domain, and in the event of such acquisition, if there are any general obligation bonds that the owner of the publicly owned airport facility has outstanding, the same shall be fully assumed by the authority and sufficient taxes levied by the authority to discharge said outstanding indebtedness; and likewise any city or owner that has outstanding revenue bonds where the revenues of the airport have been pledged or said bonds constitute a lien against the airport facilities, the authority shall assume and discharge all the obligations of the city under the ordinances and bond indentures under which said revenue bonds have been issued and sold. Any city which owns airport facilities not serving certificated airlines which are not purchased or acquired or taken over as herein provided by such authority, shall have the power to operate the same under the existing laws or as the same may hereafter be amended. Any such authority when created may be granted the power and authority to promulgate, adopt and enforce appropriate zoning regulations to protect the airport from hazards and obstructions which would interfere with the use of the airport and its facilities for landing and takeoff; an additional county or counties may be added to an existing authority if a petition of five per cent (5%) of the qualified taxpaying voters is filed with and an election is called by the Commissioners Court of the county or counties seeking admission to an authority and the vote is favorable, then admission may be granted to such county or counties by the board of directors of the then existing authority upon such terms and conditions as they may agree upon and evidenced by a resolution approved by two-thirds (2/3ds) of the then existing board of directors, provided, however, the county or counties that may be so added to the then existing authority shall be given representation on the board of directors by adding additional directors in proportion to their population according to the last preceding federal census.

[Note.—The foregoing Sec. 12 was added to provide by law for the establishment of airport authorities. Submitted by the Fifty-ninth Legislature (1965) and adopted in election Nov. 8, 1966.]

ARTICLE X.—RAILROADS

Sec. 1. **Railroads Connecting at State Lines; Crossing; Continuous Lines.**—Any railroad corporation or association organized under the law for the purpose shall have the right to construct and operate a railroad between any points within this State, and to connect at the State line with railroads of other States. Every railroad company shall have the right with its road to intersect, connect with or cross any other railroad; and shall receive and transport each the other's passengers, tonnage and cars, loaded or empty, without delay or discrimination, under such regulations as shall be prescribed by law.

*Article [Sec.] 2. **Public Highways; Common Carriers; Duty of the Legislature; Fixing Rates.**—Railroads heretofore constructed or which may hereafter be constructed in this State are hereby declared public highways and railroad companies common carriers. The Legislature shall pass laws to regulate railroad freight and passenger tariffs to correct abuses, and prevent unjust discrimination and extortion in the rates of freight and passenger tariffs on the different railroads in this State, and enforce the same by adequate penalties; and to the further accomplishments of these objects and purposes may provide and establish all requisite means and agencies invested with such powers as may be deemed adequate and advisable.

[Note.—The foregoing *"Article [Sec.] 2" of Art. X is an amended section, the amendment being in the last clause which permitted establishment of the Railroad Commission of Texas. Submitted by Twenty-first Legislature (1889), ratified in an election Nov. 4, 1890, and declared adopted Dec. 19, 1890.]

*Explanatory Note.—The legislative resolution submitting this amendment erroneously used the word, "Article," instead of the usual abbreviation, "Sec." Order used above is according to official draft of the Constitution.

Sec. 3. **Railroads to Keep Public Office in State; Directors; Annual Report.**—Every railroad or other corporation, organized or doing business in this State under the laws or authority thereof, shall have and maintain a public office or place in this State for the transaction of its business, where transfers of stock shall be made, and where shall be kept, for inspection by the stockholders of such corporations, books in which shall be recorded the amount of capital stock subscribed, the names of the owners of the stock, the amounts owned by them, respectively, the

transfer of said stock, with the date of the transfer, the amount of its assets and liabilities, and the names and places of residence of its officers. The directors of every railroad company shall hold one meeting annually in this State, public notice of which shall be given thirty days previously, and the president or superintendent shall report annually under oath to the Comptroller or Governor their acts and doings, which report shall include such matters relating to railroads as may be prescribed by law. The Legislature shall pass laws enforcing by suitable penalties the provisions of this section.

Sec. 4. **Rolling Stock for Railroad Property Not Exempt From Execution.**—The rolling stock and all other movable property belonging to any railroad company or corporation in this State shall be considered personal property, and its real and personal property, or any part thereof, shall be liable to execution and sale in the same manner as the property of individuals; and the Legislature shall pass no laws exempting any such property from execution and sale.

Sec. 5. **Railroads Shall Not Consolidate With Competing Lines.**—No railroad or other corporation, or the lessees, purchasers or managers of any railroad corporation, shall consolidate the stock, property or franchises of such corporation with or lease or purchase the works or franchises of or in any way control any railroad corporation owning or having under its control a parallel or competing line; nor shall any officer of such railroad corporation act as an officer of any other railroad corporation owning or having the control of a parallel or competing line.

Sec. 6. **No Railroad Shall Consolidate With a Foreign Road.**—No railroad company organized under the laws of this State shall consolidate by private or judicial sale or otherwise with any railroad company organized under the laws of any other State or of the United States.

Sec. 7. **No Street or Public Highway Shall Be Used for the Construction of Street Railways Without the Consent of the Local Authorities Having Control of the Street or Highway.**—No law shall be passed by the Legislature granting the right to construct and operate a street railroad within any city, town or village, or upon any public highway without first acquiring the consent of the local authorities having control of the street or highway proposed to be occupied by such street railroad.

Sec. 8. **Conditions Under Which Railroad Corporations May Receive the Benefit of Future Legislation.**—No railroad corporation in existence at the time of the adoption of this Constitution shall have the benefit of any future legislation except on condition of complete acceptance of all the provisions of this Constitution applicable to railroads.

Sec. 9. **Under Certain Conditions Railroads Must Be Constructed Through County Seats.**—No railroad hereafter constructed in this State shall pass within a distance of three miles of any county seat without passing through the same, and establishing and maintaining a depot therein, unless prevented by natural obstacles, such as streams, hills or mountains; provided, such town or its citizens shall grant the right of way through its limits and sufficient ground for ordinary depot purposes.

ARTICLE XI.—MUNICIPAL CORPORATIONS.

Sec. 1. **Counties Are Legal Subdivisions of the State.**—The several counties of this State are hereby recognized as legal subdivisions of the State.

Sec. 2. **Public Buildings and Roads.**—The construction of jails, courthouses and bridges and the establishment of county poorhouses and farms and the laying out, construction and repairing of county roads shall be provided for by general laws.

No. 3. **No County or Municipal Corporation Shall Become a Subscriber to the Capital Stock of Any Private Corporation or Make Any Donation to the Same.**—No county, city or other municipal corporation shall hereafter become a subscriber to the capital of any private corporation or association, or make any appropriation or donation to the same, or in anywise loan its credit; but this shall not be construed to in any way affect any obligation heretofore undertaken pursuant to law.

Sec. 4. **Cities and Towns Having a Population of 5,000 or Less Inhabitants to Be Chartered by General Laws; Dues to Be Collected in Current Money.**—Cities and towns having a population of 5,000 or less may be chartered alone by general laws. They may levy, assess and collect such taxes as may be authorized by law, but no tax for any purpose shall ever be lawful for any one year which shall exceed 1½ per cent of the taxable property of such city; and all taxes shall be collectible only in current money, and all licenses and occupation taxes levied, and all fines, forfeitures and penalties accruing to said cities and towns shall be collectible only in current money.

[Note.—The foregoing Sec. 4 of Art. XI has been twice amended, as follows: (1) To provide that towns of 5,000 or less (instead of 10,000 or less, as provided by the original section) may be chartered alone by general law. Submitted by Thirty-first Legislature (1909), ratified in an election Aug. 3, 1909, and declared adopted Sept. 24, 1909. (2) To authorize a maximum tax rate, in towns of 5,000 or less, or 1½ per cent of taxable values, in lieu of the originally specified maximum of one fourth of 1 per cent. Submitted by Thirty-sixth Legislature (1919) and adopted at election of Nov 2, 1920.]

Sec. 5. **Cities of More than 5,000 Inhabitants May by a Majority Vote of the Qualified Voters Adopt Their Own Charter; Limitation as to Taxation and Debt.**—Cities having more than five thousand (5,000) inhabitants may, by a majority vote of the qualified voters of said city, at an election held for that purpose, adopt or amend their charters, subject to such limitations as may be prescribed by the Legislature, and providing that no charter or any ordinance passed under said charter shall contain any provision inconsistent with the Constitution of the State or of the general laws enacted by the Legislature of this State; said cities may levy, assess and collect such taxes as may be authorized by law or by their charters; but no tax for any purpose shall ever be lawful for any one year which shall exceed 2½ per cent of the taxable property of such city, and no debt shall ever be created by any city unless at the same time provision be made to assess and collect annually a sufficient sum to pay the interest thereon and creating a sinking fund of at least 2 per cent thereon; and provided, further, that no city charter shall be altered, amended or repealed oftener than every two years.

[Note.—The foregoing Sec. 5 of Art. XI has been twice amended, as follows: (1) To authorize towns of more than 5,000 population (instead of more than 10,000, as provided in the original section) to be chartered by special act, and allowing in such cities a maximum tax rate of 2½ per cent. Submitted by Thirty-first Legislature (1909), ratified in an election Aug. 3, 1909, and proclaimed Sept. 24, 1909. (2) To grant home rule to cities of more than 5,000 population. Submitted by Thirty-second Legislature (1911), adopted at election of Nov. 5, 1912, and proclaimed Dec. 30, 1912.]

Sec. 6. **Municipal Taxation.**—Counties, cities and towns are authorized, in such mode as may now or may hereafter be provided by law, to levy, assess and collect the taxes necessary to pay the interest and provide a sinking fund to satisfy any indebtedness heretofore legally made and undertaken; but all such taxes shall be assessed and collected separately from that levied, assessed and collected for current expenses of municipal government and shall, when levied, specify in the act of levying the purpose therefor; and such taxes may be paid in the coupons, bonds or other indebtedness for the payment of which such tax may have been levied.

Sec. 7. **Taxation of Seawalls, Etc.; Restrictions and Limitations; Eminent Domain.**—All counties and cities bordering on the coast of the Gulf of Mexico are hereby authorized upon a vote of two-thirds majority of the resident property taxpayers voting thereon at an election called for such purpose, to levy and collect such tax for construction of seawalls, breakwaters or sanitary purposes, as may now or may hereafter be authorized by law, and may create a debt for such works and issue bonds in evidence thereof. But no debt for any purpose shall ever be incurred in any manner by any city or county unless provision is made at the time of creating the same, for levying and collecting a sufficient tax to pay the interest thereon and provide at least 2 per cent as a sinking fund; and the condemnation of the right of way for the erection of such work shall be fully provided for.

[Note.—The foregoing Sec. 7 of Art. XI was amended to simplify language describing electors' qualifications. Submitted by Forty-second Legislature (1931), adopted in election Nov. 8, 1932. Proclaimed Jan. 9, 1933.]

Sec. 8. **State Aid for Seawalls, Etc.**—The counties and cities on the Gulf Coast being subject to calamitous overflows, and a very large proportion of the general revenue being derived from those otherwise prosperous localities, *The Legislature is specially authorized to aid, by donation of such portion of the public domain as may be deemed proper, and in such mode as may be provided by law, the construction of seawalls, or breakwaters, such aid to be proportioned to the extent and value of the works constructed, or to be constructed, in any locality.

*Explanatory Note.—The starting of a new sentence at this point follows the official draft of the Constitution, but it is evident that the foregoing phrase ending with "localities" was meant to modify the following sentence.

Sec. 9. **Public Buildings, Etc.**—The property of counties, cities and towns owned and held only for public purposes, such as public buildings and the sites therefor, fire engines and the furniture thereof, and all property used or intended for extinguishing fires, public grounds and all other property devoted exclusively to the use and benefit of the public, shall be exempt from forced sale and from taxation; provided, nothing herein shall prevent the enforcement of the vendor's lien, the mechanic's or builder's lien, or other liens now existing.

Sec. 10. **City or Town May Be School District; Special Tax.**—The Legislature may constitute any city or town a separate and independent school district. And when the citizens of any city or town have a charter authorizing the city authorities to levy and collect a tax for the support and maintenance of a public institution of learning, such tax may hereafter be levied and collected, if, at an election held for that purpose, two thirds of the taxpayers of such city or town shall vote for such tax.

Sec. 11. **Term of Office for City Officials.**—A home rule city may provide by charter or charter amendment, and a city, town or village operating under the general laws may provide by majority vote of the qualified voters voting at an election called for that purpose, for a longer term of office than two (2) years for its officers, either elective or appointive, or both, but not to exceed four (4) years; provided, however, that tenure under Civil Service shall not be affected hereby.

Provided, however, if any of such officers, elective or appointive, shall announce their candidacy, or shall in fact become a candidate, in any general, special or primary election, for any office of profit or trust under the laws of this State or the United States other than the office then held, at any time when the unexpired term of the office then held shall exceed one (1) year, such announcement or such candidacy shall constitute an automatic resignation of the office then held, and the vacancy thereby created shall be filled pursuant to law in the same manner as other vacancies for such office are filled.

A municipality so providing a term exceeding two (2) years but not exceeding four (4) years for any of its non-civil service officers must elect all of the members of its governing body by majority vote of the qualified voters in such municipality, and any vacancy or vacancies occurring on such governing body shall not be filled by appointment but must be filled by majority vote of the qualified voters at a special election called for such purpose within one hundred and twenty (120) days after such vacancy or vacancies occur.

[Note.—The foregoing Sec. 11 of Art. XI, an amendment, was added to provide four-year terms for city officials. Submitted by Fifty-fifth Legislature (1957), adopted in election Nov. 4, 1958.]

ARTICLE XII.—PRIVATE CORPORATIONS.

Sec. 1.—**Corporations Created by General Laws**—No private corporation shall be created except by general laws.

Sec. 2. **General Laws to Be Enacted.**—General laws shall be enacted providing for the creation of private corporations, and shall therein provide fully for the adequate protection of the public and of the individual stockholders.

Sec. 3. **Franchises to Be Under Legislative Control.**—The right to authorize and regulate freights, tolls, wharfage or fares, levied and collected or proposed to be levied and collected, by individuals, companies or corporations for the use of highways, landings, wharves, bridges and ferries, devoted to public use has never been and shall never be relinquished or abandoned by the State, but shall always be under legislative control and depend upon legislative authority.

Sec. 4. **Charges and Collections of Freights, Wharfage, Fares or Tolls for the Use of Property Devoted to the Public Prohibited Except Specially Authorized by Law.**—The first Legislature assembled after the adoption of this Constitution shall provide a mode of procedure by the Attorney General and District or County Attorneys, in the name and behalf of the State, to prevent and punish the demanding and receiving or collection of any and all charges, as freight, wharfage, fares or tolls, for the use of property devoted to the public, unless the same shall have been specially authorized by law.

Sec. 5. **Freights, Wharfage, Fares or Tolls Subject to Legislative Control.**—All laws granting the right to demand and collect freights, fares, tolls or wharfage shall at all times be subject to amendment, modification or repeal by the Legislature.

Sec. 6. **The Issuance of Stocks and Bonds by Corporations Prohibited Except for Money Paid and Labor Done, Etc.**—No corporation shall issue stock or bonds except for money paid, labor done, or property actually received, and all fictitious increase of stock or indebtedness shall be void.

Sec. 7. **Vested Rights Protected.**—Nothing in this article shall be construed to divest or affect rights guaranteed by any existing grant or statute of this State or of the Republic of Texas.

ARTICLE XIII.—SPANISH AND MEXICAN LAND TITLES.

Sec. 1. **Fines, Penalties and Escheats.**—All fines, penalties, forfeitures and escheats which have heretofore accrued to the Republic and State of Texas under their Constitutions and laws shall accrue to the State under this Constitution; and the Legislature shall provide a method for determining what lands have been forfeited and for giving effect of escheats; and all such rights of forfeiture and escheat to the State shall, ipso facto, inure to the protection of the innocent holders of junior titles, as provided in Secs. 2, 3 and 4 of this article.

Sec. 2. **Lands Not Recorded, Archived or in Possession.**—Any claim of title or right to land in Texas, issued prior to the 13th day of November, 1835, not duly recorded in the county where the land was situated at the time of such record, or not duly archived in the General Land Office, or not in the actual possession of the grantee thereof, or some person claiming under him, prior to the accruing of junior title thereto from the sovereignty of the soil, under circumstances reasonably calculated to give notice to said junior grantee, has never had, and shall not have, standing or effect against such junior title, or color of title, acquired without such or actual notice of such prior claim of title or right; and no condition annexed to such grants, nor archived or recorded, or occupied as aforesaid, has been or ever shall be released or waived, but actual performance of all such conditions shall be proved by the person or persons claiming under such title or claim of right in order to maintain action thereon, and the holder of such junior title, or color of title, shall have all the rights of the government which have heretofore existed, or now exist, arising from the nonperformance of all such conditions.

Sec. 3. **Nonpayment of Taxes; Presumptions.**—Nonpayment of taxes on any claim of title to land dated prior to the 13th day of November, 1835, not recorded or archived, as provided in Sec. 2, by the person or persons so claiming or those under whom he or they so claim, from that date up to the date of the adoption of this Constitution, shall be held to be a presumption that the right thereto has reverted to the State, and that said claim is a stale demand, which presumption shall only be rebutted by payment of all taxes on said lands, State, county and city or town, to be assessed on the fair value of such lands by the Comptroller, and paid to him, without commutation or deduction for any part of the above period.

Sec. 4. **Titles Not to Be Recorded or Archived; Actual Possession; "Duly Recorded" Defined.**—No claim of title or right to land which issued prior to the 13th day of November, 1835, which has not been duly recorded in the county where the land was situated at

the time of such record, or which has not been duly archived in the General Land Office, shall ever hereafter be deposited in the General Land Office, or recorded in this State or delineated on the maps, or used as evidence in any of the courts of this State, and the same are stale claims; but this shall not affect such rights or presumptions as arise from actual possession. By the words "duly recorded" as used in Secs. 2 and 4 of this article it is meant that such claim of title of right to land shall have been recorded in the proper office, and that mere errors in the certificate of registration, or informality, not affecting the fairness and good faith of the holder thereof, with which the record was made, shall not be held to vitiate such record.

Sec. 5. **Certain Claims Declared Void.**—All claims, locations, surveys, grants and titles of any kind which are declared null and void by the Constitution of the Republic or State of Texas are, and the same shall remain forever, null and void.

Sec. 6. **Forgers of Land Titles.**—The Legislature shall pass stringent laws for the detection and conviction of all forgers of land titles, and may make such appropriations of money for that purpose as may be necessary.

Sec. 7. **Certain Sections Not a Repeal of Laws.**—Secs. 2, 3, 4 and 5 of this article shall not be so construed as to set aside or repeal any law or laws of the Republic or State of Texas, releasing the claimants of headrights of colonists of a league of land, or less, from compliance with the conditions on which their grants were made.

ARTICLE XIV.—PUBLIC LANDS AND LAND OFFICE.

Sec. 1. **General Land Office; Grants to Be Registered in; Land Office to Be Self-Sustaining.**—There shall be one General Land Office in the State, which shall be at the seat of government, where all land titles which have emanated or may hereafter emanate from the State shall be registered, except those titles the registration of which may be prohibited by this Constitution. It shall be the duty of the Legislature at the earliest practicable time to make the Land Office self-sustaining, and from time to time the Legislature may establish such subordinate offices as may be deemed necessary.

Sec. 2. **Revival, Survey and Location of Genuine Certificates.**—All unsatisfied genuine land certificates barred by Sec. 4, Art. X, of the Constitution of 1869, by reason of the holders or owners thereof failing to have them surveyed and returned to the Land Office by the 1st day of January, 1875, are hereby revived. All unsatisfied genuine land certificates now in existence shall be surveyed and returned to the General Land Office within five years after the adoption of this Constitution, or be forever barred; and all genuine land certificates hereafter issued by the State shall be surveyed and returned to the General Land Office within five years after issuance, or be forever barred; provided, that all genuine land certificates heretofore or hereafter issued shall be located, surveyed or patented only upon vacant and unappropriated public domain, and not upon any land titled or equitably owned under color of title from the sovereignty of the State, evidence of the appropriation of which is on the county records or in the General Land Office; or when the appropriation is evidenced by the occupation of the owner, or of some person holding for him.

Sec. 3. **Grants to Railways.**—The Legislature shall have no power to grant any of the lands of this State to any railway company except upon the following restrictions and conditions.

First. That there shall never be granted to any such corporation more than sixteen sections to the mile and no reservation of any part of the public domain for the purpose of satisfying such grant shall ever be made.

Second. That no land certificate shall be issued to such company until they have equipped, constructed and in running order at least ten miles of road; and on failure of such company to comply with the terms of its charter, or to alienate its land at a period to be fixed by law, in no event to exceed twelve years from the issuance of the patent, all said land shall be forfeited to the State and become a portion of the public domain, and liable to location and survey. The Legislature shall pass general laws only, to give effect to the provisions of this section.

Sec. 4. **Sale of Lands to Actual Settlers.**—No certificate for land shall be sold at the Land Office except to actual settlers upon the same, and in lots not to exceed one hundred and sixty acres.

Sec. 5. **Alienation of Railroad Grants; Duty of Attorney General.**—All lands heretofore or hereafter granted to railroad companies, where the charter or law of the State required or shall hereafter require their alienation within a certain period, on pain of forfeiture, or is silent on the subject of forfeiture, and which lands have not been or shall not hereafter be alienated, in conformity with the terms of their charters, and the laws under which the grants were made, are hereby declared forfeited to the State, and subject to pre-emption, location and survey as other vacant lands. All lands hertofore granted to said railroad companies to which no forfeiture was attached, on their failure to alienate, are not included in the foregoing clause, but in all such last named cases it shall be the duty of the Attorney General, in every instance where alienations have been or hereafter may be made, to inquire into the same, and if such alienation has been made in fraud of the rights of the State, and is colorable only, the real and beneficial interest being still in such corporation, to institute legal proceedings in the county where the seat of government is situated, to forfeit such lands to the State, and if such alienation be judicially ascertained to be fraudulent and colorable as aforesaid, such lands shall be forfeited to the State and become a part of the vacant public domain, liable to pre-emption, location and survey.

Sec. 6. **Grants to Heads of Families and Single Men.**—To every head of a family without a homestead there shall be donated 160 acres of public land, upon condition that he will select and locate said land, and occupy the same three years, and pay the office fees due thereon. To all single men of 18 years of age and upwards shall be donated eighty acres of public land, upon the terms and conditions prescribed for heads of families.

Sec. 7. **Mines and Minerals Released to Owners of the Soil.**—The State of Texas hereby releases to the owner or owners of the soil all mines and minerals that may be on the same, subject to taxation as other property.

Sec. 8. **Time Extended to Comply With Act of 1870.**—Persons residing between the Nueces River and the Rio Grande and owning grants for lands which emanated from the Government of Spain, or that of Mexico, which grants have been recognized and validated by the State, by acts of the Legislature, approved Feb. 10, 1852; Aug. 15, 1870, and other acts, and who have been prevented from complying with the requirements of said acts by the unsettled condition of the country, shall be allowed until the 1st day of January, 1880, to complete their surveys and the plots thereof, and to return their field notes to the General Land Office; and all claimants failing to do so shall be forever barred; provided, nothing in this section shall be so construed as to validate any titles not already valid, or to interfere with the rights of third persons.

ARTICLE XV.—IMPEACHMENT.

Sec. 1. **Power of Impeachment Vested in The House of Representatives.**—The power of impeachment shall be vested in the House of Representatives.

Sec. 2. **Trial by Senate.**—Impeachment of the Governor, Lieutenant Governor, Attorney General, Treasurer, Commissioner of the General Land Office, Comptroller, and the Judges of the Supreme Court, Courts of Appeal and District Courts shall be tried by the Senate.

Sec. 3. **Oath of Senators.**—When the Senate is sitting as a court of impeachment, the Senators shall be or oath, or affirmation, impartially to try the party impeached, and no person shall be convicted without the concurrence of two thirds of the Senators present.

Sec. 4. **Judgment; Party Convicted Subject to Indictment Under the Criminal Laws.**—Judgment in cases of impeachment shall extend only to removal from office and disqualification from holding any office of honor, trust or profit under this State. A party convicted on impeachment shall also be subject to indictment, trial and punishment, according to law.

Sec 5 **Officers Suspended During Pending Proceedings.**—All officers against whom articles of impeachment may be preferred shall be suspended from the exercise of the duties of their office during the pendency of such impeachment. The Governor may make

a provisional appointment to fill the vacancy occasioned by the suspension of an officer until the decision on the impeachment.

Sec. 6. **Removal of District Judges.**—Any Judge of the District Courts of the State who is incompetent to discharge the duties of his office, or who shall be guilty of partiality, or oppression, or other official misconduct, or whose habits and conduct are such as to render him unfit to hold such office, or who shall negligently fail to perform his duties as Judge, or who shall fail to execute in a reasonable measure the business in his courts, may be removed by the Supreme Court. The Supreme Court shall have original jurisdiction to hear and determine the causes aforesaid when presented in writing, upon the oaths, taken before some Judge of a court of record, of not less than ten lawyers, practicing in the courts held by such Judge, and licensed to practice in the Supreme Court; said presentment to be founded either upon the knowledge of the persons making it or upon the written oaths as to facts of creditable witnesses. The Supreme Court may issue all needful process and prescribe all needful rules to give effect to this section. Causes of this kind shall have precedence and be tried as soon as practicable.

Sec. 7. **Trial and Removal of Other Officers.**—The Legislature shall provide by law for the trial and removal from office of all officers of this State, the modes for which have not been provided in this Constitution.

Address.

Sec. 8. **Removal of Judges of Supreme Court and Courts of Appeals and of District Courts.**—The Judges of the Supreme Court, Courts of Appeals and District Courts shall be removed by the Governor on the address of two thirds of each house of the Legislature, for willful neglect of duty, incompetency, habitual drunkenness, oppression in office, or other reasonable cause which shall not be sufficient ground for impeachment; provided, however that the cause or causes for which such removal shall be required shall be stated at length in such address and entered on the journals of each house; and provided, further, that the cause or causes shall be notified to the Judge so intended to be removed, and he shall be admitted to a hearing in his own defense before any vote for such address shall pass; and in all such cases the vote shall be taken by yeas and nays and entered on the journals of each house, respectively.

ARTICLE XVI.—GENERAL PROVISIONS.

Sec. 1. **Official Oaths.**—Members of the Legislature, and all other elected officers, before they enter upon the duties of their offices, shall take the following Oath or Affirmation:

"I . do solemnly swear (or affirm), that I will faithfully execute the duties of the office of of the State of Texas, and will to the best of my ability preserve, protect, and defend the Constitution and laws of the United States and of this state; and I furthermore solemnly swear (or affirm), that I have not, directly nor indirectly paid, offered, or promised to pay, contributed, nor promised to contribute any money, or valuable thing, or promised any public office or employment, as a reward for the giving or withholding a vote at the election at which I was elected. So help me God."

The Secretary of State, and all other appointed officers, before they enter upon the duties of their offices, shall take the following Oath or Affirmation:

"I . do solemnly swear (or affirm), that I will faithfully execute the duties of the office of of the State of Texas, and will to the best of my ability preserve, protect, and defend the Constitution and laws of the United States and of this State; and I furthermore solemnly swear (or affirm), that I have not directly nor indirectly paid, offered, or promised to pay, contributed, nor promised to contribute any money, or valuable thing, or promised any public office or employment, as a reward to secure my appointment or the confirmation thereof. So help me God."

(Note.— The foregoing Sec. 1 of Art. XVI was twice amended from the original text to eliminate that part of the oath stating that the incoming official had not fought a duel or sent or accepted a challenge to a duel or acted as a second in a duel. Submitted by Forty-fifth Legislature (1937) and adopted in an election Nov. 8, 1938. It was further amended to change the form of the oath of office to include appointive officers of the State. Submitted by the Fifty-fourth Legislature (1955) and adopted in an election Nov. 6, 1956.]

Sec. 2. **Right of Suffrage to Be Protected; Criminals Disfranchised.**—Laws shall be made to exclude from office, serving on juries, and from the right of suffrage, those who may have been or shall hereafter be convicted of bribery, perjury, forgery or other high crimes. The privilege of free suffrage shall be protected by laws, regulating elections and prohibiting, under adequate penalties, all undue influence therein from power, bribery, tumult, or other improper practice.

Sec. 3. **Fines and Costs to Be Discharged by Manual Labor.**—The Legislature shall make provisions whereby persons convicted of misdemeanors and committed to the county jails in default of payment of fines and costs shall be required to discharge such fines and costs by manual labor, under such regulations as may be prescribed by law.

Sec. 4. **Dueling Prohibited.**—Any citizen of this State who shall, after the adoption of this Constitution, fight a duel with deadly weapons, or send or accept a challenge to fight a duel with deadly weapons, either within this State or out of it, or who shall act as second, or knowingly assist in any manner those thus offending, shall be deprived of the right of suffrage, or of holding any office of trust or profit under this State.

Sec. 5. **Bribery in Elections Disqualification for Holding Office.**—Every person shall be disqualified from holding any office of profit or trust in this State who shall have been convicted of having given or offered a bribe to procure his election or appointment.

Sec. 6. **Appropriations for Private Purposes Prohibited; Expenditures to Be Published.**—(a) No appropriation for private or individual purposes shall be made, unless authorized by this Constitution. A regular statement, under oath, and an account of the receipts and expenditures of all public money shall be published annually, in such manner as shall be prescribed by law.

(b) State agencies charged with the responsibility of providing services to those who are blind, crippled, or otherwise physically or mentally handicapped may accept money from private or federal sources, designated by the private or federal source as money to be used in and establishing and equipping facilities for assisting those who are blind, crippled, or otherwise physically or mentally handicapped in becoming gainfully employed, in rehabilitating and restoring the handicapped, and in providing other services determined by the state agency to be essential for the better care and treatment of the handicapped. Money accepted under this subsection is state money. State agencies may spend money accepted under this subsection, and no other money, for specific programs and projects to be conducted by local level or other private, nonsectarian associations, groups, and nonprofit organizations, in establishing and equipping facilities for assisting those who are blind, crippled, or otherwise physically or mentally handicapped in becoming gainfully employed, in rehabilitating and restoring the handicapped, and in providing other services determined by the state agency to be essential for the better care or treatment of the handicapped.

The state agencies may deposit money accepted under this subsection either in the state treasury or in other secure depositories. The money may not be expended for any purpose other than the purpose for which it was given. Notwithstanding any other provision of this Constitution, the state agencies may expend money accepted under this subsection without the necessity of an appropriation, unless the Legislature, by law, requires that the money be expended only on appropriation. The Legislature may prohibit state agencies from accepting money under this subsection or may regulate the amount of money accepted, the way the acceptance and expenditure of the money is administered, and the purposes for which the state agencies may expend the money. Money accepted under this subsection for a purpose prohibited by the Legislature shall be returned to the entity that gave the money.

This subsection does not prohibit state agencies authorized to render services to the handicapped from contracting with privately-owned or local facilities for necessary and essential services, subject to such conditions, standards, and procedures as may be prescribed by law.

[Note.—The foregoing Sec. 6 of Art. XVI was amended to authorize public grants to private groups

for assistance to blind, crippled or otherwise physically and mentally handicapped. Submitted by Fifty-ninth Legislature (1965) and adopted in election Nov. 8, 1966.]

Sec. 7. **No Paper to Circulate as Money.**—The Legislature shall in no case have power to issue "treasury warrants," "treasury notes," or paper of any description intended to circulate as money.

Sec. 8. **Counties May Provide Workhouses, Poorhouses and Farms.**—Each county in the State may provide, in such manner as may be prescribed by law a manual labor poorhouse and farm, for taking care of, managing, employing and supplying the wants of its indigent and poor inhabitants.

Sec. 9. **Absence on Business of the State or United States Shall Not Forfeit a Residence Once Obtained.**—Absence on business of the State or of the United States shall not forfeit a residence once obtained, so as to deprive anyone of the right of suffrage, or of being elected or appointed to any office, under the exceptions contained in this Constitution.

Sec. 10. **Deductions From Salaries to Be Provided for.**—The Legislature shall provide for deductions from the salaries of public officers who may neglect the performance of any duty that may be assigned them by law.

Sec. 11. **Usurious Interest Prohibited.**—The Legislature shall have authority to classify loans and lenders, license and regulate lenders, define interest and fix maximum rates of interest; provided, however, in the absence of legislation fixing maximum rates of interest all contracts for a greater rate of interest than ten per centum (10%) per annum shall be deemed usurious; provided, further, that in contracts where no rate of interest is agreed upon, the rate shall not exceed six per centum (6%) per annum. Should any regulatory agency, acting under the provisions of this Section, cancel or refuse to grant any permit under any law passed by the Legislature; then such applicant or holder shall have the right of appeal to the courts and granted a trial de novo as that term is used in appealing from the justice of peace court to the county court.

[Note.—The foregoing Sec. 11 of Art. XVI has been twice amended—first setting 10 per cent and 6 per cent as interest rates, in place of original provision for 12 per cent and 8 per cent. Submitted by Twenty-second Legislature (1891), ratified in election Aug. 11, 1891, and declared adopted Sept. 22, 1891. Further amended to grant right of appeal from justice of peace court to county court. Submitted by Fifty-sixth Legislature (1959) and adopted in election Nov. 8, 1960.]

Sec. 12. **Officers Not Eligible.**—No member of Congress, nor person holding or exercising any office of profit or trust under the United States, or either of them, or under any foreign power, shall be eligible as a member of the Legislature or hold or exercise any office of profit or trust under this State.

Sec. 13. **Legislature Shall Pass Arbitration Laws.**—It shall be the duty of the Legislature to pass such laws as may be necessary and proper to decide differences by arbitration, when the parties shall elect that method of trial.

Sec. 14 **Residence of Officers.**—All civil officers shall reside within the State, and all district or county officers within their districts or counties, and shall keep their offices at such places as may be required by law; and failure to comply with this condition shall vacate the office so held.

Sec. 15. **Community Property of Husband and Wife; Partition Thereof.**—All property both real and personal, of the wife, owned or claimed by her before marriage, and that acquired afterward by gift, devise or descent, shall be the separate property of the wife; and laws shall be passed more clearly defining the rights of the wife, in relation as well to her separate property as that held in common with her husband; provided that husband and wife, without prejudice to pre-existing creditors, may from time to time by written instrument as if the wife were a femme sole partition between themselves in severalty or into equal undivided interests all or any part of their existing community property, or exchange between themselves the community interest of one spouse in any property for the community interest of the other spouse in other community property, whereupon the portion of interest set aside to each spouse shall be and constitute a part of the separate property of such spouse.

This amendment is self-operative, but laws may be passed prescribing requirements as to the form and manner of execution of such instruments, and providing for their recordation, and for such other reasonable requirements not inconsistent herewith as the Legislature may from time to time consider proper with relation to the subject of this amendment. Should the Legislature pass an act dealing with the subject of this amendment and prescribing requirements as to the form and manner of the execution of such instruments and providing for the recordation and other reasonable requirements not inconsistent herewith and anticipatory thereto, such act shall not be invalid by reason of its anticipatory character and shall take effect just as though this Constitutional Amendment was in effect when the act was passed.

[Note.—Sec. 15 of Art. XVI originally had no provision for partition of community property of husband and wife. Provision for partition, as prescribed above, was the purpose of the foregoing amended section. Submitted by Fiftieth Legislature (1947) and adopted in election Nov. 2, 1948.]

Sec. 16. **Banking Corporations.**—The Legislature shall, by general laws, authorize the incorporation of corporate bodies with banking and discounting privileges, and shall provide for a system of state supervision, regulation and control of such bodies which will adequately protect and secure the depositors and creditors thereof.

No such corporate body shall be chartered until all of the authorized capital stock has been subscribed and paid for in full in cash. Such body corporate shall not be authorized to engage in business at more than one place, which shall be designated in its charter.

No foreign corporation, other than the national banks of the United States, shall be permitted to exercise banking or discounting privileges in this State.

[Note.—The foregoing Sec. 16 of Art. XVI has been twice amended from the original, as follows: (1) To eliminate the original provision that "No corporate body shall hereafter be created, renewed or extended with banking or discounting privileges," and making possible the establishment of the present state banking system. Submitted by the Twenty-eighth Legislature (1903), ratified in an election Nov. 8, 1904, and declared adopted Dec. 29, 1904. (2) Eliminating a provision, contained in the amendment of 1904, making shareholders of banks liable to the extent of twice the par value of the shares owned. Submitted by the Forty-fifth Legislature (1937), and adopted in an election Aug. 23, 1937.]

Sec. 17. **Officers to Perform Duties Until Successor Qualified.**—All officers within this State shall continue to perform the duties of their offices until their successors shall be duly qualified.

Sec. 18. **Vested Rights.**—The rights of property and of action, which have been acquired under the Constitution and the laws of the Republic and State, shall not be divested; nor shall any rights or actions which have been divested, barred or declared null and void by the Constitution of the Republic and State be reinvested, renewed or reinstated by this Constitution; but the same shall remain precisely in the situation which they were before the adoption of this Constitution, unless otherwise herein provided; and provided, further, that no cause of action heretofore barred shall be revived.

Sec. 19. **Qualifications of Jurors.**—The Legislature shall prescribe by law the qualifications of grand and petit jurors; provided that neither the right nor the duty to serve on grand and petit juries shall be denied or abridged by reason of sex. Whenever in the Constitution the term "men" is used in reference to grand or petit juries, such term shall include persons of the female as well as the male sex.

[Note.—The foregoing Sec. 19 of Art. XVI was amended to include women jurors. Submitted by Fifty-third Legislature (1953) and adopted in an election Nov. 2, 1954.]

Sec. 20. **Manufacture and Sale of Intoxicants.**—(a) The open saloon shall be and is hereby prohibited. The Legislature shall have the power, and it shall be its duty to define the term "open saloon" and to enact laws against such.

Article XVI.—(Continued.)

Subject to the foregoing, the Legislature shall have the power to regulate the manufacture, sale, possession and transportation of intoxicating liquors, including the power to establish a State monopoly on the sale of distilled liquors.

(b) The Legislature shall enact a law or laws whereby the qualified voters of any county, justices precinct or incorporated town or city may, by a majority vote of those voting, determine from time to time whether the sale of intoxicating liquors for beverage purposes shall be prohibited or legalized within the prescribed limits; and such laws shall contain provisions for voting on the sale of intoxicating liquors of various types and various alcoholic content.

(c) In all counties, justices precincts or incorporated towns or cities wherein the sale of intoxicating liquors had been prohibited by local option elections held under the laws of the State of Texas and in force at the time of the taking effect of Section 20, Article XVI of the Constitution of Texas, it shall continue to be unlawful to manufacture, sell, barter or exchange in any such county, justices precinct or incorporated town or city, any spiritous, vinous or malt liquors or medicated bitters capable of producing intoxication or any other intoxicants whatsoever, for beverage purposes, unless and until a majority of the qualified voters in such county or political subdivision thereof voting in an election held for such purposes shall determine such to be lawful; provided that this subsection shall not prohibit the sale of alcoholic beverages containing not more than 3.2 per cent alcohol by weight in cities, counties or political subdivisions thereof in which the qualified voters have voted to legalize such sale under the provisions of Chapter 116, Acts of the Regular Session of the Forty-third Legislature.

[Note.—The foregoing Sec. 20 of Art. XVI has been amended from the original (which merely provided for local option elections in 'any county, justices precinct, town or city") four times, as follows: (1) To insert a clause in original section "or such subdivision of a county as may be designated by Commissioners' Court of said county," with reference to local option elections. Submitted by Twenty-second Legislature (1891), ratified in an election Aug. 11, 1891, and declared adopted Sept. 22, 1891. (2) To declare state-wide prohibition. Submitted by Thirty-sixth Legislature (1919), and declared adopted May 24, 1919. (3) To legalize sale of vinous and malt liquors of not more than 3.2 per cent alcohol. Submitted by the Forty-third Legislature (1933), and adopted in an election Aug. 26, 1933. (4) Legalizing sale of all liquors, as stated in the section printed above. Submitted by the Forty-fourth Legislature (1935), and adopted in an election Aug. 24, 1935.]

Sec. 21. **Stationery; Public Printing.**—All stationery and printing, except proclamations and such printing as may be done at the Deaf and Dumb Asylum, paper and fuel used in the legislative and other departments of the government, except the judicial department, shall be furnished and the printing and binding of the laws, journals and department reports and all other printing and binding, and the repairing and furnishing of the halls and rooms used for the meetings of the Legislature and its committees, shall be performed under contract, to be given to the lowest responsible bidder, below such maximum price and under such regulations as shall be prescribed by law. No member or officer of any department of the government shall be in any way interested in such contract; and all such contracts shall be subject to the approval of the Governor, Secretary of State and Comptroller.

Sec. 22. **Fence Laws.**—The Legislature shall have the power to pass such fence laws, applicable to any subdivision of the State or county, as may be needed to meet the wants of the people.

Sec. 23. **Stock Laws.**—The Legislature may pass laws for the regulation of livestock and the protection of stock raisers in the stock raising portion of the State, and exempt from the operation of such laws other portions, sections or counties; and shall have power to pass general and special laws for the inspection of cattle, stock and hides, and for the regulation of brands; provided, that any local law thus passed shall be submitted to the freeholders of the section to be affected thereby, and approved by them before it shall go into effect.

Sec. 24. **Roads; Convict Labor.**—The Legislature shall make provision for laying out and working public roads, for the building of bridges, and for utilizing fines, forfeitures, and convict labor to all these purposes.

Sec. 25. **Drawbacks and Rebates in Freight Insurance, Transportation, Storage, Etc., Prohibited.**—That all drawbacks and rebatement of insurance, freight, transportation, carriage, wharfage, storage, compressing, bailing, repairing, or for any other kind of labor or service of, or to any cotton, grain or any other produce or article of commerce in this State, paid or allowed or contracted for to any common carrier, shipper, merchant, commission merchant, factor, agent or middleman of any kind not the true and absolute owner thereof, are forever prohibited; and it shall be the duty of the Legislature to pass effective laws punishing all persons in this State who pay, receive or contract for or respecting the same.

Sec. 26. **Homicide: Civil Action For.**—Every person, corporation or company that may commit a homicide, through willful act or omission or gross neglect, shall be responsible in exemplary damages to the surviving husband, widow, heirs of his or her body, or such of them as there may be, without regard to any criminal proceeding that may or may not be had in relation to the homicide.

Sec. 27. **Vacancies in Offices Filled for Unexpired Term Only.**—In all elections to fill vacancies of office in this State, it shall be to fill the unexpired term only.

Sec. 28. **Wages Exempt From Garnishment.**—No current wages for personal service shall ever be subject to garnishment.

Sec. 29. **Barratry to Be Prohibited.**—The Legislature shall provide by law for defining and punishing barratry.

Sec. 30. **Duration of Offices; Term of Railroad Commissioner.**—The duration of all offices not fixed by this Constitution shall never exceed two years; provided, that when a Railroad Commission is created by law it shall be composed of three Commissioners, who shall be elected by the people at a general election for state officers, and their term of office shall be six years; provided, Railroad Commissioners first elected after this amendment goes into effect shall hold office as follows: One shall serve two years and one four years, and one six years, their terms to be decided by lot, immediately after they shall have qualified. And one Railroad Commissioner shall be elected every two years thereafter. In case of vacancy in said office, the Governor of the State shall fill said vacancy by appointment until the next general election.

[Note.—The foregoing Sec. 30 of Art. XVI was amended from the original to permit six-year terms for the newly created offices of the three-place Railroad Commission of Texas. The original section consisted only of the first clause of the amendment as printed above. Submitted by Twenty-third Legislature (1893), ratified in an election Nov. 6, 1894, and declared adopted Dec. 21, 1894.]

Sec. 30-a. **Board of Regents, Trustees, Managers, Etc.; Term of Office.**—The Legislature may provide by law that the members of the Board of Regents of the State University and boards of trustees or managers of the educational, eleemosynary and penal institutions of this State, and such boards as have been or may hereafter be established by law, may hold their respective offices for the term of six (6) years, one third of the members of such boards to be elected or appointed every two years in such manner as the Legislature may determine; vacancies in such offices to be filled as may be provided by law, and the Legislature shall enact suitable laws to give effect to this section.

[Note.—The foregoing Sec. 30-a of Art. XVI, an amendment, was added to give the Legislature authority to provide official terms of more than two years. (See Sec. 30 above and note thereunder.) Submitted by Thirty-second Legislature (1911), ratified at an election Nov. 5, 1912, and declared adopted Dec. 30, 1912.]

Sec. 30-b. **Tenure Under Municipal Civil Service.**—Wherever by virtue of statute or charter provisions appointive officers of any municipality are placed un-

Article XVI.—(Continued.)

der the terms and provisions of Civil Service and rules are set up governing appointment to and removal from such offices, the provisions of Article 16, Section 30, of the Texas Constitution limiting the duration of all offices not fixed by the Constitution to two (2) years shall not apply, but the duration of such offices shall be governed by the provisions of the Civil Service law or charter provisions applicable thereto.

[Note.—The foregoing Sec. 30-b of Art. XVI, an amendment, was added to extend to local official terms under the civil service exemption from the two-year restriction in the first clause of Sec. 30. (See Secs. 30 and 30-a and notes thereunder.) Submitted by the Forty-sixth Legislature; ratified in an election Nov. 5, 1940.]

Sec. 31. **Qualifications of Physicians to Be Prescribed.**—The Legislature may pass laws prescribing the qualifications of practitioners of medicine in this State, and to punish persons for malpractice, but no preference shall ever be given by law to any schools of medicine.

Sec. 32. **Board of Health and Vital Statistics.**—The Legislature may provide by law for the establishment of a Board of Health and Vital Statistics, under such rules and regulations as it may deem proper.

Sec. 33. **Condition Under Which a Person Can Not Receive Compensation From the State.**—The accounting officers of this State shall neither draw nor pay a warrant upon the Treasury in favor of any person, for salary or compensation as agent, officer or appointee, who holds at the same time any other office or position of honor, trust or profit, under this State or the United States, except as prescribed in this Constitution Provided, that this restriction as to the drawing and paying of warrants upon the Treasury shall not apply to officers of the National Guard of Texas, the National Guard Reserve, the Officers' Reserve Corps of the United States, nor to enlisted men of the National Guard, the National Guard Reserve, and the Organized Reserves of the United States, nor to retired officers of the United States Army, Navy and Marine Corps, and the retired warrant officers and retired enlisted men of the United States Army, Navy and Marine Corps.

[Note.—The foregoing Sec. 33 of Art. XVI has been amended twice, as follows: (1) To release National Guard of Texas, National Guard Reserve and Officers' Reserve Corps and United States Organized Reserves from the prohibition against holding remunerative office. Submitted by Thirty-ninth Legislature (1925), and adopted in an election Nov. 2, 1926. Proclaimed Jan. 20, 1927. (2) To add to those released from the prohibition against holding remunerative office all retired officers and enlisted men of the United States Army, Navy and Marine Corps. Submitted by Forty-second Legislature (1931), and adopted in an election Nov. 8, 1932. Proclaimed Jan. 9, 1933.]

Sec. 34. **How Forts May Be Acquired by the United States.**—The Legislature shall pass laws authorizing the Governor to lease or sell to the Government of the United States a sufficient quantity of the public domain of the State necessary for the erection of forts, barracks, arsenals and military stations or camps, and for other needful military purposes; and the action of the Governor therein shall be subject to the approval of the Legislature.

Sec. 35. **Laborers on Public Works to Be Protected.**—The Legislature shall, at its first session, pass laws to protect laborers on public buildings, streets, roads, railroads, canals and other similar public works, against the failure of contractors and subcontractors to pay their current wages when due, and to make the corporation, company or individual for whose benefit the work is done responsible for their ultimate payment.

Sec. 36. **Payments of Schoolteachers Provided for.**—The Legislature shall, at its first session, provide for the payment or funding, as they may deem best, of the amounts found to be justly due to the teachers in the public schools by the State for services rendered prior to the 1st day of July 1873, and for the payment by the school districts in the State of amounts justly due teachers of public schools by such districts to January, 1876.

Sec. 37. **Mechanics Liens to Be Enforced.**—Mechanics, artisans and material men of every class shall have a lien upon the buildings and articles made or repaired by them, for the value of their labor done thereon, or material furnished therefor; and the Legislature shall provide by law for the speedy and efficient enforcement of said liens.

Sec. 38. **Commissioner of Insurance, Statistics and History.**—The Legislature may, at such time as the public interest may require, provide for the office of Commissioner of Insurance, Statistics and History, whose term of office, duties and salary shall be prescribed by law.

Sec. 39. **Memorials of Texas History.**—The Legislature may, from time to time, make appropriations for preserving and perpetuating memorials of the history of Texas, by means of monuments, statues, paintings and documents of historical value.

Sec. 40. **Provision Against Holding More Than One Office; Exceptions.**—No person shall hold or exercise, at the same time, more than one civil office of emolument, except that of Justice of the Peace, County Commissioner, notary public and postmaster, officer of the National Guard, the National Guard Reserve and the Officers' Reserve Corps of the United States, and enlisted men of the National Guard, the National Guard Reserve and the Organized Reserves of the United States, and retired officers of the United States Army, Navy and Marine Corps, and the retired warrant officers and retired enlisted men of the United States Army, Navy and Marine Corps, unless otherwise specially provided herein. Provided that nothing in this Constitution shall be construed to prohibit an officer, or enlisted man of the National Guard, the National Guard Reserve, or an officer in the Officers' Reserve Corps of the United States, or an enlisted man in the Organized Reserves of the United States, or retired officers of the United States Army, Navy and Marine Corps, and the retired warrant officers and retired enlisted men of the United States Army, Navy and Marine Corps from holding in conjunction with such office any other office or position of honor, trust or profit, under this State, or the United States, or from voting at any election, general, special or primary, in this State when otherwise qualified.

[Note.—The foregoing Sec. 40 of Art. XVI has been amended twice as follows: (1) to release National Guard, National Guard Reserve and Officers' Reserve Corps and United States Organized Reserves from the prohibition against holding remunerative office. Submitted by Thirty-ninth Legislature (1925), and adopted in an election Nov. 2, 1926. Proclaimed Jan. 20, 1927. (2) To add to those released from the prohibition against holding remunerative office all retired officers and enlisted men of the United States Army, Navy and Marine Corps. Submitted by Forty-second Legislature (1931) and adopted in an election Nov. 8, 1932. Proclaimed Jan. 9, 1933.]

Sec. 41. **Bribery of Certain Officials to Be Prohibited.**—Any person who shall, directly or indirectly, offer, give or promise any money or thing of value, testimonial, privilege or personal advantage to any executive or judicial officer or member of the Legislature, to influence him in the performance of any of his public or official duties, shall be guilty of bribery and be punished in such manner as shall be provided by law. And any member of the Legislature, or executive or judicial officer, who shall solicit, demand or receive, or consent to receive, directly or indirectly, for himself or for another, from any company, corporation or person, any money, appointment, employment testimonial, reward, thing of value or employment, or of personal advantage or promise thereof, for his vote or official influence, or for withholding the same, or with any understanding, expressed or implied, that his vote or official action shall be in any way influenced thereby, or who shall solicit, demand and receive any such money or other advantage, matter or thing aforesaid, for another, as the consideration of his vote or official influence, in consideration of the payment or promise of such money, advantage, matter or thing to another, shall be held guilty of bribery within the meaning of the Constitution, and shall incur the disabilities provided for said offenses, with a forfeiture of the office they may hold, and such other additional punishment as is or shall be provided by law.

Article XVI.—(Continued.):

Sec. 42. **Legislature May Provide for Inebriate Asylum.**—The Legislature may establish an inebriate asylum for the cure of drunkenness and the reform of inebriates.

Sec. 43. **Exemption From Public Service.**—No man or set of men shall ever be exempted, relieved or discharged from the performance of any public duty or service imposed by general law, by any special law. Exemptions from the performance of such public duty or service shall only be made by general law.

Sec. 44. **County Treasurer and Surveyor.**—The Legislature shall prescribe the duties, and provide for the election, by the qualified voters of each county in this State, of a County Treasurer and a County Surveyor, who shall have an office at the county seat, and hold their office for four years, and until their successors are qualified; and shall have such compensation as may be provided by law.

[Note.—The foregoing Sec. 44 of Art. XVI was amended to raise term of office from two to four years. Submitted by Fifty-third Legislature (1953) and adopted in election Nov. 2, 1954.]

Sec. 45. **Records of the History of Texas.**—It shall be the duty of the Legislature to provide for collecting, arranging and safely keeping such records, rolls, correspondence and other documents, civil and military, relating to the history of Texas as may be now in the possession of parties willing to confide them to the care and preservation of the State.

Sec. 46. **Militia to Be Organized.**—The Legislature shall provide by law for organizing and disciplining the militia of the State, in such manner as they shall deem expedient, not incompatible with the Constitution and laws of the United States.

Sec. 47. **Scruples Against Bearing Arms.**—Any person who conscientiously scruples to bear arms shall not be compelled to do so, but shall pay an equivalent for personal service.

Sec. 48. **Laws to Remain in Force.**—All laws and parts of laws now in force in the State of Texas which are not repugnant to the Constitution of the United States or to this Constitution shall continue and remain in force as the laws of this State until they expire by their own limitation or shall be amended or repealed by the Legislature.

Sec. 49. **Exemptions From Forced Sales.**—The Legislature shall have power, and it shall be its duty, to protect by law from forced sale a certain portion of the personal property of all heads of families, and also of unmarried adults, male and female.

Sec. 50. **Homestead Exemptions; Incumbrances; Pretended Sales.**—The homestead of a family shall be, and is hereby, protected from forced sale for the payment of all debts, except for the purchase money thereof, or a part of such purchase money, the taxes due thereon, or for work and material used in constructing improvements thereon, and in this last case only when the work and material are contracted for in writing, with the consent of the wife given in the same manner as is required in making a sale and conveyance of the homestead; nor shall the owner, if a married man, sell the homestead without the consent of the wife, given in such manner as may be prescribed by law. No mortgage, trust deed or other lien on the homestead shall be valid except for the purchase money therefor, or improvements made thereon, as hereinbefore provided, whether such mortgage or trust deed or other lien shall have been created by the husband alone or together with his wife; and all pretended sales of the homestead involving any condition of defeasance shall be void.

Sec. 51. **Homestead Defined.**—The homestead not in a town or city shall consist of not more than 200 acres of land, which may be in one or more parcels, with the improvements thereon; the homestead in a city, town or village shall consist of lot or lots, not to exceed in value $5,000 at the time of their designation as the homestead, without reference to the value of any improvements thereon; provided, that the same shall be used for the purposes of a home, or as a place to exercise the calling or business of the head of the family; provided, also, that any temporary renting of the homestead shall not change the character of the same, when no other homestead has been acquired.

Sec. 52. **Descent of Homestead.**—On the death of the husband or wife, or both, the homestead shall descend and vest in like manner as other real property of the deceased, and shall be governed by the same laws of descent and distribution, but it shall not be partitioned among the heirs of the deceased during the lifetime of the surviving husband or wife, or so long as the survivor may elect to use or occupy the same as a homestead, or so long as the guardian of the minor children of the deceased may be permitted, under the order of the proper court having jurisdiction, to use and occupy the same.

Sec. 53. **Declaration Validating Process and Writs.**—That no inconvenience may arise from the adoption of this Constitution, it is declared that all process and writs of all kinds which have been or may be issued and not returned or executed when this Constitution is adopted shall remain valid, and shall not be in any way affected by the adoption of this Constitution.

Sec. 54. **Indigent Lunatics.**—It shall be the duty of the Legislature to provide for the custody and maintenance of indigent lunatics at the expense of the State, under such regulations and restrictions as the Legislature may prescribe.

Sec. 55. **Pensions.**—The Legislature may provide annual pensions, not to exceed $150 per annum, to surviving soldiers or volunteers in the war between Texas and Mexico, from the commencement of the revolution in 1835 until the 1st of January, 1837; and also to the surviving signers of the Declaration of Independence of Texas; and to the surviving widows continuing unmarried, of such soldiers and signers; provided, that no such pension be granted except to those in indigent circumstances, proof of which shall be made before the County Court of the county where the applicant resides, in such manner as may be provided by law.

Sec. 56. **Advertising Texas' Resources.**—The Legislature of the State of Texas shall have the power to appropriate money and establish the procedure necessary to expend such money for the purpose of developing information about the historical, natural, agricultural, industrial, educational, marketing, recreational and living resources of Texas, and for the purpose of informing persons and corporations of other states through advertising in periodicals having national circulation, and the dissemination of factual information about the advantages and economic resources offered by the State of Texas; providing, however, that neither the name nor the picture of any living state official shall ever be used in any of said advertising, and providing that the Legislature may require that any sum of money appropriated hereunder shall be matched by an equal sum paid into the State Treasury from private sources before any of said money may be expended.

[Note.—The foregoing Sec. 56 of Art. XVI is substituted for the original Sec. 56 which prohibited the expenditure of state funds for attracting immigrants. Submitted by the Fifty-fifth Legislature (1957) and adopted in an election Nov. 4, 1958.]

Sec. 57. **Land Set Aside for State Capitol.**—Three million acres of the public domain are hereby appropriated and set apart for the purpose of erecting a new State Capitol and other necessary public buildings at the seat of government, said lands to be sold under the direction of the Legislature; and the Legislature shall pass suitable laws to carry this section into effect.

Sec. 58. **Management of Prison System.**—The Legislature shall have full power and authority to provide by law for the management and control of the prison system of Texas; and to this end shall have power and authority to place the prison system under the supervision, management and control of such trained and experienced officer, or officers, as the Legislature may from time to time provide for by law.

[Note.—The foregoing Sec. 58 of Art. XVI, an amendment, was added to the Constitution, and subsequently altered, for the following purposes: (1) To provide specifically for a Prison Board. Submitted by the Thirty-second Legislature (1911), ratified in an election Nov. 5, 1912, and proclaimed Dec. 30, 1912. (2) To give the Legislature authority to provide for prison management, as stated in section above. Submitted by Thirty-ninth Legislature (1925), ratified Nov. 2, 1926, and proclaimed Jan. 20, 1927.]

*Sec. 59-a. **Conservation and Development of Natural Resources.**—The conservation and development of all the natural resources of this State, including the control, storing, preservation and distribution of its storm and flood waters, the waters of its rivers

Article XVI.—(Continued.)

and streams, for irrigation, power and all other useful purposes, the reclamation and irrigation of its arid, semiarid and other lands needing irrigation, the reclamation and drainage of its overflowed lands, and other lands needing drainage, the conservation and development of its forests, water and hydro-electric power, the navigation of its inland and coastal waters, and the preservation and conservation of all such natural resources of the State are each and all hereby declared public rights and duties; and the Legislature shall pass all such laws as may be appropriate thereto.

(b) There may be created within the State of Texas, or the State may be divided into, such number of conservation and reclamation districts as may be determined to be essential to the accomplishment of the purposes of this amendment to the Constitution, which districts shall be governmental agencies and bodies politic and corporate with such powers of government and with the authority to exercise such rights, privileges and functions concerning the subject matter of this amendment as may be conferred by law.

(c) The Legislature shall authorize all such indebtedness as may be necessary to provide all improvements and the maintenance thereof requisite to the achievement of the purposes of this amendment, and all such indebtedness may be evidenced by bonds of such conservation and reclamation districts, to be issued under such regulations as may be prescribed by law and shall, also, authorize the levy and collection within such districts of all such taxes, equitably distributed, as may be necessary for the payment of the interest and the creation of a sinking fund for payment of such bonds; and also for the maintenance of such districts and improvements, and such indebtedness shall be a lien upon the property assessed for the payment thereof; provided, the Legislature shall not authorize the issuance of any bonds or provide for any indebtedness against any reclamation district unless such proposition shall first be submitted to the qualified property taxpaying voters of such district and the proposition adopted.

(d) No law creating a conservation and reclamation district shall be passed unless notice of the intention to introduce such a bill setting forth the general substance of the contemplated law shall have been published at least thirty (30) days and not more than ninety (90) days prior to the introduction thereof in a newspaper or newspapers having general circulation in the county or counties in which said district or any part thereof is or will be located and by delivering a copy of such notice and such bill to the Governor who shall submit such notice and bill to the Texas Water Commission, or its successor, which shall file its recommendation as to such bill with the Governor, Lieutenant Governor and Speaker of the House of Representatives within thirty (30) days from date notice was received by the Texas Water Commission. Such notice and copy of bill shall also be given of the introduction of any bill amending a law creating or governing a particular conservation and reclamation district if such bill (1) adds additional land to the district, (2) alters the taxing authority of the district, (3) alters the authority of the district with respect to the issuance of bonds, or (4) alters the qualifications or terms of office of the members of the governing body of the district.

[Note. — The foregoing paragraph (d) is an amendment, added to require notice at both the local level and state level through publication in a newspaper having general circulation in county in which district is to be set up at least 30 days prior to introduction of bill in Legislature. Submitted by Fifty-eighth Legislature (1963) and adopted in election Nov. 3, 1964.]

[Note.—The foregoing Sec. 59-a, obviously meant to be Sec. 59 (see footnote), was added to establish a conservation policy. Submitted by Thirty-fifth Legislature (1917), and adopted in an election of Aug. 21, 1917, and proclaimed Oct. 2, 1917.]

*The resolution submitting this amendment was headed "Sec. 59-a," followed by paragraphs "(b)" and "(c)." Obviously, the first heading should have been "Sec. 59 (a)," the parenthetical (a) referring only to the first paragraph.

Sec. 60. **Texas Centennial.**—That the Constitution of the State of Texas be so amended as to authorize a Texas Centennial, commemorating the heroic period of early Texas history, and celebrating a century of our independence and progress, to be held at such times, places and in such manner as may be designated by the Legislature of Texas.

That the Legislature of Texas be authorized to make appropriation for the support and maintenance thereof; provided that this authorization shall not be construed to make appropriations for any other future exposition or celebration of any kind or character.

[Note.—The foregoing Sec. 60 of Art. XVI, an amendment, was added to provide for the Texas Centennial. Submitted by the Forty-second Legislature (1931), and adopted in an election Nov. 8, 1932.]

Sec. 61. **Compensation of District and County Officials.**—All district officers in the State of Texas and all county officers in counties having a population of twenty thousand (20,000) or more, according to the then last preceding Federal Census, shall be compensated on a salary basis. In all counties in this State, the Commissioners Courts shall be authorized to determine whether precinct officers shall be compensated on a fee basis or on a salry basis, with the exception that it shall be mandatory upon the Commissioners Courts, to compensate all constables, deputy constables and precinct law enforcement officers on a salary basis beginning January 1, 1949; and in counties having a population of less than twenty thousand (20,000), according to the then last preceding Federal Census, the Commissioners Court shall also have the authority to determine whether county officers shall be compensated on a fee basis or on a salary basis, with the exception that it shall be mandatory upon the Commissioners Courts to compensate all sheriffs deputy sheriffs, county law enforcement officers, including sheriffs who also perform the duties of assessor and collector of taxes, and their deputies, on a salary basis beginning January 1, 1949.

All fees earned by district, county and precinct officers shall be paid into the county treasury where earned for the account of the proper fund, provided that fees incurred by the State, county and any municipality, or in case where a pauper's oath is filed, shall be paid into the county treasury when collected and provided that where any officer is compensated wholly on a fee basis such fees may be retained by such officer or paid into the treasury of the county as the Commissioners Court may direct. All notaries public, county surveyors and public weighers shall continue to be compensated on a fee basis.

[Note.—The foregoing Sec. 61 of Art. XVI has been twice amended as follows: (1) To put all district and county officials in counties of more than 20,000 population on a salary basis, substituting for fee basis, and making it optional with the Commissioners Courts whether precinct officers in counties of less thar 20,000 should be on salary or fee basis and optional with reference to county officers in counties of less than 20,000. Submitted by the Forty-fourth Legislature (1935) and adopted in an election Aug. 24, 1935. (2) To make mandatory a salary basis for constables and precinct enforcement officers in counties of more than 20,000 and making it mandatory, in counties of less than 20,000 population, that all sheriffs, deputy sheriffs and other county enforcement officers, be on salary basis. Submitted by Fiftieth Legislature (1947) and adopted in election Nov. 2, 1948.]

Sec. 62. **Retirement, Disability and Death Compensation Funds.**—(a) The Legislature shall have the authority to levy taxes to provide a State Retirement, Disability and Death Compensation Fund for the officers and employees of the State, and may make such reasonable inclusions, exclusions, or classifications of officers and employees of this State as it deems advisable. The Legislature may also include officers and employees of judicial districts of the State who are or have been compensated in whole or in part directly or indirectly by the State, and may make such other reasonable inclusions, exclusions, or classification of officers and employees of judicial districts of this State as it deems advisable. Persons participating in a retirement system created pursuant to Section 1-a of Article V of this Constitution shall not be eligible to participate in the Fund

Article XVI.—(Continued.)

authorized in this Subsection; and persons participating in a retirement system created pursuant to Section 48-a of Article III of this Constitution shall not be eligible to participate in the Fund authorized in this subsection except as permitted by Section 63 of Article XVI of this Constitution. Provided, however, any officer or employee of a county as provided for in Article XVI, Section 62, Subsection (b) of this Constitution, shall not be eligible to participate in the Fund authorized in this Subsection, except as otherwise provided herein. The amount contributed by the State to such Fund shall equal the amount paid for the same purpose from the income of each such person, and shall not exceed at any time five per centum (5%) of the compensation paid to each such person by the State.

All funds provided from the compensation of such person or by the State of Texas for such Retirement, Disability and Death Compensation Fund, as are received by the Treasury of the State of Texas, shall be invested in bonds of the United States, or in bonds issued by any agency of the United States Government, the payment of the principal of and interest on which is guaranteed by the United States; or in such other securities as are now or hereafter may be permitted by law as investments for the Permanent University Fund or for the Permanent School Fund of this State, under the same limitations and restrictions imposed by the Constitution for investment of those funds and subject to such regulations as the Legislature may provide. However, a sufficient amount of said Fund shall be kept on hand to meet the immediate payment of the amount likely to become due each year of said Fund, such amount of funds to be kept on hand to be determined by the agency which may be provided by law to administer said Fund.

(b) Each county shall have the right to provide for and administer a Retirement Disability and Death Compensation Fund for the appointive officers and employees of the county; provided same is authorized by a majority vote of the qualified voters of such county and after such election has been advertised by being published in at least one newspaper of general circulation in said county once each week for four consecutive weeks; provided that the amount contributed by the county to such fund shall equal the amount paid for the same purpose from the income of each such person, and shall not exceed at any time five per centum (5%) of the compensation paid to each such person by the county, and shall in no one year exceed the sum of one hundred and eighty dollars ($180) for any such person.

All funds provided from the compensation of each such person, or by the county, for such Retirement, Disability and Death Compensation Funds, as are received by the county, shall be invested in bonds of the United States, the State of Texas, or counties or cities of this State, or in bonds issued by any agency of the United States Government, the payment of the principal of and interest on which is guaranteed by the United States, provided that a sufficient amount of said funds shall be kept on hand to meet the immediate payment of the amount likely to become due each year out of said fund, such amount of funds to be kept on hand to be determined by the agency which may be provided by law to administer said fund; and provided that the recipients of benefits from said fund shall not be eligible for any other pension retirement funds or direct aid from the State of Texas, unless the fund, the creation of which is provided for herein, contributed by the county, is released to the State of Texas as a condition to receiving such other pension aid.

(c) The Texas Legislature is authorized to enact appropriate laws to provide for a System of Retirement, Disability and Death Benefits for all the officers and employees of a county or other political subdivision of the state, or a political subdivision of a county; providing that when the Texas Legislature has passed the necessary enabling legislation pursuant to the constitutional authorization, then the governing body of the county, or other political subdivision of the state, or political subdivision of the county shall make the determination as to whether a particular county or other political subdivision of the state, or subdivision of the county participates in this system; providing further that such system shall be operated at the expense of the county or other political subdivision of the state or political subdivision of the county electing to participate therein and the officers and employees covered by the system; and providing that the Legislature of the State of Texas shall never make an appropriation to pay the costs of this retirement, disability and death compensation system.

The Legislature may provide for a voluntary merger into the system herein authorized by this constitutional amendment of any System of Retirement, Disability and Death Compensation Benefits which may now exist or that may hereafter be established under subsection (b) of Sec. 62 of Art. XVI of the Texas Constitution; providing further that the Texas Legislature in the enabling statute will make the determination as to the amount of money that will be contributed by the county or other political subdivision of the state or political subdivision of the county to the statewide System of Retirement, Disability and Death Benefits, and the Legislature shall further provide that the amount of money contributed by the county or other political subdivision of the state or subdivision of the county shall equal the amount paid for the same purpose from the income of each officer and employee covered by this statewide system.

It is the further intention of the Legislature, in submitting this constitutional amendment, that the officers and employees of the county or other political subdivision of the state or political subdivision of a county may be included in those systems regardless of whether the county or other political subdivision of the state or political subdivision of the county participates in the Retirement, Disability and Death Benefit System authorized by this constitutional amendment, or whether they participate in a system under the provisions of subsection (b) of Sec. 62 of Art. XVI of the Texas Constitution as the same is herein amended.

[Note.—The foregoing Sec. 62 (a) of Art. XVI, an amendment, was adopted in election Nov. 5, 1946. It was amended to include employees of judicial districts of the state. Submitted by Fifty-fifth Legislature (1957), adopted in election Nov. 5, 1957. Subsection (c), an amendment, was added to provide a statewide system of retirement, disability and death compensation benefits for officers and employees of counties and other political subdivisions. Submitted by Fifty-ninth Legislature (1965) and adopted in election Nov. 8, 1966.]

Sec. 63. **Teacher and State Employee Retirement System.**—Qualified members of the Teacher Retirement System, in addition to the benefits allowed them under the Teacher Retirement System, shall be entitled to credit in the Teacher Retirement System for all services, including prior service and membership service, earned or rendered by them as an appointive officer or employee of the State. Likewise, qualified members of the Employees Retirement System of Texas, in addition to the benefits allowed them under the Employees Retirement System of Texas shall be entitled to credit in the Employees Retirement System of Texas for all services, including prior service and membership service, earned or rendered by them as a teacher or person employed in the public schools, colleges, and universities supported wholly or partly by the State.

[Note.—The foregoing Sec. 63 of Art. XVI, an amendment, was added for the stated purpose of making teacher and state employee retirement systems interchangeable. Submitted by the Fifty-third Legislature (1953) and adopted in an election Nov. 2, 1954.]

Sec. 64. **Inspector of Hides and Animals; Elective District, County and Precinct Offices; Terms of Office.**—The office of Inspector of Hides and Animals, the elective district, county and precinct offices which have heretofore had terms of two years, shall hereafter have terms of four years; and the holders of such terms shall serve until their successors are qualified.

[Note.—The foregoing Sec. 64 of Art. XVI, an amendment, was added for the purpose of setting term of office for these officials. Submitted by the Fifty-third Legislature (1953) and adopted in election Nov. 2, 1954.]

Sec. 65. **District and County Officials; Terms of Office.**—The following officers elected at the general election in November, 1954, and thereafter, shall serve for the full terms provided in this Constitution:

(a) District Clerks; (b) County Clerks; (c) County Judges; (d) Judges of County Courts-at-Law, County Criminal Courts, County Probate Courts, and County Domestic Relations Courts; (e) County Treasurers; (f) Criminal District Attorneys; (g) County Surveyors; (h) Inspectors of Hides and Animals; (i) County Commissioners for Precincts Two and Four; (j) Justices of the Peace.

Notwithstanding other provisions of this Constitution the following officers elected at the general election in November, 1954, shall serve only for terms of two years; (a) Sheriffs; (b) Assessors and Collectors of Taxes; (c) District Attorneys; (d) County Attorneys; (e) Public Weighers; (f) County Commissioners for Precincts One and Three; (g) Constables. At subsequent elections, such officers shall be elected for the full terms provided in this Constitution.

In any district, county or precinct where any of the aforementioned offices is of such nature that two or more persons hold such office, with the result that candidates file for "Place No. 1," "Place No. 2," etc., the officers elected at the general election in November, 1954, shall serve for a term of two years if the designation of their office is an uneven number, and for a term of four years if the designation of their office is an even number. Thereafter, all such officers shall be elected for the term provided in this Constitution.

Provided, however, if any of the officers named herein shall announce their candidacy, or shall in fact become a candidate, in any General, Special or Primary Election, for any office of profit or trust under the laws of this state or the United States other than the office then held, at any time when the unexpired term of the office then held shall exceed one (1) year, such announcement or such candidacy shall constitute an automatic resignation of the office then held, and the vacancy thereby created shall be filled pursuant to law in the same manner as other vacancies for such office are filled.

[Note.—The foregoing Sec. 65 of Art. XVI, an amendment, was added for the purpose of setting the terms of office of the aforementioned officers. Submitted by the Fifty-third Legislature (1953) and adopted in an election Nov. 2, 1954. This section was further amended by adding the provision that a person must resign his present term of office if same has more than a year to run when he becomes a candidate for another office. Submitted by the Fifty-fifth Legislature (1957), adopted in an election Nov. 4, 1958.]

Sec. 66. **Pensions for Texas Rangers.**—The Legislature shall have authority to provide for a system of retirement and disability pensions for retiring Texas Rangers who have not been eligible at any time for membership in the Employees Retirement System of Texas as that retirement system was established by **Chapter 352, Acts of the Fiftieth Legislature, Regular Session, 1947, and who have had as much as** two (2) years service as a Texas Ranger, and to their widows; providing that no pension shall exceed Eighty Dollars ($80) per month to any such Texas Ranger or his widow, provided that such widow was legally married prior to January 1, 1957, to a Texas Ranger qualifying for such pension.

These pensions may be paid only from the special fund created by Sec. 17, Art. VII for a payment of pensions for services in the Confederate army and navy, frontier organizations, and the militia of the State of Texas, and for widows of such soldiers serving in said armies, navies, organizations or militia.

[Note.—The foregoing Sec. 66 of Art. XVI an amendment was added to provide for retirement pensions for Texas Rangers and their widows. Submitted by the Fifty-fifth Legislature (1957), adopted in an election Nov. 4, 1958.]

ARTICLE XVII.—MODE OF AMENDING THE CONSTITUTION OF THIS STATE.

Sec. 1. **How the Constitution Is to Be Amended.**—The Legislature, at any biennial session, by a vote of two thirds of all the members elected to each house, to be entered by yeas and nays on the journals, may propose amendments to the Constitution, to be voted upon by the qualified electors for members of the Legislature, which proposed amendments shall be duly published once a week for four weeks, commencing at least three months before an election, the time of which shall be specified by the Legislature, in one weekly newspaper of each county in which such newspaper may be published; and it shall be the duty of the several returning officers of said election to open a poll for and make returns to the Secretary of State of the number of legal votes cast at said election for and against said amendment; and if more than one be proposed, then the number of votes cast for and against each of them; and if it shall appear from said return that a majority of the votes cast have been cast in favor of any amendment the said amendment so receiving a majority of the votes cast shall become a part of this Constitution, and proclamations shall be made by the Governor thereof.

what you can do about Constitutional Revision

Discuss Texas government at home . . . with students — they can tell you of the need for revision of the Texas Constitution.

Ask organizations to which you belong to plan programs on the need for Texas Constitutional Revision.

Urge your local newspapers and company publications to run a series of articles of the Texas Constitution.

Check your library for information about Texas Constitutional Revision.

Elect legislators dedicated to constitutional revision, for the Legislature must initiate any official action toward revision.

Work with other citizen groups to bring about complete revision of our Texas Constitution.

Remember, RESEARCH IS ESSENTIAL —you can help by encouraging legislation that will provide for research.

For up-to-date information,

CALL THE LEAGUE OF WOMEN VOTERS

YOU can get a quick look at Texas government and its foundation, the State Constitution, from TEXAS CONSTITUTIONAL REVIEW, a booklet prepared by the League of Women Voters of Texas. It's 25c from a local League or the State Office.

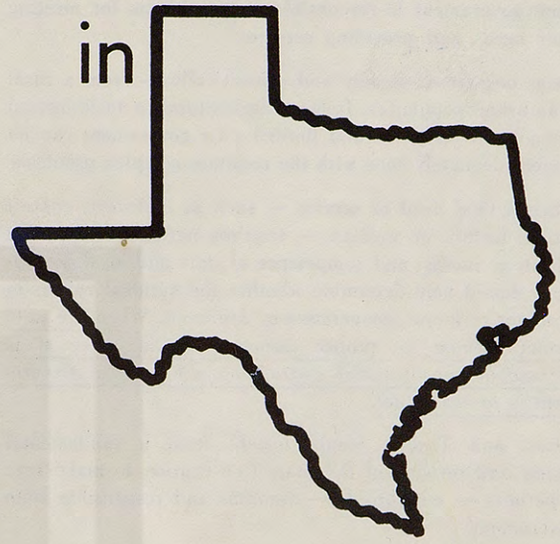
The purpose of the League of Women Voters is to encourage political responsibility through informed and active participation of citizens in government.

League of Women Voters of Texas
612 North 18th Street
Waco, Texas 76707

3¢ each, $2.50 per hundred

1965

what you should know about the facts of life in



. . . . here are the facts . . . . about Texas Constitutional Revision . . . .

WHY revise the old 1876 Texas Constitution

The LEGISLATURE cannot assume its proper responsibilities for policy-making and financial control.

The GOVERNOR is denied authority to carry out his responsibilities.

The ADMINISTRATIVE agencies are not responsible to the governor.

The JUDICIARY does not provide for justice with a minimum of delay.

The COUNTY GOVERNMENT system is the same for all 254 Texas counties regardless of size and character.

Dear Mr. and Mrs. Texas:

State government is responsible to its citizens for meeting their needs and providing services.

Texas has grown rapidly and dramatically — from a rural to an urban population, from an agricultural to an industrial economy. A restricted and limited state government can no longer adequately cope with the resultant complex problems.

When a vital need or service — such as highways, conservation, health, or welfare — requires national action, the initiative, energy, and competence of state and local government should help determine whether the national role is to be minor or major, cooperative or dominant. When the state cannot assume its proper responsibility in these areas because of constitutional restrictions, the Federal Government is *forced to act.*

Texas, and Texans, would benefit from a fundamental review and revision of the State Constitution to make sure it *permits* — not *forbids* — vigorous and responsible state government.

Yours truly,

The League of Women Voters

WHAT our Constitution should contain

- A framework of basic law
- A clear separation of powers with responsibility definitely assigned
- Provisions for justice with a minimum of delay
- Qualifications for voter eligibility and guarantees of fair elections
- A coordinated finance structure capable of flexibility
- Maximum home rule for municipal and county government with coordination of overlapping functions
- Provisions for support of public education
- Provisions for support of public health and welfare services
- Basic policies regarding state employee selection, retention, and promotion
- Provisions for amendment and revision

HOW to revise the Texas Constitution

There are various ways for Texas citizens to revise their fundamental law. *Research into provisions and alternatives is essential to each of these methods.*

CONSTITUTIONAL CONVENTION

The *Legislature* submits a proposal for a Constitutional Convention to a *vote of the people,* who at the same time vote on delegates to the Convention. The Convention's proposed new constitution is then submitted to a *vote of the people.*

LEGISLATURE

Single Amendment Process — The *Legislature,* after two-thirds approval of each house, submits amendments to a *vote of the people.*

The 1876 Constitution has been revised by 158 amendments out of 266 voted on. It costs at least $20,000 to submit each amendment to a vote of the people.

Coordinated Amendments — The *Legislature* proposes a series of related amendments to a *vote of the people.*

Legislature as a Convention — The *Legislature* can act as a convention upon authorization by a *vote of the people,* and the proposed new constitution is submitted to a *vote of the people.*

Advisory CONSTITUTIONAL COMMISSION

The *Legislature* appoints this advisory group to study, advise, and perhaps even submit a new constitution to the *Legislature* whose approval is necessary before a *vote of the people* on the proposed document.

SUPPLEMENT

to

TEXAS CONSTITUTIONAL REVIEW

SUPPLEMENT

to

TEXAS

CONSTITUTIONAL

REVIEW

.....Since TEXAS CONSTITUTIONAL REVIEW was published in October, 1955, the Texas Constitution has been amended 23 more times. Thus the people of Texas continuously resort to biennial "contemporary effort to deal with problems of a current nature," which Mr. W. Brooke Graves points out (REVIEW, page 5) is properly the function of statutes.

That the reader of this booklet may judge for himself the ever growing statutory nature and complexity of the Constitution, these 23 amendments are summarized as to content and purpose in this SUPPLEMENT. The actual amendments as written add several thousand words to the already lengthy document.

The League of Women Voters of Texas solicits the thoughtful appraisal by the reader of the gap between the 1876 Texas Constitution with its vast accumulation of statutory details and the ideal constitution which Mr. Albert L. Sturm (page 7) suggests "should be flexible, concise, and dedicated to fundamental principle."

The League particularly wishes to share with the reader its concern over the fact that each group of amendments submitted by the legislature to the people further freezes into the Constitution restrictions and limitations which tie the hands of the legislative body as future needs of government arise out of changing conditions. The League submits that the Constitution of Texas is in need of thorough revision which will result in a document of fundamental law and which provides the basic rules of government -- a framework within which the legislature may "pass such laws as may be necessary to carry into effect the provisions of this Constitution" (Sec. 42, Article III).

Amendment (No. & Date)	
(122) 11-6-56	Provides for aid and compensation to persons for false imprisonment. (Adds Sec. 51-C to Article III)
(123) 11-6-56	Authorizes annual allocation of county tax funds; retains 80¢ maximum tax rate. (Amends Sec. 9, Article VIII)
(124) 11-6-56	Changes the list of colleges included under the state building fund, financed by 5¢ ad-valorem tax; revises use of 2¢ Confederate pension fund to allow use in state building fund. Authorizes distribution of Permanent University Fund between University of Texas and A & M College: allows and regulates investment of Permanent University Fund in certain securities. (Rewrites Section 17 and 18 of Article VII and adds Section 112 to Article VII)
(125) 11-6-56	Revises Teacher Retirement System, increases participation from 5% to 6% of salaries, and raises maximum deposit from $180 to $504 per person per year. Authorizes state tax levy to meet the state's contribution to this fund. (Rewrites Sec. 48a, Article III)
(126) 11-6-56	Changes membership of the Veterans' Land Board: increases Fund from $100,000,000 to $200,000,000. (Rewrites Section 49b, Article III)
(127) 11-6-56	Provides two separate forms for oaths of office of elective and appointive officers of the state. (Rewrites Section 1, Article XVI)
(128) 11-6-56	Provides that no person would be committed as a person of unsound mind except on medical or psychiatric testimony, and provides for waver of trial by jury in cases where the person has not been accused of crime. (Amends Section 15a, Article I)

(129) 11-6-56 — Provides that a person accused of a felony (except for capital offenses) may, at the direction of the judge, be denied bail if twice previously convicted of felonies. (Adds Section 11a to Article I)

(130) 11-13-56 — Gives Legislature the power to provide, under such regulations and limitations as it deems expedient, for granting assistance to permanently and totally disabled persons between 18 and 65; limits such aid to $20 per month each. (Adds Section 51b to Article III)

(131) 11-5-57 — Changes the operation of the Employee's Retirement System, extending coverage to elective officials not otherwise covered; retains 5% employee contribution, but abolishes the $180 limit. (Amends Subsection (a) of Section 62, Article XVI)

(132) 11-5-57 — Changes state welfare program: 1) raises ceiling of maximum monthly assistance payments to needy citizens over 65 from $20 to $25, provided not over $21 would be paid unless matched by Federal funds; 2) increases and provides for raising available fund for this purpose from $42 million to $47 million per year. (Rewrites Section 51a Article III)

(133) 11-5-57 — Creates Texas Water Development Board with authority to provide for, issue, and sell general obligation bonds for the purpose of making funds available to certain political subdivisions of the state, not otherwise able to finance such projects, for conservation and development of water resources deemed in the public interest; authorizes issuance and sale of $100 million in bonds by the State and an additional $100 million to a authorized by the Legislature. (Section 49c of Article III)

(134) — Authorizes each county, through approval of

11-4-58 voters, to establish and administer a retirement, disability and death compensation fund for appointive offices and employees of the county. State limits of 5% and $180 contribution by employees, to be matched by the county. (Revises Subsection (b) of Section 62, Article XVI)

(135) 11-4-58 Provides that Commissioners Courts can fill vacancies in the office of County Judge and Justices of the Peace only until the next succeeding General Election. (Revises Section 28 of Article V)

(136) 11-4-58 Provides that Home Rule Cities and towns operating under the general laws of the state may extend the terms of office of their elective and appointive officers from 2 to not more than 4 years. (Adds a new Section 11 to Article XI)

(137) 11-4-58 Provides a retirement and disability pension system for retired Texas Rangers and widows of Texas Rangers who retired before the 1947 State Employees Retirement System was established, said pension not to exceed $80 per month to be paid out of the Confederate Veterans' Fund. (Adds new Section 66 to Article XVI)

(138) 11-4-58 Gives the Legislature the power to appropriate money and to establish a procedure to develop information about Texas and to inform people and corporations of other states of the resources of the State of Texas through advertising in periodicals of national circulation. (Rewrites Section 56 of Article XVI)

(139) 11-4-58 Permits the Legislature to establish and appropriate money for a medical care program for Old Age Assistance, Aid to the Blind, to Dependent Children, and to the Permanently and Totally Disabled. Payment would be made

directly to the vendor of medical services and supplies and would have to be matched by Federal funds. (Adds Subsection 51 a-1 to Sec. 51a of Article III)

(140) 11-4-58 — Permits the Legislature to authorize the creation of a hospital district co-extensive with the incorporated boundaries of the city of Amarillo, a county-wide hospital district in Wichita County, and two hospital districts in Jefferson County. (Adds new Section 5 to Article IX)

(141) 11-8-60 — Authorizes the Legislature to create a Hospital District co-extensive with Lamar and Hidalgo Counties, and co-extensive with the County Commissioner's Precinct No. 4 of Comanche County. (Adds Section 6, 7, and 8 to Article IX)

(142) 11-8-60 — Increases the interest rate on bonds for the Veterans' Land Fund from 3% to 3½% per annum. (Revises Section 49b, Article III)

(143) 11-8-60 — Provides that members of the legislature would receive an annual salary not to exceed $4,800 and a per diem not to exceed $12 for the first 120 days only of each regular session and for 30 days of each special session. No regular session would be longer than 140 days. (Amends Section 24, Article III)

(144) 11-8-60 — Gives the Legislature authority to classify loans and lenders, license and regulate lenders, define interest and fix maximum rates of interest; and providing for a maximum rate of interest of 10% per annum in the absence of legislation fixing maximum rates of interest. (Amends Section 11, Article XVI)

LEAGUE OF WOMEN VOTERS OF TEXAS

1841 BINGLE ROAD

HOUSTON, TEXAS 77055

Presidents Mailing
September 21, 1966

The Honorable John Connally
State Capitol
Austin, Texas 78711

My dear Governor,

I would like to take this opportunity to commend you on your recent statement to the Democratic Party Convention urging revision of the State Constitution by means of a Constitutional Convention.

We in the League of Women Voters of Texas, agree with you, that such a revision is necessary if the citizens of Texas are to anticipate a growth and maturity in government parallel to the existing growth in our population and economy.

After our many years of study and resulting consensus for Constitutional Revision, delegates to our State Convention last March urged a more active campaign to reach this goal.

We will continue to work in our communities for better understanding of the need for Constitutional Revision. If we can be of assistance in any way compatible with our consensus we will be happy to do so.

Sincerely,

Mrs. William E. Joor
RHJ/jec

LEAGUE OF WOMEN VOTERS OF DALLAS LWV 2626 W. MOCKINGBIRD, DALLAS, TEXAS 75235

October, 1966

Dear Fellow Citizen:

Revision of the Texas Constitution has been the subject of much discussion in recent days.

The League of Women Voters has for some years been studying this basic instrument of our state government. Just recently, through the cooperation of the Education Fund of the League of Women Voters of the United States and the Sears-Roebuck Foundation, a factual discussion of the Constitution has been published.

We wanted you, as an opinion leader, to have a copy with the compliments of the League of Women Voters of Dallas.

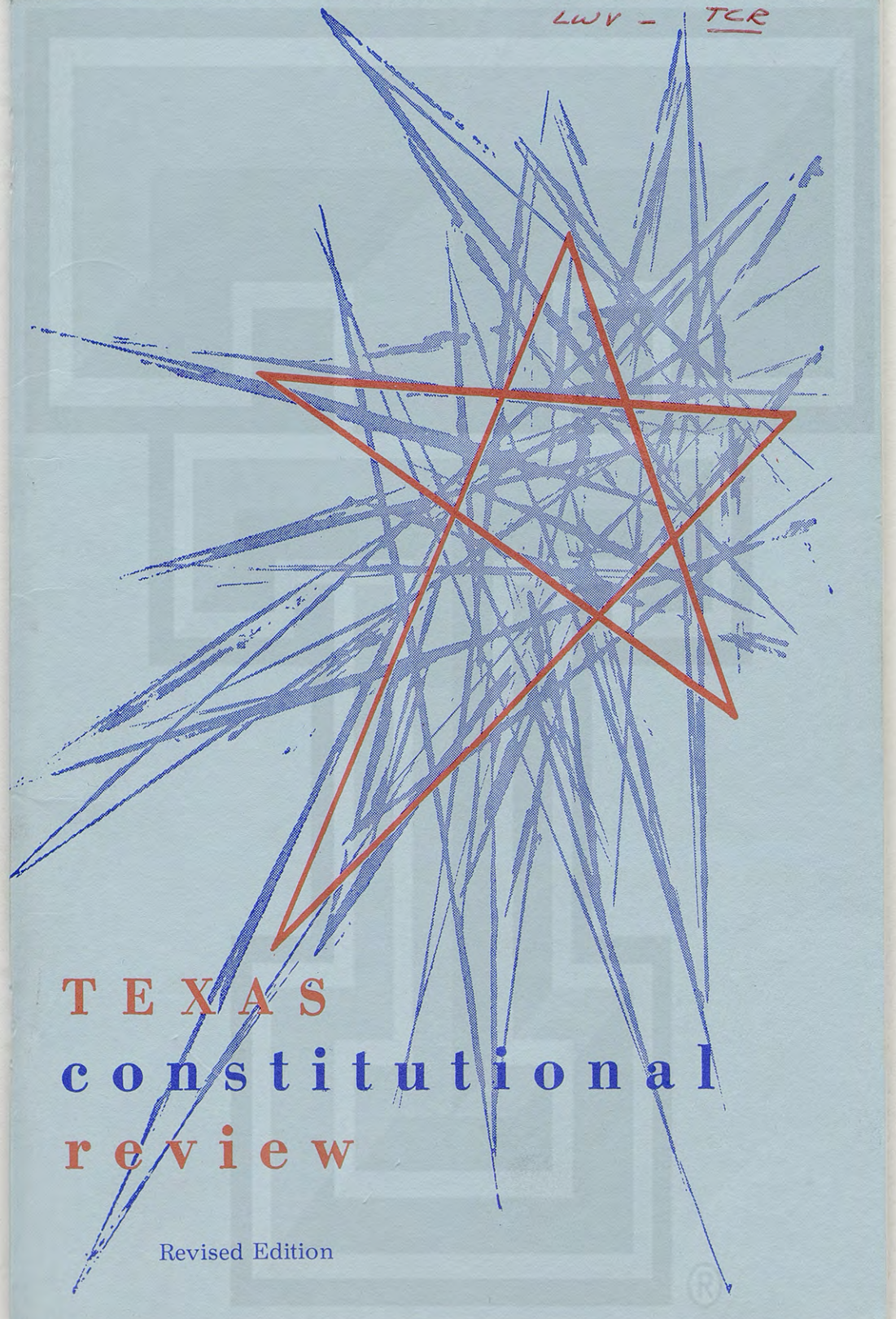
Sincerely yours,

Fran Faris

Mrs. Sam Faris, President

lga

LWV – TCR



TEXAS constitutional review

Revised Edition

The League of Women Voters is a nonpartisan organization devoted to the promotion of political responsibility through informed and active participation in government. The League never supports or opposes candidates.

The purpose of the League of Women Voters Education Fund is to undertake educational programs in the field of government in the United States.

A limited number of additional copies is available for a mailing and handling charge of 15¢ a copy, prepaid. League of Women Voters of Texas, 1841 Bingle Road, Houston, Texas 77055.

First Edition 1955

Revised Edition 1966

TEXAS CONSTITUTIONAL REVIEW

A little book
to start you on
a rewarding journey
to improved state
and local governments

Prepared by the
LEAGUE OF WOMEN VOTERS OF TEXAS
Published by the
LEAGUE OF WOMEN VOTERS EDUCATION FUND
Washington, D.C.
Financed by a
SEARS-ROEBUCK FOUNDATION GRANT

CONTENTS

	Page
Introduction	1
What Is A Constitution?	3
Bill of Rights	6
Legislative Department	10
Executive Department	18
Judicial Department	24
Suffrage and Elections	30
State Finance	33
State-Local Relations	37
General Welfare -- Education, Health, Public Welfare, Conservation	42
General and Miscellaneous	48
Methods of Constitutional Revision	52
Other Reading	59

INTRODUCTION

Texas Constitutional Review has been prepared for all those Texas citizens who, while cherishing the ideals of a constitutional democracy, are unfamiliar with the document itself. This handbook is designed to help the citizen understand the need for more intensive study and research, carried out with the cooperation of all those who believe that the State Constitution is the foundation from which Texas government grows.

To help the reader in reviewing the Constitution there have been included in the chapters which follow many references to provisions found in other state constitutions and in the Model State Constitution. This last-named document is a standard or ideal constitution, prepared by the Committee on State Government of the National Municipal League, and used for the past twenty-five years as a guide for state constitutional conventions and commissions. Since 1963 conventions have been held or called in Michigan (1963), New Hampshire (1964), Rhode Island (1964), Connecticut (1965), Tennessee (1965 -- limited scope), New Jersey (1966), and New York (1966); and revision commissions have been established in Kentucky, California, Florida, Idaho, New Mexico, Oregon, and Wisconsin.

Frequent reference is also made, either directly or indirectly, to other groups in Texas engaged in governmental research: the Texas Legislative Council created by the Legislature in 1949 to study problems of state government; the Arnold Foundation at Southern Methodist University; the Citizens' Advisory Committee for Texas Constitutional Revision; the Texas Research League, a nonpolitical organization established to further the cause of more efficient Texas government through analysis and research. The latter has begun, at the request of the Governor, a three-to-four-year study of the service structures of local governmental units in the state's twenty-one metropolitan areas. These research agencies can have an important place in any future activity

involving constitutional changes, just as they now occupy an important place in efforts to improve the operation of our state government.

In this connection, a quotation from an address made by Hines H. Baker, former president and director of the Humble Oil and Refining Company, and former chairman of the board of directors of the Texas Research League, will be of interest to thoughtful citizens:

> *"Research -- the impartial, objective examination and appraisal of the facts with the ultimate goal of throwing light on matters we do not fully understand -- has proved its value in every field in which it has been undertaken. In the sciences and technology research has yielded brilliant results. In such fields as business management money spent on research has returned itself many times.*
>
> *"On the other hand, research in the field of government, where every man regards himself as an expert, has been quite limited until comparatively recently. Yet government is a field in which objective study and clear analysis are as necessary as in the natural sciences."*

WHAT IS A CONSTITUTION?

A constitution is the people's written guarantee for the preservation of a democratic government, for it is created by the people themselves and can be changed only by their consent. Or, more formally:

> **A constitution is the fundamental law which establishes the relationship between the people and their government. It provides the basic rules of government.**

Its functions are fourfold: to organize the government, to provide for the powers of government, to provide for amendment to itself, and to guarantee certain rights to the people.

Constitutional law is made by the people, whereas statutory law is made by their agent of government, the Legislature. Contents of many state constitutions, however, include not only matters of basic or permanent character, but also place great emphasis on restrictive and limiting details which would seem to be wholly statutory in character. Yet --

> "A constitution is supposed to be an attempt at stating the accumulated wisdom of the ages, on the subject of government, while statutes are the comtemporary effort to deal with problems of a current nature."*

Understanding of the distinction between constitutional law and statutory law will be a great help to the citizen who is trying to appraise his constitution in terms of its present usefulness and effectiveness.

Nobody will deny that the Texas Constitution, like those of most other states, contains a vast accumulation of

*W. Brooke Graves, *Major Problems in State Constitutional Revision* (1960).

statutory details. This is so for many reasons: our constitution-makers of 1875 followed the pattern of their times in fearing the executive and distrusting the legislature. Texas was just emerging from the trying period following the Civil War, when governmental abuses and extravagances had become almost unbearable. The consequence is that the restrictions and limitations spelled out in the Constitution are exceedingly numerous. But these detailed restrictions have had the effect of impeding adaptation of our basic law to changing conditions, so that more amendments have become necessary to make our Constitution even reasonably adequate to serve its purpose in an era of increased industrialization, rapid urbanization, and explosive population growth.

Because a constitutional provision is more difficult to change than a statutory one, pressure groups are fond of using the constitutional amendment route to get their ideas or proposals more firmly fixed in the law of the land. There are many people who believe that the Legislature is wise to get the approval of the electorate, by way of voting on constitutional amendments, for as much legislation as possible. All this has had the effect of making a clear-cut distinction between fundamental and statutory law extremely difficult.

Perhaps the simplest way to approach a definition of a constitution is to quote the words of capable men who have given thoughtful consideration to this subject.

Chief Justice John Marshall, in a judicial opinion in 1819:

> "A constitution, to contain an accurate detail of all the subdivisions of which its great powers will admit, and of all the means by which they may be carried into execution . . . could scarcely be embraced by the human mind. It would probably never be understood by the public. Its nature, therefore, requires that only its great outlines should be marked, its important objects designated, and the minor ingredients which compose those objects be deduced from the nature of the objects themselves."

W. Brooke Graves, Adjunct Professor, American University; Legislative Reference Service, Library of Congress, in "What Should A Constitution Contain?":

"All things being equal, the shorter the constitution is, the better it is. The Federal Constitution has endured as long as it has, and it has continued to be a satisfactory instrument of government, because it was well drafted. Its provisions were confined to matters that were and are essential."

Albert L. Sturm, Professor of Government and Director of the Institute of Government Research at Florida State University, Tallahassee, Florida, in his book *Methods of State Constitutional Reform:*

"The ideal constitution should be flexible, concise, and dedicated to fundamental principles."

What is a constitution? It is the very symbol of self-government, the creation of which the people have reserved solely to themselves, as witness the Preamble to the Constitution of the State of Texas:

"Humbly invoking the blessings of Almighty God, the people of the State of Texas do ordain and establish this Constitution."

BILL OF RIGHTS

"That the general, great and essential principles of liberty and free government may be recognized and established"

begins the Bill of Rights of the Texas Constitution. Differing very little in purpose from the bills of rights of the federal and other state constitutions, the Texas Bill of Rights nevertheless reflects the very special determination of the Constitutional Convention of 1875 that the natural rights of Texans would never be violated. The rights and privileges of the individual which at one time or another in history have been denied are those which the Bill of Rights guarantees as being beyond the power of government to deny.

Section 1 declares that Texas is a ". . . *free and independent State, subject only to the Constitution of the United States.*" The second half of the section states that ". . . *the maintenance of our free institutions and perpetuity of the Union depend upon the preservation of the right of local self-government, unimpaired to all the States.*"

Section 2 declares that all free governments are founded in the political power inherent in the people and for their benefit. The people have at all times the ". . . *right to alter, reform or abolish their government in such a manner as they may think expedient,*" subject only to the limitation of preserving a republican form of government.

Section 3 states: "*All free men, when they form a social compact, have equal rights. . . .*"

Religious liberty is provided for in the next four sections: freedom of worship is guaranteed; there shall be no religious test for public office except for the requirement that office seekers acknowledge "*the existence of a Supreme Being*"; oaths taken in court shall be in accordance with an individual's religious belief or lack of it, but all persons are subject to penalties for perjury; and appropriations for sectarian purposes are forbidden.

Section 8 guarantees that "*Every person shall be at liberty to speak, write or publish his opinions on any subject, being responsible for the abuse of that privilege . . . .*"

Six sections of the Bill of Rights guarantee the protection of persons and property. No unreasonable seizures and searches are allowed. "*No bill of attainder, or ex post facto law, retroactive law, or any other law impairing the obligation of contracts, shall be made.*" (A bill of attainder is one which inflicts punishment by an act of the legislature rather than by a judicial trial. An ex post facto law is one which makes a crime of an act which was not a crime when it was committed, or the punishment greater than it was when the act was committed.) No person's property may be taken for state purposes without adequate compensation, and no irrevocable grant of special privilege may be made.

Section 18 is brief: "*No person shall ever be imprisoned for debt.*"

Section 19 is one of the most important in the Texas Bill of Rights, similar to the fifth and fourteenth amendments to the United States Constitution: "*No citizen of this State shall be deprived of life, liberty, property, privileges or immunities, or in any manner disfranchised, except by the due course of the law of the land.*"

Section 27 guarantees the people the right to assemble peaceably, and the right to apply to the government for the redress of grievances or other purposes.

Nine sections are devoted to the rights of persons accused of crime. Section 10 guarantees a speedy trial by an impartial jury; a copy of the nature and cause of the accusation; presence at his own trial; the privilege of not being compelled to give evidence against himself; the right of being heard by self or counsel or both; a compulsory process for obtaining witnesses in his favor; and indictment by a grand jury before trial in all felony cases.

All prisoners shall be bailable, except for capital offenses, and these may be bailable under the law. The writ of habeas corpus shall never be suspended. Excessive bail and unusual punishment are prohibited, and no person shall ever be denied the use of the court in seeking redress.

No person shall ever be tried a second time for the same offense, after a verdict of not guilty. The right of trial by jury is guaranteed, and the Legislature is ordered

to pass the necessary laws to maintain "*its purity and efficiency.*" No person shall ever be declared outside the protection of the law ("outlawry"), and no citizen can be deported as punishment.

Section 21, titled "*Corruption of Blood; Forfeiture; Suicide,*" sounds strange in modern life. It guarantees that a criminal's innocent relatives shall not be punished with him, nor shall heirs of an offender be denied the right to inherit his property. A criminal cannot be required to forfeit to the state his ownership and other rights in his property. In cases of suicide an individual's property descends as in the case of natural death.

The crime of treason is defined in language almost identical with that of the United States Constitution.

Six sections of the Bill of Rights put limitations on the agents of government. Every citizen has the right to keep and bear arms in his defense. The military is subordinate to civil authority. No soldiers are to be quartered in the house of any citizen in time of peace, nor in time of war except as provided by law. Public officials are forbidden to grant perpetual existence to a corporation, and monopolies are declared to be "*contrary to the genius of a free government.*" The exclusive right of inheritance of the first born and the settling of property inalienably on a person and his descendants are prohibited. Only the Legislature has the power to suspend laws in Texas.

The last of the 29 sections of the Bill of Rights emphasizes the firm resolve of the framers of the Texas Constitution that this area shall be free of governmental influence: "*To guard against transgressions of the high powers being delegated, we declare that everything in this Bill of Rights is excepted out of the general powers of government, and shall forever remain inviolate, and all laws contrary thereto, or to the following provisions, shall be void.*"

The Texas Bill of Rights has been amended four times.

1918 - amended to provide that the compulsory process for obtaining witnesses in favor of an accused person might be extended to include deposition from witnesses residing outside the state.

1935 - amended to provide that mentally ill persons not charged with a criminal offense might be

committed for observation and/or treatment, for not more than ninety days, by the County Judge without the necessity of a trial by jury.

1956 - amended to permit denial of bail to a person charged with a felony less than capital who has been theretofore twice convicted of a felony.

1956 - amended to require medical or psychiatric testimony for commitment of persons of unsound mind and authorizing the Legislature to provide for trial and commitment of such persons and for waiver of trial by jury where the person under inquiry has not been charged with commission of a criminal offense.

LEGISLATIVE DEPARTMENT

The Texas Constitution provides for the traditional separation of powers among the three branches: the legislative, the executive, and the judicial. Article II declares that the powers of government in Texas must be divided into three distinct departments, each with its own separate capacity.

Article III contains most of the basic provisions covering the Legislative Department of the State Government. The 55,000 word Texas Constitution, however, devotes some portion of each article to this branch of the government, and it is obviously impossible to report these many details in this brief review. The broad outlines will be sketched in this chapter, with a sampling of representative provisions, and the reader will be asked to view the whole picture of the legislative department in the light of pertinent provisions found throughout this review of the Constitution.

ORGANIZATION

MEMBERSHIP The Legislature is composed of a Senate and a House of Representatives. The Senate consists of 31 members; the House of not more than 150. Representation in each house shall be reapportioned after each Federal census. A 1948 constitutional amendment created the Legislative Redistricting Board (composed of the Lieutenant Governor, Speaker of the House, Attorney General, Comptroller, and Commissioner of the General Land Office) which must reapportion the state senatorial and representative districts if the Legislature refuses to do so. However, in no reapportionment required since passage of the amendment has the Legislature failed to act.

Senatorial districts are based on the number of qualified electors, but the Constitution permits no county to have more than one senator regardless of the elector population within the county. In 1964 the U.S. Supreme Court ruled that state legislatures must reapportion both houses to comply with the

"one man, one vote" principle. Texas voters in September, 1965, rejected an amendment to increase the membership of the Senate from 31 to 39 members, but deleted the limitation that no single county shall have more than one state senator.

Representative districts are based on population. A 1936 amendment provided that counties of over 700,000 population would gain additional representation only with larger than average population increments (one additional for each 100,000 increase). Near the close of the 1965 session the Texas Legislature passed a House redistricting bill. A federal court decision upheld most of the act but directed the Legislature to make some corrections before August 1, 1967.

Senators are elected for four-year terms; representatives for two-year terms. A constitutional amendment which provided for four-year terms for members of the House of Representatives was defeated at the polls in November, 1965.

Qualifications as specified in the Constitution: Senators must be at least 26 years of age, qualified voters, residents of the state for five years and the district for one year; representatives must be at least 21 years of age, qualified voters, residents of the state for two years and the district for one year. Legislators may not hold any other civil office of profit, nor may they be interested, directly or indirectly, in any contract with the state or a county, which contract was authorized during their term in the Legislature. As with other state officials, legislators convicted of bribery must forfeit their office.

A 1960 constitutional amendment provided for salaries of $4,800 per year for members of the Legislature. Per diem expenses for the first 120 days of a regular session and for special sessions are specified. In addition, legislators are paid $2.50 for every 25 miles of travel to and from Austin.

An amendment will be voted on in November, 1966, that will, if adopted, specify that newly elected legislators shall take office on the day set by law for the convening of the Regular Session of the Legislature.

Special privileges are granted by the Constitution to members of the Legislature: they may not be questioned elsewhere for words spoken in debate in either house; they may not be arrested, except in certain instances, during the session of the Legislature or while traveling to and from Austin. The 1876 provision allows one day for every 20 miles of such travel.

PROCEDURE The Constitution provides that the Legislature shall meet every two years and at other times when convened by the Governor. The Senate is presided over by the Lieutenant Governor, and elects a president pro tempore to serve in the absence of the Lieutenant Governor. The House of Representatives elects a Speaker. Each house chooses its other officers. An amendment failed to pass in 1965 which would have permitted the Legislature to set the salaries of the Lieutenant Governor and the Speaker.

The method of procedure of business is provided: bills shall be introduced during the first thirty days, committee hearings shall be held during the second thirty days, and the final sixty days shall be spent in legislative action on the bills and resolutions which are pending. Each house may alter these rules by a four-fifths vote of its membership.

All sessions shall be open, except the Senate when in executive session; neither house may adjourn for more than three days without the consent of the other. A journal shall be kept of the proceedings of each house of the Legislature.

The Constitution provides in several sections for the passage of legislation: no law shall be passed except by bill; bills may originate in either house, but tax bills shall originate in the House of Representatives; no bill shall be considered until it has been referred to a committee and reported on, at least three days before final adjournment; all bills shall be read on three separate days in each house and discussion allowed, except that by a four-fifths vote this rule may be suspended in case of "*imperative public necessity*"; after a bill or resolution has been defeated, no bill or resolution containing the same substance shall be passed at the same session; no bill, except appropriation bills, shall contain more than one subject; and other specific directions are given to the Legislature regarding its proceedings.

REQUIREMENTS AND LIMITATIONS

The Legislature has full power to enact statutes, both civil and criminal, which are not in conflict with the Constitutions of Texas and the United States, according to court decisions--an inherent power to protect and provide for the welfare of the people of the state. Section 42, Article III, of the Texas Constitution states: "*The Legislature shall pass such laws as may be necessary to carry into effect the provisions of*

this Constitution." But throughout the Constitution are found specific requirements or limitations for almost every conceivable act of the Legislature.

MANDATORY PROVISIONS Though some 60 sections of the Constitution contain obligatory directions to the Legislature, most are qualified in some way with exceptions. Sample mandatory provisions:

> The Legislature shall provide by law for compensation of officers.
>
> It shall pass laws to give courts power to change venue.
>
> It shall enact vagrant laws; it shall prohibit lotteries.

PERMISSIVE PROVISIONS The words "*may*" or "*shall have the power*" or "*shall not have the power except*" are variations of constitutional grants of permissive direction to the Legislature and, here again, a complete list would take several pages of this review. Sample permissive provisions:

> The Legislature shall have the right to levy taxes for a teachers' retirement system and other welfare benefits.
>
> It may provide for revising, digesting and publishing the laws every ten years.
>
> It may create certain named boards, commissions, agencies.
>
> It may change the constitutional rule authorizing less than the whole number of the jury which can render a verdict.
>
> It shall have the power to pass laws for the protection of stock raisers and the regulation of livestock.

RESTRICTIVE PROVISIONS By far the greatest number of constitutional provisions relating to the conduct of the Legislature are restrictive or limiting in nature, a reflection of the distrust of the Legislature held by the framers of the Constitution of 1876. Sample restrictive provisions:

> The Legislature is restricted in the conduct of its own proceedings.

It is limited by a long list of purposes for which taxes may or may not be levied.

It shall not pass local or special laws on a long list of subjects.

It shall not appropriate funds nor pledge the credit of the state for any private purpose.

LEGISLATIVE REFORMS

Throughout the United States an increasing amount of study and research of the legislative branch of state government has been made recently. Thirty-five present constitutions were adopted in the nineteenth century--24 between the years 1876 and 1900 -- with the consequent detailed restrictions on the Legislature which were then considered necessary. It is now generally recognized that reorganization of state legislatures is one of the most difficult problems of government.

The movement for the return of states' rights has pointed up the fact that most legislatures have been hindered by state constitutions in providing for the needs of the twentieth century. Indeed much of the encroachment of the Federal government stems from the fact that states are not only unwilling, they are often unable, to furnish the services demanded by the people.

In Texas no extensive research has been done on the subject of the legislature, but a wealth of material is available from national organizations and from the many states which have authorized reorganization studies. Many Little Hoover Commissions created to study the executive branch have discovered what the Connecticut Commission found, that "all roads lead to or from the General Assembly."

Two reports were made in the mid-1950's on the role of the Legislature, one by the Committee on American Legislatures of the American Political Science Association, and one by the American Assembly.

The Council of State Governments, an organization founded and supported by the states, has established committees to study the procedures and functioning of state legislatures. Some of the recommendations of the Committee on Legislative Processes and Procedures, with comparative features of the Texas Legislative System, follow:

Undue limitations and restrictions upon the length and subject matter of legislative sessions should be removed.

The Texas Constitution specifies a biennial regular session that may not exceed 140 days; special sessions may be called only by the Governor. (An amendment providing for annual sessions of the Legislature was submitted to a vote of the people in November, 1958, and was defeated.)

Annual salaries sufficient to permit competent persons to serve without financial sacrifice should be provided by statute and not fixed in the Constitution.

The Texas Constitution provides for annual salaries not to exceed $4,800 per annum. Per diem is provided for the first 120 days of a regular session and for the 30 days of any special session. (In 1965 an amendment increasing per diem pay of members of the Legislature failed.)

Skilled and essential full-time legislative employees should be appointed on the basis of merit and competence.

No mention is made of such employees in the Texas Constitution. (Presumably an article in the Constitution on Civil Service would include legislative employees, as well as executive and judicial employees.)

Legislative committees should be reduced in number and organized with regard to related subject matter, equalization of work, and cooperation between legislative houses. Committee meetings should be scheduled and announced, and a public record of committee action kept.

Other than the provision that all bills and resolutions must be submitted to committees before floor action, the Texas Constitution does not give direction on this subject. Specifically, it does not provide for a record of committee action. (The most important work of the state legislature is conducted by committees yet the citizen has no way of finding out what happens there to legislation in which he is interested, nor how his representative or senator voted. The Texas House of Representatives has 43 standing committees; the Senate has 38; there are no joint standing committees.)

Legislative councils and interim committees, reference, research, bill-drafting and statutory revision services should be strengthened.

These are not mentioned in the Constitution. The Texas Legislature has established some facilities (such as the Texas Legislative Council) and shows continued concern for improved services.

A study suggesting a reappraisal of state legislatures was made by the Commission on Intergovernmental Relations, which was appointed by President Eisenhower in 1953 and issued the report of its findings in June, 1955. In seeking to find the proper role of the state in the local-state-federal govermental relationship, the Commission speaks in unmistakable terms of the importance of strengthening state legislatures:

"Perhaps the chief obstacles to legislative flexibility are those created by over-detailed provisions of state constitutions. Some of these provisions rigidly prohibit certain forms of legislative action; others contain elaborate restrictions and prescriptions of an essentially statutory nature . . . . In a number of states the constitution earmarks so high a proportion of the tax revenues that the legislature's power to appropriate money applies to less than half of the state's expenditures. This tends to undermine the principle of responsible representative government and limits the ability of the legislators to adapt the spending policies of the state to changing needs and conditions.

"It is abundantly clear that restrictions and limitations of the type described have engendered at least as many errors and excesses as they have prevented. Removing these limitations would be an important step toward strengthening state Government."

In 1960 the National Municipal League undertook a State Constitutional Studies Project which sought to provide a broad program of education on the nature, importance, shortcomings and potentialities of state constitutions. One of the publications in this project, *Salient Issues of Constitutional Revision* (1961), devotes one chapter to the problems of structure, organization and procedure of state legislatures. Another excellent reference is the book *Major Problems in State Constitutional Revision* (1960) by W. Brooke Graves.

The many recent studies on state legislatures, both nationally and in the individual states now conducting their own studies, can be of certain benefit to further research in Texas.

For example, there are (1) the five-year project of the National Municipal League to study the effects of legislative reapportionment, to find specific ways of strengthening and improving state legislatures and to identify constitutional barriers, outdated practices and other factors which interfere with the effectiveness of state legislatures; and (2) the Citizens' Conference on State Legislatures, initiated in 1965 by "representatives of business and industry, labor, farm organizations and educators, to undertake a broad program of research and education to improve the organization and functioning of the state legislative process and to increase citizen interest."

EXECUTIVE DEPARTMENT

The Texas Constitution provides for no single head of the state, but for an Executive Department of seven officials: the Governor, Lieutenant Governor, Secretary of State, Comptroller of Public Accounts, Treasurer, Commissioner of the General Land Office, and Attorney General. Each of these is elected, except the Secretary of State who is appointed by the Governor with the consent of the Senate.

THE CHIEF EXECUTIVE

The Governor is elected for a two-year term. (An amendment authorizing a four-year term for the Governor and other executive officers failed to pass in 1965). He must be at least 30 years of age, a citizen of the United States, and a resident of Texas for five years preceding his election. His salary is now set by the Legislature, following adoption of a constitutional amendment in 1954 which provides for a minimum of $12,000 a year. In 1955 the Legislature set his salary at $25,000 a year.

The Governor is designated by the Constitution as the *"chief executive officer of the State."* As an administrator, the Governor is given the responsibility for execution of the laws, but the Constitution gives him little authority to carry out this mandate. He makes appointments to numerous boards and agencies, but these are subject to approval of two-thirds of the Senate, and he has no legal power to remove any appointees. The other executive officers are not responsible to him, nor are other elected or appointed heads of state departments. His constitutional right to request information and reports from executive and administrative departments gives him, therefore, little actual power of administration.

Among the more important legislative powers of the Governor is his power to call special sessions of the Legislature, which may not take up any legislation not presented to them by the Governor. At the beginning of each regular session,

the Governor must make a report on the condition of the state, recommend needed legislation, and give a financial statement and estimate of the taxes that will be needed by the state for the next two years. But his recommendations do not receive priority, as is the practice in some states, and he must rely on his political power and acumen to get favorable attention by the Legislature for his proposals.

His veto of any bill can be overridden by a two-thirds majority of each house of the Legislature, as can his item veto on appropriation bills. If the Legislature does not submit bills to him at least ten days before adjournment, the Governor has twenty days after adjournment to veto them, and the veto cannot, of course, be considered by the absent and adjourned Legislature.

The Governor's judicial authority stems from his constitutional power to issue pardons, paroles, and reprieves. His action in this field is subject to the advice and recommendations of the Board of Pardons and Paroles, a three-man board whose qualifications and conditions of appointment are minutely set forth in a constitutional amendment of 1936. The Governor may issue one 30-day reprieve in a capital case without a recommendation from the Board.

The Governor is also commander-in-chief of the state's military forces, and he represents Texas in all official business with other states and the United States.*

OTHER EXECUTIVE OFFICERS

The Lieutenant Governor serves as Governor if that official cannot, for any reason, accept the office or is absent from the state. His qualifications and his term of office are the same as the Governor's. His salary is the same while he is serving as Governor, but otherwise his compensation is the same as a member of the Legislature. (In 1965 an amendment which would have given the Legislature authority to set his salary failed.) He is President of the Senate and may cast a vote in case of a tie. As President of the Senate, he lays before the Senate its business in the order indicated by its rules and appoints all committees and committee chairmen. The Cons-

*A recent study of the Texas Governor is *The Chief Executive: A Study of Gubernatorial Leadership,* by Fred Gantt, Jr. (The University of Texas Press, Austin, Texas, 1964).

titution further provides in two separate sections titled *"Succession to Governorship"* that he shall be under all the restrictions and inhibitions imposed in this Constitution on the Governor.

The Secretary of State is appointed by the Governor with Senate consent for a two-year term. His salary is set by the Legislature at not less than $6,000. His constitutional duties include responsibility for the Governor's official files, which he is required to furnish to either house of the Legislature; appointment of notaries public for each county; keeping the Seal of the State; and performing other duties as required by the Legislature.

The Attorney General is elected for two years; his salary is fixed by the Legislature at not less than $10,000; no qualifications for his office are specified in the Constitution. His duties are enumerated in some detail with respect to charters of private corporations; he represents the state in the Supreme Court of Texas and gives legal advice to the Governor and other executive officers when requested; and he performs such other duties as may be required by law.

The Treasurer is elected for two years; his salary is set by the Legislature at not less than $6,000; no qualifications are provided. His duties are prescribed by the Legislature.

The Comptroller of Public Accounts is elected for two years; his salary is set by the Legislature at not less than $6,000; no qualifications for the office are set forth in the Constitution; his duties may be set by the Legislature. In 1942 the Constitution was amended to provide that the Legislature should limit appropriations to anticipated state revenues. No appropriation bill can be passed, except in an emergency, until the Comptroller has endorsed it as being within the estimated revenue available, and he must return the bill to the Legislature for additional consideration if it exceeds his estimates. (This constitutional requirement gives to the Comptroller greater power over state spending than is granted to any other state official.) Another important constitutional duty of the Comptroller is to prepare and submit to the Governor and the Legislature statements showing the financial condition of the State Treasury at the close of the past fiscal period and an estimate of the probable receipts and disbursements for the current fiscal year.

The Commissioner of the General Land Office is elected for

two years; his salary is set by the Legislature at not less than $6,000; no qualifications are provided. Two entire articles of the Constitution, both of which are now largely obsolete, relate to the duties of the General Land Office. The Constitution was amended in 1951 to establish a Veterans Land Program and prescribe procedures of the Veterans Land Program. In 1956 the Constitution was amended to change membership of the Veterans Land Board and raise the total of bonds that may be authorized by the Board. It was further amended in 1962 to provide for offering unclaimed land in the Veterans Land Fund to non-veteran purchasers after land has first been offered to veterans. In 1963 and in 1965 voters failed to authorize an extension of the program, and the program will be terminated.

The seven officials who make up the Executive Department may not be removed from office except by impeachment, but the Constitution does not specify the causes for impeachment.

Unlike some parts of the Constitution, Article IV, which provides for the Executive Department, is relatively clear as to intent, is not often repetitious, and contains most of the provisions relating to the subject. Sections setting forth the duties of the Governor and other executive officers remain exactly as written in 1876, for the most part.

STATE ADMINISTRATION

Some explanation of state administration is desirable in reviewing the Executive Department. Many political scientists advocate placing all administrative authority in the Governor; but neither the Constitution nor the statutes is based on this concept of executive authority or responsibility. For instance:

Eleven state administrative units are headed by appointees not selected by the Governor (examples being the State Board of Library Examiners, State Chemist, Board of Managers of the Texas State Railroad).

One three-member commission is elected (the Railroad Commission).

One 21-member board is elected by congressional districts (State Board of Education).

In any attempt to list the many and various administrative units of Texas state government it must be pointed out that few of them follow a similar pattern of organization,

of function, or of autonomy. For instance, officials of one agency may also administer another; some agencies are administered by boards, some by single heads; some agencies carry out a total program, others perform some part of a larger program, etc. The organization plan of some of these units is spelled out in the Constitution. The total number of state administrative bodies is given as approximately 235 in the Texas Almanac 1964-65, but many of these are obsolete or inactive. (Examples: Board of Child and Animal Protection -- 1913 statute; Board to Approve Contracts for Fuel and Public Printing -- 1876 Constitution)*

ADMINISTRATIVE REFORMS

In sharp contrast to the sprawling and headless administrative system of Texas and many other states, the provisions of the Model State Constitution give the governor primary responsibility for administrative organization and reorganization, and full responsibility for top executive appointments. This document would make the governor the only elective member of the executive department, and would specify for him a four-year term. He would appoint an administrative manager, and there would be not more than 20 administrative departments, the heads of which would be appointed by the governor and subject to removal by him. The powers and functions of the departments would be prescribed by the legislature, which could also appoint temporary, special-purpose commissions.

Not since 1931 has Texas attempted an over-all reorganization of state administration, usually accomplished by so-called Little Hoover Commissions. At that time a Joint Legislative Committee on Organization and Economy was appointed, which engaged the firm of Griffenhagen and Associates to make a study of Texas administration. A system of integration of existing agencies was proposed which would have required numerous changes in the Constitution. A bill which would have created 19 administrative departments was introduced in the 1933 Legislature, was passed by the House, but defeated by the Senate.

*For a description and complete listing of Texas agencies consult *A Guide To Texas State Agencies* (1964), published by the Institute of Public Affairs at the University of Texas.

In 1950 a privately financed research organization, the Texas Economy Commission, was established to study the executive branch of Texas state government. Reorganized in 1952 and renamed the Texas Research League, it has no official status, though requests for research must be made by public officials or public bodies. It may undertake studies in both the executive and legislative departments.

In 1949 the Texas Legislative Council was organized by the Legislature to undertake various studies in the field of state government, as an aid to the Legislature. The Council has proposed legislation, some of which has been enacted, to clear the statutes of inactive administrative units. A great deal of further research into the state's administrative problems might be accomplished by the Council if the Legislature requested it.

JUDICIAL DEPARTMENT

Article V of the Texas Constitution provides for the Judicial Department. Section 1 vests the judicial power in a Supreme Court, Courts of Civil Appeals, a Court of Criminal Appeals, District Courts, County Courts, Commissioners' Courts, and Courts of Justices of the Peace. Section 1 also authorizes the Legislature to establish such courts as *"it may deem necessary."*

Texas courts may be broadly classified into trial and appellate courts. Trial courts, composed of one judge each, hear cases for the first time or at their point of origin, examine the evidence and render the initial decision. Appellate courts, each composed of several judges, hear on appeal cases already decided in the trial courts or reviewed by lesser appellate courts; and they review and correct their errors, usually of law.

Texas is unusual in having two highest courts. Only one other state (Oklahoma) has a similar system. The Supreme Court of Texas, which hears only civil cases, is the highest appellate court for civil matters; the Texas Court of Criminal Appeals, which hears only criminal cases, is the highest and, unlike courts in most other states, the only appellate court for criminal matters. Generally, the Supreme Court does not hear a case unless it has gone first to one of the Courts of Civil Appeals, which are intermediate appellate courts.

On the trial court level the courts in order of superiority of importance in terms of litigation handled are the District Courts, the County Courts and various county-level courts, the Justice of the Peace Courts and City or Corporation or Recorder Courts.

Courts may also be classified on the basis of geography. The Texas Supreme Court and Texas Court of Criminal Appeals are state-wide. The Courts of Civil Appeals generally hear appeals only from trial courts operating within one of the Supreme Judicial Districts into which the Legislature has divided the state under Section 6 of Article V. District Courts (including the special Criminal District Courts) handle largely

litigation arising within the respective geographic judicial districts established by the Legislature under Section 7 or Article V. County Courts and special county-level courts are limited to cases arising within their respective counties. Justice of the Peace Courts operate within precincts drawn by the Commissioners' Court of their respective counties. City, Corporation or Recorder Courts operate within the limits of their particular city.

The Commissioners' Courts have never functioned as courts. They are administrative-legislative bodies for the counties. Their presiding officer is the County Judge, who does, however, retain judicial authority.

The total number of Texas courts (and judges) is continually subject to increase. The exact number is determined by the Legislature with some exceptions. The exceptions include Constitutional provisions pertaining to the Supreme Court, the Court of Criminal Appeals, the County Courts and the Justice of the Peace Courts. The number of the latter is determined for each county by its Commissioners' Court, subject to the Constitutional provision that there be not less than four nor more than eight for each county, with two for each city of 8,000 or more in population.

As of September 1, 1965, the number of Texas courts and judges were:

COURTS		JUDGES	
Supreme Court	1	9	
Court of Criminal Appeals	1	5	(including 2 commissioners)
Court of Civil Appeals	13	39	
District Courts (not including Criminal District Courts)	168	168	
Criminal District Courts	15	15	
Constitutional County Courts	254	254	
*Courts of Domestic Relations (including one Juvenile Court)	3	18	

*The Domestic Relations Courts (including one Juvenile Court) should not be confused with those courts composed merely of a regular judge of a District Court or other court who has been assigned the duty of giving attention to domestic relations or juvenile matters. Domestic Re-

County Probate Courts	4	4
County Courts at Law	27	27
County Civil Courts at Law	3	3
County Criminal Courts at Law	4	4
County Criminal Courts	6	6
*County Criminal Courts of Appeals	2	2
Justice of the Peace Courts	924	924
City, Corporation or Recorder Courts	800	800

Grand Total of Courts 2225
Grand Total of Judges 2278

The Constitution prescribes the qualifications for appellate, district and constitutional county court judges. No legal training is required for the judges of the constitutional county courts or for justices of the peace.

The Constitution also prescribes terms of office, which are six years for all appellate judges and four years for all trial judges, with exceptions as to city-level judges. The Constitution also describes the jurisdiction of the courts named in the Constitution, and it provides for disqualification of judges, removal of judges, and exchange of districts by district judges.

All judges are elected to office in Texas with the exception of most city-level judges. Vacancies are, however, filled by appointment; and most judges are initially appointed rather than elected to the office.

Article V allows the Supreme Court to make procedural rules for all courts "*not inconsistent with the laws of this State.*" By a 1939 Act the Legislature repealed all of its own laws affecting civil procedure in favor of a set of rules to be made by the Supreme Court. The Code of Criminal Procedure remains under legislative control; in 1965 the

---

lations Courts are special county-level courts with their judges being devoted exclusively to domestic relations.

---

*The County Criminal Courts of Appeals are special courts of metropolitan counties created to handle the appeals allowed by law from minor offense convictions in Justice of the Peace Courts or city-level courts. In most counties such appeals go to the County Court and in many to one of the other several county courts.

Legislature enacted a new Code under the leadership of the State Bar.

The jury system is provided for by the Constitution. The Bill of Rights states that the "*right to trial by jury shall remain inviolate.*" Article V implements this provision, determining juror qualifications, votes necessary for verdicts, limitations on jury trials, and the like.

The Constitution of Texas, so detailed in other respects, takes little express account of the law practice, which is closely affiliated with the administration of justice. The Legislature has long required licensing of attorneys by the Supreme Court and in 1939 passed the State Bar Act which requires membership of all practicing attorneys in the State Bar of Texas.

JUDICIAL IMPROVEMENTS

The Judiciary Article has been amended many times since the Constitution was written. In 1965 the Legislature submitted two more proposed amendments to the people. One, which was approved by the voters on November 2, 1965, provides for the automatic retirement of district and appellate judges for old age, forced retirement for disability, and removal of judges for misconduct. It also creates a new Judicial Qualifications Commission to administer some of the provisions. The second amendment, to be voted upon in 1966, would enlarge the Court of Criminal Appeals to five, making two commissioners full members. It would also provide for a continuous full-year term of court and make the office of Presiding Judge a special one corresponding to that of the Chief Justice of the Supreme Court.

An important agency for judicial improvement in civil matters is the Texas Civil Judicial Council created by statute in 1929. It consists of judges, lawyers, legislators, and two non-lawyer citizens, one of whom must be a professional journalist. Its purpose is the continuous study of and reporting upon the organization, rules, procedure and practice of the civil judicial system and its various parts, and methods for its improvement.

Among the many improvements attributed in large part to the Texas Civil Judicial Council are the creation of the State Bar; drafting and adoption of the Supreme Court rules on civil procedure; adoption of the 1945 amendment to Article V changing the composition of the Supreme Court to its

present membership of nine; notable improvements in civil court procedure, such as declaratory judgments; a compilation of local court rules; an analysis of the "Work of the Texas Courts of Civil Appeals, 1951-58"; and projects for the relief of congestion in particular courts through temporary assignment to them of judges of courts elsewhere located or of retired judges.

A number of other judicial reforms have been advocated but have not yet been adopted in Texas. One of these would change the present method of selection of district and appellate judges to the so-called Merit Plan, long advocated by the American Bar Association and since 1940 in effect in Missouri and several other states. The Merit Plan provides for the initial selection of judges by gubernatorial appointment from a list of three nominees submitted by a Judicial Nominating Commission composed of lawyers and other citizens. The appointee must thereafter undergo periodical elections but without an opponent and on a nonpartisan ballot reading, "Shall Judge _____ of the _____ Court be retained in office? Yes or No." Failure of the appointee to win at any election creates a vacancy which is filled by the same nomination-appointment process. The Merit Plan has been recommended by the Texas Civil Judicial Council since 1946 and endorsed by the State Bar in 1949 in the only membership vote ever taken exclusively on the project.

Another proposal, which has the support of the Texas State Bar and the Texas Civil Judicial Council, would create a Judicial Districts Board with power to redistrict courts in the absence of legislative action. This proposal is one way of relieving the congestion problem for District Courts by rearranging courts according to need.

Also worth mention is the proposed extensive revision of Article V which was voted down by members of the State Bar in a poll taken in 1955, although approved by them in 1953. The proposed revision included the following changes:

(1) The Merit Plan of selecting judges, as described above;
(2) Merging of all the presently separate District Courts into one District Court of many judges assignable by the Supreme Court to different localities as determined by the Court;
(3) Merging of the Supreme Court and the Court of Criminal Appeals into one; and
(4) Transferring control of the judicial system from the Legislature to the Supreme Court.

Proposals for the creation of an office of Judicial Administrator under control of the Supreme Court, a proposal similar to that now in effect for the federal judiciary and in several states, has not yet received the endorsement of the State Bar or the Texas Civil Judicial Council.

SUFFRAGE AND ELECTIONS

SUFFRAGE

The Texas Constitution provides for suffrage in Article VI. Section 1 lists persons not allowed to vote: persons under 21, idiots and lunatics; paupers supported by any county; persons convicted of any felony, subject to such exceptions as the Legislature may make. Other sections of the Constitution deny the right of franchise to persons convicted of bribery, perjury, forgery, or other higher crimes, and persons who have fought duels with deadly weapons or have served as seconds in such duels.

Those who are allowed to vote in Texas must be citizens of the United States and residents of the state for one year and the county for six months preceding the election, and they must register before the first day of February preceding the election.*

A poll tax (head tax) was made a requirement for voting by an amendment to the Constitution in 1902. The poll tax was set at $1.00 in the constitutional provision which allocated this amount for school purposes. (The Legislature set an additional state poll tax of $.50 and authorized counties to levy a $.25 poll tax.) Some Texas cities used the Constitutional authority to levy a local poll tax and made it a prerequisite for voting. The State Constitution exempted from payment of the poll tax as a voting requirement all otherwise qualified persons over sixty years of age. An amendment to the Federal Constitution (1964) exempted all qualified individuals from payment of the poll tax as a requirement for voting in federal elections.* In a suit filed in 1965 by the Federal government the use of a poll tax as a prerequisite for voting in any Texas election was declared unconstitutional.

*The November 1966 ballot will include an amendment to liberalize residence requirements; and an amendment to abolish the payment of a poll tax as a prerequisite for voting, and to substitute an annual registration system.

To insure some means of identifying eligible voters in the event that the Supreme Court upheld the lower court decision, a Special Session of the 59th Legislature provided for a registration system that closely parallels the poll tax system but with no fee requirement. The Supreme Court upheld the lower court decision in May, 1966, thus outlawing the use of the poll tax as a prerequisite for voting.

Other constitutional provisions relating to suffrage state that voters are privileged from arrest during their attendance at elections and in going to and returning therefrom except for treason, felony or breach of the peace; all electors must vote in the precinct of their residence; voters at bond elections must be property owners who have duly rendered their property for taxation.

The Texas Constitution has restricted the voting rights of military personnel for many years. The current provision denying the right to vote in Texas to all out-of-state military personnel, regardless of whether they have established bona fide residence in Texas, was ruled unconstitutional by the U. S. Supreme Court in 1965.*

ELECTIONS

Section 4 of Article VI specifies that "*the vote shall be by ballot, and the Legislature shall provide for the numbering of tickets and make such other regulations as may be necessary to detect and punish fraud and preserve the purity of the ballot box; and the Legislature may provide by law for the registration of all voters in all cities containing a population of ten thousand inhabitants or more.*" The Legislature may authorize absentee voting.

SUFFRAGE AND ELECTION REFORMS

Recent movements to improve election procedures have been concerned with modifications in the procedures by which citizens become eligible to vote, for example, the elimination of a fee (such as a poll tax) to register. Many states have

*The November 1966 ballot will include an amendment that will delete the requirement in Art. VI, Sec. 2 that members of the armed services may vote only in the county in which they resided at the time of entering service.

facilitated registration of voters by extending the periods during which a voter may register and by maintaining active voters as eligible on voter listings.

A related movement has been encouraging the adoption of uniform residence requirements in the various states to reduce the disfranchisement of voters who move their residence to another state.*

Reforms in the conducting of elections are being urged to take advantage of electronic machines to record and tabulate votes; however, these changes generally fall within the voluminous statutory legislation on the conducting of elections. The Constitution itself is concerned with the basic definitions as to the right to vote and the essential need for uncorrupted elections.

*see footnote p. 30

STATE FINANCE

The Texas Legislature has the power to tax, to spend, and to incur debt subject to limitations in the Texas and U. S. Constitutions.

Two general statements of principle in the Texas Constitution govern taxation:

Taxation shall be equal and uniform.

Taxes shall be levied for public purposes only.

The Constitution expressly permits the Legislature to levy four types of taxes -- property, poll, occupation and income. But the Legislature has authority to levy other kinds if it wishes, as it did in 1961 with the passage of the general sales tax law. Many constitutional provisions pertain to the property tax, which is a general one on all kinds of property unless the Constitution states otherwise. Exemptions named in the Constitution are: $3,000 homestead; certain public, school, religious and cemetery property; and $250 worth of household and kitchen furniture belonging to each family. No property shall be assessed for taxes at a greater value than its fair cash market value. The County Commissioners' Court is named the board of equalization for each county.

There are four general limitations on expenditures:

Appropriations are limited to estimated revenue. (This was provided for by the so-called "Pay-As-You-Go Amendment" of 1942.)

No money shall be drawn from the treasury except by specific appropriation.

No appropriation may be made for a period longer than two years.

No grant of public money shall be made to individuals or to municipal or private corporations.

The fourth limitation on expenditures has led to additional

amendments as the people of Texas have voted to adopt programs which provide for payments of state money to individuals. The first change by amendment occurred in 1897 when small pensions to certain Confederate veterans and indigent widows of veterans were authorized. Most changes have occurred since the Depression of the 1930's. Amendments were passed in 1933, 1935 and 1936 to provide for relief expenditures and new permanent welfare programs. Since then the Constitution has been amended eleven times, most recently in 1964 and 1965, to institute new or to expand or otherwise to alter existing welfare programs, such as aid to the needy aged, the needy blind, and dependent children. The voter has grown accustomed to raising the constitutional ceiling on expenditures for these programs.

The Texas Constitution contains a rigid debt limitation in Section 49 of Article III. This provision restricts the creation of general debt to certain purposes such as suppressing insurrection, and it limits the size of the general debt to $200,000. To get around this provision, the voters have approved a number of debt authorization amendments of which a few will be mentioned. Three important and relatively recent amendments have authorized bonds for the veterans land program, initially provided for in 1946; the college building program, initially provided for in 1947; and the water development program, initially provided for in 1957. Bonds are presently outstanding for all three programs, but the veterans program is scheduled to expire following the failure of the voters in 1963 and 1965 to approve an amendment to extend debt authorization for it. In 1965 the voters adopted an amendment authorizing bonds for a new college student loan fund. In addition to provisions on general debt the Constitution also contains provisions on debt secured by special revenues.

The Texas Constitution contains several provisions concerning state fiscal administration. The Constitution does not establish a central fiscal office. Rather, it divides responsibility for the conduct of the state's fiscal affairs among several officials and groups. Chief among these are the Governor, the Legislature, the Comptroller of Public Accounts and the Treasurer. The Governor is required to submit an estimate of needed revenues at the beginning of each regular legislative session and an account of funds expended under his authority; he is also given the item veto power over appropriations, as already noted elsewhere. The fiscal duties of the other officers have also been described elsewhere. The Legislature by statute has entrusted other officials and bodies

with fiscal duties, including the Auditor and the Legislative Budget Board. Texas is unusual in providing for two budgets, one prepared by the Governor (the executive budget) and one prepared by the Legislative Budget Board (the legislative budget). Texas has a disintegrated financial administrative structure.

In regard to fiscal administration, the Texas Constitution also provides for several special funds or accounts supported by earmarked or dedicated revenues. Texas has over 230 of these funds, but the vast majority are created by statute or administrative regulation, not by the Constitution. An example of a constitutional provision dedicating revenues for special funds is Section 7-a of Article VIII. By this provision revenues derived from motor vehicle registration fees and motor fuel and lubricant taxes are earmarked for the Highway Fund and the Available School Fund. The Constitution also prohibits the Legislature from borrowing or in any way diverting money from the special funds. When the special funds are excluded, the Governor and the Legislature are free to budget only about 17 per cent of the state's revenues,, which make up the General Fund. Many experts, as will be noted below, disapprove of the widespread use of special funds.

FISCAL REFORM

Taxation, since 1950, has been the subject of numerous studies by special commissions, and interim committees of the Texas Legislature and the Texas Legislative Council. One of the most important studies was made by the Texas Commission on State and Local Tax Policy, created by the Legislature in 1959. A major subject of the study was the state property tax, which is, as noted above, provided for in the Texas Constitution. The Commission recommended extensive changes in the administration of the tax and its abolition on some properties. In 1963 the Committee on State and Local Tax Policy recommended the abolition of the tax. Governor Connally also recommended its abolition in 1965. Texas is one of only a few states to retain the tax, most states preferring to leave the tax to local governments for whom it is the principal source of revenue. However, instead of abolishing the tax, the Legislature and the voters in 1965 approved an amendment which increased the state property tax levy in order to expand the college building program. The property tax for the program was increased from a rate of 5 cents per $100 of assessed value to 10 cents.

Other fiscal reforms which might be considered are to be found in the Model State Constitution (MSC), prepared by a special committee of the National Municipal League. The latest edition (1964) of the MSC is based on the premise that the governor and the legislature ought to be entrusted with responsibilities and powers adequate to meet the changing fiscal needs of the state. To this end, there are only the barest of limitations placed on their powers. Some experts prefer that state constitutions contain no provisions at all on finance, but the MSC does not go this far.

The MSC places no restrictions upon the taxing authority of the legislature except in connection with special funds, but it does place the customary safeguards upon debt creation and appropriations, namely, that state debt must be authorized by law and for specific projects or objects and that "no money shall be withdrawn from the treasury except in accordance with appropriations made by law."

The MSC forbids the earmarking of revenues except when this is necessary to participate in a federal grant-in-aid program. Many experts regard earmarking as a deterrent to good budgeting. It leaves out of the budget most of the revenues and expenditures so that the budget gives only an incomplete and distorted picture of the state's fiscal condition. It also makes it difficult for the state to provide money where and when it is needed. Too often the General Fund is in the red while other funds bulge with unused and unneeded money. The MSC editors argue that the ban on earmarking prevents "the development of an intolerable fiscal situation wherein a 'built-in' imbalance exists between actual public expenditures and genuine public need." The Griffenhagen Report also recommended the elimination of earmarked funds.

The MSC also provides for an executive budget which means that the governor has authority to prepare the budget as part of his general responsibility for the administration of state government This is accepted practice, but, as already observed, Texas divides budget-making responsibilities between the Governor and the Legislature.

STATE-LOCAL RELATIONS

The Texas Constitution treats the subject of local government with a mass of detailed provisions. Every grant of power is limited by prohibitions and restrictions. These basic provisions are scattered throughout the Constitution. Two articles are titled "Counties" and "Municipal Corporations," but many of the most important restrictions are to be found in the legislative, judicial, and taxation and revenue articles.

TYPES OF LOCAL GOVERNMENT

Counties are subdivisions or agents of the state created to carry out policies which are of state concern as distinguished from local or municipal, although they are increasingly being looked to for the performance of municipal type functions.

Cities or towns, having only the powers delegated to them by the Constitution and the Legislature, are agencies of the state as are the counties, although they were created to administer internal affairs within their corporate limits.

Special Districts, often called the third branch of local government, are also authorized by the Constitution and Legislature. They are set up to perform functions and services which the two general local units (counties and cities) are unwilling or unable to perform because of constitutional limitations on their powers. They are usually created to perform a single governmental function or occasionally a group of closely related functions. The most familiar of these are the school districts, water districts and hospital districts.

STRUCTURE OF LOCAL GOVERNMENT

All **Counties** in Texas have identical patterns of organization set by the Constitution. Each must elect a county judge,

four county commissioners, a county clerk, a county attorney, from four to eight justices of the peace and constables, a sheriff, a tax assessor-collector if more than 10,000 population, a county treasurer, and a county surveyor. (The Legislature has provided for additional elected county officials.) A constitutional amendment in 1954 provided that each of these officials shall be elected for four-year terms.

The 1933 constitutional amendment for county home rule provides that a county may adopt its own charter, with such organization and officials as it deems best for its needs. However, 3,000 words in the constitutional provision and a 12-page enabling act have failed to clarify the powers and limitations of this home rule provision, and no county in Texas has adopted its own charter. The consequence is that all 254 counties are bound to the same rigid structure, from the largest (6,208 square miles) to the smallest (147 square miles), from the most populous to the least populous. Counties vary in population from Harris, 1,243,158, to Loving, 226 (both 1960 census).

Cities and towns in Texas are given more latitude by the Constitution in selecting the form and type of their government. There are two general types: Home Rule cities and General Law cities and towns. Under the home rule amendment for cities, any city of more than 5,000 population may adopt its own charter which gives it the power to have the form of government it desires and to amend or repeal its charter. But the charters adopted cannot contravene either the Constitution or general laws, which means the Legislature is still dominant. Towns and villages under 5,000 are chartered by general laws and may select from three different types of government which are specified by the Legislature.

POWERS AND LIMITATIONS GIVEN LOCAL GOVERNMENTS

The powers of local governments are limited to those delegated through the Constitution and the Legislature.

County government is regulated by some 56 sections in the Constitution. The County Commissioners' Court (not a judicial court) is made the policy-making and general administrative body, but the commissioners have only such powers and jurisdiction over county business as are specifically conferred by the Constitution and laws of the

state. There are provisions for the county to serve as a representative district; as a unit for administering state and general elections; as an administrative subdivision of the state for building roads and highways, providing for public health, public welfare and public education; and as a fiscal unit of the state for collecting state revenues and dispersing various state and federal funds. Various sources of county revenue are listed in the Constitution, most with accompanying restrictions as to their use. For example, the commissioners may levy a property tax not to exceed 80¢ per $100 valuation, and the Constitution specifies how much of this tax may be spent for what purposes; an additional 30¢ ad valorem tax may be levied, under certain conditions, to be used only for farm-to-market roads or flood control. The commissioners are directed to serve as a board of equalization. Although the commissioners do not preside over judicial proceedings, the County Judge does. The jurisdiction and the terms of the court as a court of record are clearly delineated. There is only one other state in the United States (West Virginia) that establishes the governing body of the county in the Judicial Article of the Constitution, thereby endowing it with judicial powers.

Cities and towns operate under an immense number of constitutional limitations. Home rule cities (those with more than 5,000 population) may tax up to $2.50 per $100 valuation, general law cities may tax up to $1.50 per $100 valuation. No debt may be created unless provision is made to collect taxes for interest and to provide a sinking fund on the debt. Various types of taxes are permitted, but detailed restrictions are made as to the amount and purposes for which the revenues may be used. Towns and cities may provide for a system of retirement and disability pensions for their employees.

A bill, passed by the Legislature in 1963, limits annexation of large areas by cities without the provision of services within three years. It further restricts the area annexed by a city in any one year to ten per cent of the city's pre-annexation area. The law also established extra-territorial jurisdiction according to the population of the city; and this area may not incorporate without permission of the city having jurisdiction over it.

Special Districts are so diverse that it is not an easy task to classify them. They are much more independent of state or local supervision in financing and administration of services

than the general local governmental units. Many have no legal tax or debt limits. Therefore, their continued formation to perform services may completely negate the constitutionally imposed tax and debt limits on the other local government units (counties and cities).

Constitutional limitations to protect cities and counties from encroachments on their powers were attempted in Article III, Sec. 56. It lists 29 subjects on which the Legislature may not pass local or special laws, concluding with the provision "*And in all other cases where a general law can be made applicable no local or special law shall be enacted . . .*" except for the preservation of game and fish. However, by court decision general laws in Texas have been ruled to be both of statewide and local concern.

General laws can be made local by a method of classification. Cities, towns or counties may be classified as to size or other identifying characteristics. The Legislature has thus been given a way of circumventing to some degree the restrictions against passage of special and local laws which tend to erode the powers of home rule.

LOCAL GOVERNMENT REFORMS

There are those who say that the kind of local government Texas needs in the last half of the 20th century hardly resembles the kind provided in the 1876 Constitution, even as amended. While theoretically the Constitution provides for both county and municipal home rule, the possibility for a county to adopt home rule is practically negated by a vast number of limitations and ambiguities. The municipal home rule amendment has provided flexibility since its adoption in 1912, but the scope of its powers has been subject to changing court views and decisions. The current concept that home rule confers upon cities all power that the Legislature could have exercised prior to the adoption of home rule is a concept that favors local autonomy and has been commended by leading authorities in other states.

Whether the solution to effective local government is sought through home rule, optional charters, formation of area-wide units for performance of specific functions, semi-consolidation or mergers of general units, the Advisory Commission on Intergovernmental Relations (a research commission created by Congress) makes this statement of principle: "As long

as the State retains the right to act where necessary there is much to be gained and nothing to lose in leaving a wide range of discretion and initiative to local government."

Since about 1950 there has been a trend toward comprehensive planning by state and local governments, especially metropolitan area or regional planning and statewide planning. Except for comprehensive planning by a substantial number of cities in Texas and participation in comprehensive transportation planning by twenty-two urban areas over 50,000 in population following the passage of the Federal-Aid Highway Act of 1962, the trend has not been very visible in Texas. But Texas may be on the threshold of important new developments. In 1965 the Legislature passed an act authorizing the establishment of regional planning commissions by local governments and created by Senate Concurrent Resolution a state planning agency, the Planning Agency Council of Texas or PACT, with authority to coordinate state planning programs and to prepare a state development plan.

Also relevant to local government reform is the long-range study of metropolitan areas in Texas being made by the Texas Research League at the request of Governor John Connally, as mentioned in the Introduction to this publication. The TRL was asked to recommend appropriate steps to be taken at both the state and local levels to modernize and improve the administration, planning, and financing of public services in the metropolitan areas.

GENERAL WELFARE

The fields of government which might fall within the category of "General Welfare" are those of Education, Health, Public Welfare, and Conservation. Of these, only Education is included as a separate article of the Constitution.

EDUCATION

The Constitution of the State of Texas provides for public education in Article VII, Sections 1 through 8 for the public free schools and Sections 10 through 18 for universities and colleges. Section 1 makes it the duty of the Legislature to establish and make suitable provision for the support and maintenance of an efficient system of public free schools. Section 2 provides for a permanent school fund which now amounts to over one-half billion dollars and can be invested in government and school bonds and corporate stocks and bonds. The interest from this money goes into the Available School Fund. Section 3 provides for certain taxes, all of which go into the Available School Fund. Section 5 provides for the distribution of the Available School Fund to each of the school districts in the state on a per capita basis, that is, so much money for each scholastic in the district. Section 7 provides for separate schools for white and colored children, and in a friendly suit in 1965 this Section was declared unconstitutional by a State District Court in Travis County, based on the Supreme Court decision of 1954 abolishing racial segregation in the public schools. Section 8 provides for a State Board of Education which until the Gilmer-Aiken Laws of 1949 was appointive but is now elective.

In the field of higher education the Constitution provides that the Legislature shall establish, organize and provide for the maintenance, support and direction of the University of Texas. The Agricultural and Mechanical College was made a branch of the University. The Legislature was also directed to establish a branch of the University for the instruction of the colored youths of the state, but no taxes were to be levied

nor money appropriated out of the general revenue either for this purpose or for the erection of buildings of the University.

A permanent university fund was established through lands set apart for this purpose, and the investment of proceeds from these lands is prescribed in detail: in bonds of the United States, the State of Texas, counties or cities of the state, school bonds of municipalities, or bonds issued under the Federal Farm Loan Act of 1916. Only the interest on these investments may be appropriated by the Legislature for the support of the University and its branches. In 1956 an amendment was adopted to provide for broader investment of the Permanent University Fund in corporate bonds and stocks.

In 1947 another constitutional amendment established a college building fund for twelve other state colleges not in the University or A. and M. systems and provided explicitly for financial details of bond transactions, taxes levied, the distribution of this income to each college for successive ten-year periods, etc. (State colleges created since 1947 could not participate in this college building fund, since only those listed in the Constitution might use the earmarked funds.) An amendment passed in 1965 increased the ad valorem tax 5¢ on the $100 valuation and added five schools to those already benefiting. A companion amendment is to be voted on in 1966, withdrawing Arlington State College from participation in the Permanent University Fund.

Of more than 15 amendments to this article of the Constitution since 1876, only three have not been concerned with financial matters: one to reorganize the State Board of Education; one to fix the terms of public school officers not to exceed six years; and one to validate certain school districts.

EDUCATION REFORMS

The Gilmer-Aiken Laws of 1949 completely revised the method of financing the public schools. In addition to the Available School Fund, the Gilmer-Aiken Laws provided for a Foundation School Fund, which is raised from certain dedicated taxes and from general revenue to provide a minimum school program in each school district of the state based on the number of students in each grade. No money is provided by the state, however, for buildings. The Texas Research League study of public school financing under the Minimum Foundation School Program, conducted in 1953, has not

been implemented to any great extent, even though legislative action only would be required and no constitutional change is needed.

In 1965 an amendment was passed authorizing the Legislature to provide a loan fund for Texas students attending institutions of higher learning within the state.

An amendment will be submitted in 1966 regarding the status of taxes and bonds of school and junior college districts when district boundaries are changed.

The 1963 Legislature authorized a committee to study education past the high school, and this committee appointed by Governor Connally submitted its report in August of 1964. Its findings were implemented by the 1965 Legislature. The law replaced the Commission for Higher Education with a Coordinating Board and gave it broad powers to control appropriations to each public institution of higher learning in the state and to control each course or program of instruction taught in each of the institutions. The bill passed by the 1965 Legislature also took administration of the public junior colleges away from the State Board of Education and put them under the Coordinating Board.

The 1965 Legislature also authorized a committee to study public school education in Texas, that is, elementary and secondary education, with their report to be submitted by August of 1968. Governor Connally has appointed this committee to study public school financing, the instructional program, the authority of the state versus the local school board and such controversial problems as consolidation and federal aid.

The expanding Federal Aid to Education program has become of increasing importance to public education in Texas. Beginning on a small scale in 1917 in vocational education, the Federal Government spent some forty million dollars in Texas in 1964 under the authority of various federal acts. One hundred and thirty-five million dollars was made available in Texas in 1965, and this amount will grow in the future.

Texas' permanent school funds provide more resources for educational financing than any other state, due to the fact that the millions of acres of public lands retained have proved rich in oil and minerals, and it is reasonable that the Texas Constitution should contain many provisions relating to the preservation of these funds. Other states with permanent

school funds have not found it necessary to write into their constitutions such explicit and statutory details regarding school finances. For example, the Missouri Constitution of 1945 retained only the safeguarding phrases from its Constitution of 1875 -- that the public school and seminary funds should be "securely invested" by the state board of education, and "sacredly preserved" so that the annual income would be "faithfully appropriated" for the schools.

HEALTH

The Texas Constitution recognizes the duty of the state toward its citizens' health in one section: "*The Legislature may provide by law for the establishment of a Board of Health and Vital Statistics, under such rules and regulations as it may deem proper.*" Another section provides that the qualifications of physicians may be prescribed by the Legislature. One of the original provisions of the Constitution has never been implemented: the Legislature may establish an inebriate asylum "*for the cure of drunkenness and reform of inebriates.*"

PUBLIC WELFARE

Article III, Section 51, of the State Constitution provides that the Legislature shall have no power to make any grant of public money to any individual, except for pensions to Confederate veterans and their widows. Authorizations for various public welfare expenditures have been put into the Constitution as amendments to this section. One such amendment covers payment of categorical assistance -- aid to the needy aged, the needy blind, and dependent children. This section provides for the acceptance of federal funds and for the enactment of laws to make lists of recipients available for inspection; gives the detailed specifications of eligibility for assistance in each category; and freezes into the Constitution the maximum number of dollars which may be provided in individual assistance payments and the maximum total which may be expended from state funds for such assistance. A new amendment must be passed each time it is necessary to change these amounts.

Section 51b was added to Article III in 1956 giving the Legislature the power, under such regulations and limitations as it deems expedient, to grant assistance to permanently and

totally disabled persons between 18 and 65, limiting such aid to $20 per month each. An amendment providing for an increase in the amount of money which the Legislature may appropriate for needy persons totally and permanently disabled by reason of mental or physical handicaps was added to this section in 1962.

Previously, in 1957, Section 51a, Article III, had been rewritten to change the state welfare program, raising monthly assistance payments. And in 1958 Subsection 51a-1 was added to allow the Legislature to make payment directly to the vendor of medical services, matching federal funds.

Other amendments added to Section 51a were passed in 1962 (increasing amounts of payments); in 1964 (a new Subsection 51a-2 providing medical care for persons over 65 and authorizing the Legislature to participate in the federal-state program known as the Kerr-Mills law); and in 1965 (incorporating into one Section 51a the Subsections 51a-1 and 51a-2 and extending the federal-state assistance programs).

In 1956 Section 51c was added; it provides aid and compensation to persons for false imprisonment.

The electorate will be asked to vote in 1966 to add a new Section 51d providing for payment of assistance by the state to surviving spouse and minor children of law enforcement officers, custodial personnel of the Texas Department of Corrections and firemen who suffer violent death in performance of duty.

Retirement and disability pension plans for employees of cities and towns were adopted in 1944; in 1954 an amendment was adopted which permits some employees to participate in the Federal Social Security Program. Workmen's compensation insurance was authorized for state employees in a 1936 amendment, and for county employees in 1948. A teachers' retirement fund was established in 1949 and, since 1954, the Constitution has provided that teachers and state employees may transfer their service credits if they change positions between these two categories.

An amendment passed in 1956 further revised the teacher retirement system. In 1965 voters passed an amendment clarifying the investment authority for the Board of Trustees of the Teacher Retirement System.

The Constitution since 1876 has stated that each county may provide "*a manual labor poorhouse and farm, for*

taking care of, managing, employing and supplying the wants of its indigent and poor inhabitants," a provision which is the basis for legal determination that only the county may dispense direct relief to the needy in Texas.

One other constitutional provision relating to public welfare is of special interest: in 1935 the Bill of Rights was amended to provide that mentally ill persons might be committed for observation or treatment without the necessity of a trial by jury, for a period not to exceed ninety days.

The inclusion of so much minutiae on a subject which is generally considered an inherent responsibility of the state would seem to indicate that the Texas Constitution has here departed entirely from the concept of a constitution as fundamental law.

CONSERVATION

A constitutional amendment adopted in 1917 declares that "*the conservation and development of all the natural resources of this State, including the control, storing, preservation and distribution of its storm and flood waters, the waters of its rivers and streams, for irrigation, power and all other useful purposes, the reclamation and irrigation of its arid, semi-arid and other lands needing irrigation, the reclamation and drainage of its overflowed lands, and other lands needing drainage, the conservation and development of its forests, water and hydro-electric power, the navigation of its inland and coastal waters, and the preservation and conservation of all such natural resources of the State are each and all hereby declared public rights and duties . . . .*" The creation of conservation and reclamation districts is authorized and the Legislature may authorize "*all such indebtedness as may be necessary . . . .*" In 1964 an amendment was adopted requiring 30-90 days notice by publication prior to introduction of such legislation.

GENERAL AND MISCELLANEOUS

For purposes of an over-all view, several articles of the Texas Constitution should be mentioned, if only briefly.

RAILROADS;
PRIVATE CORPORATIONS

These two articles of the State Constitution reflect the fear of big business which was prevalent throughout the nation in 1876. Though these provisions have historical interest, it is doubtful that such details have a rightful place in the fundamental law of the land or, if they do, that distrust of the power of the Legislature should be expressed on only these two subjects of business in the state.

SPANISH AND MEXICAN LAND TITLES;
PUBLIC LANDS AND LAND OFFICE

Looming large in 1876, the subjects of these two articles would undoubtedly be treated differently in a modern constitution, though, again, they form an interesting chapter in the history of Texas.

IMPEACHMENT

The details of impeachment proceedings are given. The power of impeachment is given to the House of Representatives, with trial by the Senate, but the causes for impeachment of any state official are not prescribed. The details of the method of removal of judges are also found in this article. The Legislature is made responsible for providing by law for the trial and removal of other state officers where the mode of their removal is not provided by the Constitution.

HISTORY

The Constitution makes it the duty of the Legislature to provide for the collecting and safekeeping of records relating to the history of Texas. A 1954 amendment creating the State Building Commission authorized the expenditure of not more than $30,000 for the erection of memorials to *"the Texans who served in the Armed Forces of the Republic in the Texas War for Independence."*

GENERAL PROVISIONS

Article XVI contains 66 sections on a vast number of subjects, some of great importance, some of seemingly little consequence, many of which are added or restated details of the powers and limitations of the Legislature. For instance:

The Legislature must make provisions for fines and costs to be discharged by manual labor, and for utilizing convict labor for working on public roads. The Legislature may provide for a Commissioner of Insurance, Statistics and History; for an inebriate asylum; for state supervision of banks; for the management and control of the prison system; for the custody and maintenance of indigent lunatics; for organizing and disciplining the militia of the state; for defining the term "open saloon" and enacting laws against such; etc.

Several sections concern civil rights and the protection of the individual: wages are exempt from garnishment, laborers on public works are protected against failure of contractors to pay justly due wages, mechanic's liens are established, usurious interest is defined (generally not more than 10% unless the Legislature establishes a higher rate) and prohibited, conscientious objectors shall not be compelled to bear arms *"but shall pay an equivalent for personal service."* The homestead is defined, and its preservation, descent, and exemption from taxation are prescribed.

The oath of office for state officials is given (amended in 1956 to provide two separate forms for oaths of office of elective and appointive officers of the state); bribery of state officials is specifically defined and its punishment outlined; two sections forbid persons to hold more than one civil office in the state; the Legislature shall provide for deductions from the salary of public officers who neglect their duty; and the prohibition against dueling is found in this article.

The rights of women are protected by a provision regarding the wife's separate property, and community property rights are defined. One section reading *"The Legislature shall prescribe by law the qualifications of grand and petit jurors"* was amended in 1954 by an explicit provision that this right and duty should not be denied by reason of sex. Upon the request of the 1955 Legislature the Texas Legislative Council made a study of the constitutional and statutory provisions relating to the status of married women in Texas. Several sessions of the Legislature have considered proposals to provide equal legal rights for women.

The provision appears again that no appropriation shall be made for private purposes, and a 1932 amendment states that the Legislature may appropriate money for the Texas Centennial but for no *"other future exposition or celebration of any kind or character."*

An amendment adopted in 1958 gives the Legislature the power to appropriate money and to establish a procedure to develop information about Texas and to inform people and corporations of other states of the resources of the State of Texas through advertising in periodicals of national circulation.

A reading of this entire article is recommended for its historical interest, for the picture it presents of the concepts of constitution-writing which were held by the framers in 1876, and for the contrast shown between the brevity of wording of the original sections and the lengthy detail of recent amendments to the article.

PROVISIONS NOT FOUND IN THE TEXAS CONSTITUTION

Two subjects which have received recognition in many constitutions, but which are omitted from the Texas Constitution, are those relating to personnel policies and to the privilege of the initiative and referendum.

CIVIL SERVICE

Recently revised constitutions invariably have provisions for basic policies regarding employee selection and retention, usually a merit system based on competitive examinations, as far as practicable, e.g., the New York and Missouri Consti-

tutions. The New Jersey Constitution also provides that political subdivisions of the state shall be subject to civil service regulations.

INITIATIVE AND REFERENDUM

The subject of the initiative and referendum -- the power of the people to initiate or vote directly on laws or amendments -- is not a new one, and there is considerable variation among the many state constitutions containing such provisions. This technique for direct action by the voters is not intended to replace legislative action, but to supplement it when the Legislature fails to act according to the wishes of a majority of the people. The power to initiate statutes or constitutional amendments is not given to the people of Texas, but the State Constitution does provide for a referendum vote on proposed constitutional amendments.

METHODS OF CONSTITUTIONAL REVISION

Article XVII is titled "Mode of Amending the Constitution of This State," a subject which is properly included in every constitution. Only amendments proposed at regular biennial sessions are specifically provided for by the Texas Constitution. These are to be adopted by two-thirds of the members elected to each house of the Legislature in recorded votes, then voted on by the qualified electors of the state. Commencing at least three months before the election, the amendments must be published once a week for four weeks in a newspaper in each county. A simple majority of votes cast by the electors for any amendment is all that is required to make the amendment a part of the Constitution, and no further legislation is necessary, though, of course, most constitutional provisions must have implementation in the form of further statutory details.

This simple procedure for amending the Constitution places Texas in that group of states which are said to have flexible constitutions, i.e., those comparatively easy to amend. Some states have such rigid requirements for amendment of their constitutions that changes are almost impossible to effect.*

A great many states are finding in the mid-twentieth century that their constitutions present obstacles to adaptation for present-day needs and demands. The method selected for use in the study and revision of a state constitution should be determined by the type of revision contemplated, the degree to which citizen inertia and opposition to change may be overcome, and the degree of interest and cooperation which may be found in the legislature, for this body will play an important role in every method of revision.

*Texas had 163 amendments in 1965; 16 more are to be voted on in November, 1966.

In addition to the single amendment method, the legislature might, if the Constitution were changed to allow this method, propose wholesale change of the Constitution by the amendment procedure. The technique of revision in this case rests with a series of amendments whose cumulative result would be a partial or total revision of the Constitution. The entire series may be presented to the electorate for action as a single unit or in such a way as to allow each amendment to be voted upon separately. Professor J. William Davis (Professor of Government, Texas Technological College, Lubbock, Texas) feels that the disadvantage of this method is "the possibility that the Constitution would not be carefully reorganized as a whole . . . ." If prior authorization were secured from the voters the legislature itself could act as a convention and rewrite the Constitution. However, the crowded agenda in a legislative session presents a major drawback since this would make a thorough study highly improbable in any one session.

NUMBER OF AMENDMENTS SUBMITTED TO ELECTORATE SINCE ADOPTION OF 1876 CONSTITUTION

YEAR	NO.	YEAR	NO.	YEAR	NO.
1879	1	1909	4	1937	7
1881	2	1911	5	1939	4
1883	5	1913	7	1941	5
1887	6	1915	7	1943	3
1889	2	1917	3	1945	8
1891	5	1919	13	1947	9
1893	2	1921	5	1949	10
1895	2	1923	2	1951	7
1897	5	1925	4	1953	14
1899	1	1927	8	1955	9
1901	1	1929	7	1957	6
1903	3	1931	9	1959	4
1905	3	1933	12	1961	14
1907	9	1935	13	1963	7
				1965	27

CONSTITUTIONAL COMMISSION

The composition, purpose, and function of a Commission are determined by the terms of the legislative act which creates

it. Though several types of bodies organized for constitutional review are sometimes called commissions, the following discussion relates to those created by law as a joint product of the legislative and executive branches.

The membership of a Commission may be composed of appointees from each house of the legislature, executive appointees, judicial representatives, and private citizens. Recent Commissions in other states have varied in size from seven to thirty-two members and are invariably public officials and laymen of a high level of ability and competence.

The purpose of a Commission is determined by the intent of the legislature creating it. It may be to draft a new constitution or to study the existing structure with a view to making recommendations to the legislature. In any case, Commissions are purely advisory in character and their recommendations require further action by legislative bodies which may accept, modify, or reject them in whole or in part. They have rendered their greatest service in initiating research for the study of constitutions.

Advantages of a Constitutional Commission:

Its relatively small size lends itself to functional efficiency.

Since its membership is determined by appointment, those members may be selected on a basis of interest and competence.

This is the least expensive method of approaching the problem of constitutional revision.

A Commission has been found to be of tremendous value in stimulating and focusing public interest and attention on the need for and the problems of constitutional revision.

Disadvantages of a Constitutional Commission:

Members of a Commission are not elected and may therefore not represent the wishes of the electorate.

Selection of a Commission by a strong state political machine would tend to weight its membership against effective constitutional review since machine politics almost always thrive on outmoded constitutional processes.

Since a Commission's report must be made to the legislature, the possibility always exists that the legislature will fail to act on the Commission's recommendations, or that those recommendations will be watered down and altered to gain legislative approval.

An attempt to secure constitutional revision in Texas came in January, 1949, when 200 citizens met in Austin on call from the late Governor Beauford Jester, but the Legislature failed to act. Governor Allan Shivers appointed the Texas Economy Commission in 1950 to study needed reforms, and again there was no legislative action.

As interest in revision continued to grow, House Concurrent Resolution 13 was adopted by the 55th Legislature in 1957, providing for a four year constitutional research project by the Texas Legislative Council. This same resolution created a Citizens' Advisory Committee composed of 18 citizens who served without compensation. Unfortunately the 55th Legislature failed to provide any funds for the research which the Citizens' Advisory Committee had estimated would require a minimum of $150,000. It was not until the summer of 1959 that a special session of the next Legislature finally appropriated $50,000 for the Texas Legislative Council to begin the research. A director was not appointed until March, 1960.

Because of insufficient funds and the short period of time --less than a year--before a final report had to be made, the Texas Legislative Council decided that a thorough research job was not possible. As a result the Council adopted a more simplified format than that set out in the Resolution. It was decided to analyze each section of the Constitution as to its original intent, present significance and value, and to make specific recommendations for change of that section if necessary. The Texas Legislative Council's final report to the 57th Legislature suggested that the Constitution reflected the governmental philosophy of the people of Texas for their government and that no Convention or Commission was needed at the time; however, the Council did recommend the elimination of approximately fifty deadwood provisions, amendment of Article XVII -- the Amending Article -- to allow inclusion of more than one subject to be voted on as one question, and that a future study be made of Article V, the Judicial Section.

The Citizens' Advisory Committee concurred in the Texas Legislative Council's recommendations calling for removal of deadwood and amending Article XVII, but sharply disagreed with those recommendations which indicated no need for substantive changes or for the creation of a Commission. The Citizens' Advisory Committee reiterated its previous recommendations for non-substantive and substantive changes and strongly urged the creation of a Constitutional Commission to study all available materials on the Constitution, including the

Texas Legislative Council reports. The Commission was to be empowered to make specific recommendations for constitutional revision.

In several legislative sessions, including 1965, a bill was introduced to create a Constitutional Revision Commission, but so far no bill has been passed.

CONSTITUTIONAL CONVENTION

This is the oldest technique for amendment and revision of state constitutions, developed during the formative period of American states after the Declaration of Independence. It evolved from the idea that a constitution is fundamental law and should be formulated by a body chosen directly by the people and for that specific purpose. The Convention has now been accepted as the principal device for extensive revision of existing documents and for the writing of new constitutions.

Initiation of this method of constitutional reform rests with the Legislature. The Texas Attorney General has ruled that the Legislature is not empowered to call a Constitutional Convention without first seeking approval of the voters.

The legislative act calling for a referendum on revision of the Constitution by a Convention will provide for the method of selection of delegates to the proposed Convention and for its expenses, to be voted upon by the people at the same time. Thus the electorate has the opportunity and responsibility of voting upon the question of holding a Convention as well as upon the selection of the membership of that body.

Powers of a Constitutional Convention:

A Convention is an autonomous and sovereign body deriving its power and owing its responsibility directly to the people.

The legislature may limit and direct the activities of the Convention only to the extent it is authorized to do so by the specific provisions voted on in the referendum setting up the Convention.

From a practical point of view a Constitutional Convention must submit its draft of constitutional revision to the voters for ratification; such a provision may be included in the Convention Act which is submitted to the people for authorization of the Convention.

Advantages of a Constitutional Convention:

The caliber of delegates is usually superior (historically proved).

Delegates (not needing to run for re-election) are not subject to political pressures to as great a degree as are legislative bodies.

Attention of the members is concentrated on the single purpose of proposing constitutional changes.

A Convention may require the kind of technical research necessary to prepare delegates for their important job.

Disadvantages of a Constitutional Convention:

The necessary research and publicity are costly.

Considerable time is required for authorizing and assembling a convention.

There may be opposition from official and other vested interests who do not favor constitutional change.

Legislative hostility may be present since a Convention is independent of legislative control.

Six Constitutional Conventions in Texas have produced our six Constitutions: in 1836 when Texas was a Republic; in 1845 in anticipation of annexation to the United States; in 1861 after Texas seceded to join the Condederacy; in 1866 when Texas rejoined the Union; in 1869 under the military rule of the reconstruction period; and in 1876 at which time the present Constitution was written. Since 1876 many proposals have been introduced before the Legislature calling for a Constitutional Convention, but only in 1919 was such a resolution passed and submitted to the people for approval. The vote was 71,376 against to 23,549 for, only some ten per cent of the qualified electors voting on the question. Since that time no such proposal has passed the Legislature.

CONCLUSION

The late Judge Virgil T. Seaberry, chairman of the 1949 Citizens' Committee on the Constitution, chairman of the State Bar of Texas Committee on Constitutional Revision in 1949, and a member of the 1957 Citizens' Advisory Committee for Constitutional Revision, reported to the State Bar:

"We believe that a full study of the Constitution

should be made by groups all over the state, so as to provide a grass roots foundation . . .that the study should be led by nonpartisan citizens . . . and that a reasonable fund should be raised from private sources to defray the actual expenses of conducting an educational campaign throughout the state."

Professor J. William Davis, in his book, *A Survey of Texas Government* (1964) says:

"Either a Convention or a Commission could probably draft a constitution which would be superior to the existing document. Under whatever method used, the revision would have to be submitted to the voters for approval. It would have to be based upon sound research and study and an awareness of the needs of the state as well as the opinions of the electorate. Thus, careful research and public education become important factors in any movement toward constitutional revision."

OTHER READING

Major Problems in State Constitutional Revision by W. Brooke Graves, Public Administration Service, 1313 East 60th St., Chicago, Illinois 60637 (1960).

The Constitution of the State of Texas. This is available from the Office of the Attorney General, Supreme Court Building, Austin, Texas, or may be found in *Texas Almanac.*

The Book of the States, published biennially by The Council of State Governments, 1313 East 60th St., Chicago, Illinois 60637.

The Constitution and Government of Texas by Frank M. Stewart and Joseph L. Clark, D. C. Heath and Company, Boston (1949).

Texas Government by Stuart A. MacCorkle and Dick Smith, McGraw-Hill Book Co., New York (1964).

The Government and Politics of Texas by Clifton McCleskey, Little, Brown and Company, Boston (1963).

Texas: Its Government and Politics by Wilbourn E. Benton, Prentice-Hall Book Co., Englewood Cliffs, New Jersey (1966).

A Survey of Texas Government by J. William Davis, Texas Technological College, Lubbock, Texas (1964).

Seven Decades of the Texas Constitution of 1876 by Seth S. McKay, Texas Technological College Press, Lubbock, Texas (1942).

Texas, the Lone Star State by Rupert N. Richardson, Prentice-hall Co., Englewood Cliffs, New Jersey (1958).

"Constitutional Revision in Texas," a special issue of *Texas Law Review,* Vol. 35, No. 7, University of Texas, Austin, Texas (October 1957).

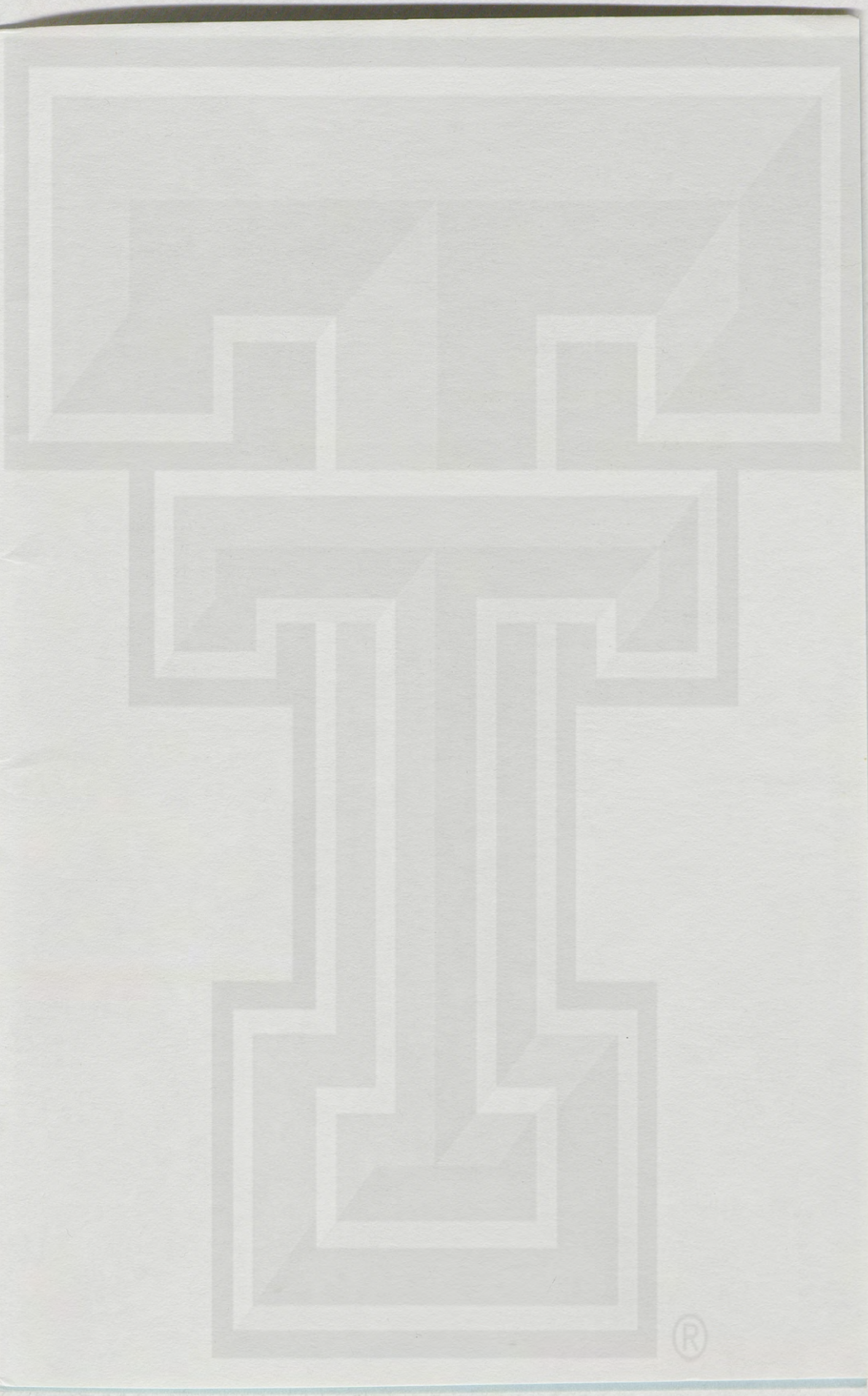
Methods of State Constitutional Reform by Albert L. Sturm, University of Michigan Press, Ann Arbor, Michigan (1954).

The following organizations publish monographs and pamphlets of importance in the study of constitutional revision. Up-to-date publications lists may be obtained by writing directly to the address listed.

Arnold Foundation Monographs, Southern Methodist University, Dallas, Texas 75225.

National Municipal League, 47 East 68th Street, New York, 10021. The State Constitutional Studies Project which includes the Model State Constitution is particularly useful.

Institute of Public Affairs, University of Texas, Austin, Texas. IPA publications include both the bimonthly articles, *Public Affairs COMMENT,* and the monographs of the Public Affairs Series.



CALENDAR

FEBRUARY		
6	Water Committee, 4144 Cochran Chapel	10:00 a.m.
7	School Committee, 12651 Croydon Circle	10:00 a.m.
11	TV, Ch. 11, "Parks and Recreation Intern Program," Denton	11:30 a.m.
8, 9, 14	Unit meetings -- Texas Constitutional Revision	
15	Foreign Policy Committee, 3439 University	10:00 a.m.
16	Legislature Committee, Conference Room	10:00 a.m.
18	TV, Ch. 11, "A Look at Council-Manager City Government," Dallas	11:30 a.m.
20	Finance Drive Kick-Off	
20-24	Finance Drive Week	
25	TV, Ch. 11, "Workreation," Tyler	11:30 a.m.
MARCH		
1	Board Meeting	
3	Briefing -- Human Resources and Foreign Policy	
4	TV, Ch. 11, "School Boards in Action," Dallas	11:30 a.m.

LOOKING AHEAD

OUR ANNUAL MEETING WILL BE HELD WEDNESDAY, MARCH 15, FROM 9:45 a.m. to 2 P.M. AT THE UNITARIAN CHURCH ON PRESTON ROAD. READ THE VOTER ENCLOSURES (PROPOSED PROGRAM, NOMINATING COMMITTEE REPORT, PROPOSED BUDGET, AND PROPOSED BYLAWS CHANGES) AND COME PREPARED FOR ACTION. FREE BABY SITTING WILL BE AVAILABLE!

FEBRUARY UNIT MEETING: TEXAS CONSTITUTIONAL REVISION

At the request of the Texas Legislature in 1957, two committees were asked to look into the idea of revising the Texas Constitution. Both the Texas Legislative Council and the Citizens' Advisory Commission reported that there were at least 50 "deadwood" articles which needed to be eliminated.

Let's return to those thrilling days of yesteryear when rural Texas was celebrating the end of the carpetbagger regime with a new Constitution (still in effect).

Article XVI. General Provisions
Section 1. Official Oaths. This article was amended in 1938 to eliminate that part of the oath stating that the incoming official had not fought a duel or sent or accepted a challenge to a duel or acted as a second in a duel.

However, this Article still has:

Section 4. Dueling Prohibited. Any citizen of this state who shall...fight a duel with deadly weapons or send or accept

(Continued on Page 4)

LEAGUE OF WOMEN VOTERS OF DALLAS

THE DALLAS VOTER

BULK RATE
U.S. Postage Paid
Dallas, Texas
Permit No. 3863

Mrs. Ralph Bubis
[redacted]

Mrs. Sam Faris, President | February, 1967 | Mrs. L. T. Claiborne, Editor

FINANCE DRIVE

KICK-OFF!

MONDAY, FEBRUARY 20, 9:30 A.M.

At the home of Mrs. Margaret Brand Smith,

4242 Shorecrest

It is a challenging and broadening experience to move out into the community, tell the League story, win new friends, and collect dollars for the essential projects we intend to undertake during the coming year.

The Kick-Off promises not only the opportunity to see one of the most exciting new homes in Dallas, but also the chance to meet one of our city's most prominent women -- an attorney who is the only woman president of a major insurance company. Mrs. Smith is a delightful person and the sort of woman who will inspire the rest of us.

We need everyone's help at this time. All the good citizens who fully intend to contribute to the League this year are just waiting for us to call on them and collect their donation. This is where YOU come in! We need as many volunteers as possible. If you missed the list when it was passed at your unit meeting, please call Mrs. Jay Tillotson (Anne) at LA 8-2162.

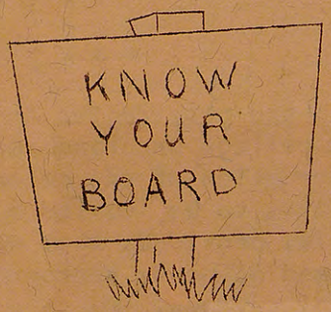
NOTICE!

PROPOSED PROGRAM, PROPOSED BUDGET, REPORT OF THE NOMINATING COMMITTEE, AND PROPOSED BYLAWS CHANGES ARE ENCLOSED WITH THIS VOTER! IT IS VITAL YOU STUDY THESE AND BRING THEM TO THE ANNUAL MEETING!

Experience suggests you get started right away -- the very morning of the Kick-Off. You will be given a few blue cards with the names of your prospects. The card also tells how much the individual contributed in previous years, what position he holds in his company, etc.

You also will receive a folder filled with helpful aids for use in your interviews. These include 'Tips to Workers," which answers questions which might arise concerning League activities; "Our Proud Record," which charts some of the

(Continued on Page 4)



MRS. JAY W. TILLOTSON (ANNE)

FINANCE CHAIRMAN

After graduating from the College of New Rochelle in New York, Anne married Jay Tillotson while he was a graduate student at Columbia University. While he was studying, Anne was designing window displays for R. H. Macy.

Jay was brought to Dallas by Neiman-Marcus immediately after the birth of their first son, John, 11 years ago. Daughter Amy was born in Dallas two years later. Then the family moved to Los Angeles long enough to have David, now 7.

Then the Tillotson family moved back to Dallas 3½ years ago. Jay is currently General Merchandise Manager for Neiman-Marcus' NorthPark store. Sara was born 21 months ago, shortly after Anne's introduction to the League in the University Park unit. Last year she served as a member of the Human Resources Committee.

Anne's other civic activities include serving as an area leader for the annual Cancer Crusade, publicity chairman for the PTA Board of Armstrong Elementary School, and a member of the steering committee of the Park Cities Forum for Education.

* * * \

February Unit Meeting (Continued)

a challenge...either within this State or out of it, or who shall act as second... shall be deprived of the right of suffrage, or of holding any office of trust or profit under this State.

Article III. Legislative Department.

Section 51. Tax Levy Authorized for Confederate Soldiers and Sailors and Their Widows. The Legislature shall have no power to make any grant...of public moneys to any individual, association of individuals, municipal or other corporations whatsoever; provided, however, the Legislature may grant aid to indigent and disabled Confederate soldiers and sailors... and also grant for the establishment and maintenance of a home for said soldiers and sailors, their wives and widows and women who aided in the Confederacy... There is hereby levied...a State ad valorem tax on property of seven cents on the $100 valuation for the purpose of creating a special fund. (This article has been amended eight times. The original Section 51 prohibited grants of public moneys to individuals, associations, etc. The eighth amendment added in 1947 reduced the pension tax from seven cents to two cents and levied a new tax of five cents to go to the State universities and colleges.)

Article XI. Municipal Corporations.
Section 8. State Aid for Seawalls, Etc. The counties and cities on the Gulf Coast being subject to calamitous overflows, and a very large proportion of the general revenue being derived from those otherwise prosperous localities.* The Legislature is specially authorized to aid, by donation of such portion of the public domain as may be deemed proper and in such mode as may be provided by law, the construction of seawalls...
*The starting of a new sentence at this point follows the official draft of the Constitution, but it is evident that the foregoing phrase ending with 'localities' was meant to modify the following sentence.

Article VII.
Section 14. Branch University for Colored. The Legislature shall...when deemed practicable establish and provide for the maintenance of a college or branch university for the instruction of the colored youths of the state, to be located by a vote of the people; provided, that no tax shall be levied and no money appropriated out of the general revenue.

Also under this article are two Section 16's. This misnumbering of sections is prevalent throughout the Constitution. A great deal of space in the Texas Almanac is given to footnotes explaining the misnumbered articles. For instance, in Article III, Section 52, there is a 52-b and a 52-d. The footnote states that articles 52-a and 52-c are omitted. "Such sections never existed."

If these little excerpts from our basic state law have whetted your appetite for reform, come to the February unit meeting prepared to hear more. Also, come with some ideas, names of organizations interested in hearing about TCR, etc. Help the Dallas League promote Texas Constitutional Revision!

* *

Finance Drive (Continued)

accomplishments of the League for the last few years; our 1967 budget, which shows why we need the money we're asking for; and our recently printed Legislative Guide, which is a 'must' for an informed citizen.

All of this ammunition will help make you feel like a proud Leaguer, well-briefed in her subject, who has a strong selling point for any person who questions the value of an organization such as ours.

The response to our initial solicitation letter to past and prospective contributors has been most gratifying, but it is a small step toward our goal of $6,500!

Remember, the experience you gain from calling on your prospects is just for you, but the friends you make and the dollars you collect benefit the entire community!

GOOD LUCK!

League of Women Voters of Dallas February, 1967

Discussion Outline
TEXAS CONSTITUTIONAL REVISION
Support of measures to promote revision of the Texas Constitution.

Purpose of unit meeting: To review the reasons why the League supports the revision of the Texas Constitution and to determine ways the Dallas League can be effective in promoting this goal.

T	P		Item	Reference
TO	UL	I. 1.	What is a constitution?	TCR p.3
	UL	2.	Difference between constitutional and statutory law.	
	D?	3.	What do you think an ideal Constitution should be? (concise, flexible, suited to modern times, free from statutory law.)	
	D?	4.	What should a constitution not be?	
5	D?	II. 1.	Can anyone describe the type of Constitution that Texas has?	
	R	2.	How did it get this way?	Speech
	R	3.	What are its provisions? (List briefly. Discuss specifics under #III, 3.)	

I. Bill of Rights
II. Powers of government
III. Legislative department
IV. Executive
V. Judicial
VI. Suffrage
VII. Education: The Public Free Schools
VIII. Taxation and Revenue
IX. Counties
X. Railroads
XI. Municipal corporations
XII. Private corporations
XIII. Spanish and Mexican land titles
XIV. Public lands and Land office
XV. Impeachment
XVI. General provisions
XVII. Mode of Amending

40	D?	III. 1.	Why would you not want to change a Constitution?	
	D?	2.	Why would you want to change a Constitution?	
	D?	3.	Why do you think the League thinks the Constitution of Texas should be revised?	
	R&UL		a. History of League activity and present League position. Started "Know Your State" survey in 1948 as a preamble to the study of the Texas Constitution. This was completed in 1954. State Current Agenda for 1956 stated, "The League of Women Voters will work for revision of the State Constitution." The first edition of Texas Constitutional Review was published. This became a textbook for History and Civics classes. This book was recently republished and mailed to every member in Texas. In 1957 two members of the state board were appointed to a Citizens Advisory Committee to study revision. Leagues throughout the State have actively pursued Legislative action for revision and have promoted citizen awareness of the need for a new Constitution.	State Program Flip Chart

T	P/R	Item	Reference
		b. Specifics	Speech
		(1) Financial	
		(2) Executive	
		(3) Legislative	
		(4) Judiciary	
		(5) State-Local Relations	
	R	c. Amendments	Speech
		(1) Number	
		(2) Cost ($20,000 per amendment)	
		(3) Confusion--lack of knowledge, confused wording	
10	R	4. How to amend the Constitution (include pros and cons, activities)	Speech TCR, p.52
		a. Single amendments	
		b. Legislature acting as a revision body	
		c. Constitutional commission	
		d. Constitutional convention (League recommends)	
20	D?	IV. What would you suggest the Dallas League do to promote Constitutional Revision? (Recorder, please note on a separate sheet of paper.)	
5	Rec.	V. Recorder: Please note any questions that have not been answered, any areas that your unit would like to concentrate on another year, and any ideas that may come forward during the Discussion questions. It is not necessary to put down any of the resource person's presentation.	

League of Women Voters of the U.S.
1200 - 17th Street, N.W.
Washington, D. C. 20036

LOCAL LEAGUE Dallas, Texas

STATE

ANNUAL REPORT, 4/1/66 - 3/31/67

STATE PROGRAM

(Report each subject fully on a separate page. Three forms, including this one, are provided. Use extra pages if necessary.)

Describe briefly and evaluate your League's activity on state Current Agenda and state Continuing Responsibilities. Include amount of coverage in League and in community, including type and number of meetings of membership, community meetings; whether you have year-round resource committees for each item and if so, how they carry out their work; use of radio and/or television. Indicate the type of legislative activity taken in support of state League positions. Please identify the agenda items by subject matter, not number. Don't forget work you completed in spring of 1966.

Texas Constitutional Revision: One membership meeting was held in February, 1967. A regular committee prepared and presented a review of our positions and how the League arrived at them. The latter part of the meeting was spent in brainstorming how the Dallas League could be effective in promoting this in the community. Ideas will be presented in the March Board meeting. We have talked to our Legislator s on this subject and have presented them with copies of the new Texas Constitutional Review. Copies of this publication were also sent to our Community Mailing List, which consists of media, libraries, universities, Chambers of Commerce, other civic organizations and civic leaders. Contact was made with the papers for review of this publication but was unsuccessful. Flyers were printed (2500) promoting the publication and were sent to groups we thought would be interested in ordering and to schools and universities in the county. The library distributed a number of flyers for us also. A number of school districts have ordered the publication and the Dallas Independent School District has ordered 3500. In all, we will distribute about 5500 publications in Dallas. The committee has also been used to brief legislative candidates before the November election and to make speeches to civic and PTA organizations. A copy of the speech and the discussion outline were sent to the State office under separate cover. A copy of the flyer is enclosed.

How useful were the state Board's materials, if any; state area conferences or workshops, if any; and state Board services on the state Current Agenda in general?

As you can see by the above, the TCR publication is proving very useful in getting our message to interested citizens of Dallas, Other than the publication, State Board services thus far have been limited, but I am sure they will pick up as the Legislative session rolls along. Since this was a review item, I feel that State Board service has been adequate.

LEAGUE OF WOMEN VOTERS OF DALLAS LWV [redacted]

January 31, 1967

Dear Department Chairman:

You will find enclosed a copy of the revised version of Texas Constitutional Review, prepared by the League of Women Voters of Texas and published through the assistance of the Sears Foundation.

Recent publicity has been directed by Governor Connally and others towards the desirability of revision of the Constitution. The Legislature has been directed at the current session to make provisions for such revision. Now, the Sears Foundation, recognizing the importance of this activity, has underwritten the printing of 50,000 additional copies of the booklet.

The League of Women Voters of Dallas has already distributed 1,000 copies in the community and the response has been most rewarding -- from radio and television people, lawyers, newspapermen, teachers, public and school librarians. It is now our privilege to offer to you, free of charge, copies of the booklet in sufficient numbers for your civics and government students.

Kindly study Texas Constitutional Review and let us know your wishes at the earliest possible moment so that we can arrange delivery direct from the printer. We are certain you will find it to be of value.

Yours most sincerely,

(Mrs. James M. Cleary)
Publications Chairman

Please reply to:

[redacted]

TCR Files

Revision of the Texas Constitution is an issue that both political parties in Texas have recognized as being of vital importance to our State. Governor Connally has urged the Legislature to study and take action this Spring. In view of the mounting interest in this subject, the League of Women Voters of Texas offers to you the newly revised

TEXAS CONSTITUTIONAL REVIEW

This sixty-page pamphlet describes the various sections of the present Constitution and methods of revision. Publication was financed by a Sears-Roebuck Foundation Grant. Because of this generosity, the League of Women Voters is able to offer the publication to you or your organization

FREE OF CHARGE

In addition, the League of Women Voters of Dallas has a trained corps of speakers on the subject of Texas Constitutional Revision. Speeches range from a five-minute discussion of the pamphlet to a full-scale analysis of why there is such great interest in revision. We welcome the opportunity to address your group. For speakers, please contact Mrs. Nolan Hensarling, DA 1-6906 or Mrs. Henry Lanz, EM 1-5165.

For single copies or quantity orders of Texas Constitutional Review, call FL 2-7372 or LA 8-6277 or use the handy order blank below.

Name: _____ Phone: _____

Address: _____
Street City Zip Code

Mail to: League of Women Voters of Dallas, Room 210, 2626 West Mockingbird, Dallas, Texas 75235

TCR Files

Revision of the Texas Constitution is an issue that both political parties in Texas have recognized as being of vital importance to our State. Governor Connally has urged the Legislature to study and take action this Spring. In view of the mounting interest in this subject, the League of Women Voters of Texas offers to you the newly revised

TEXAS CONSTITUTIONAL REVIEW

This sixty-page pamphlet describes the various sections of the present Constitution and methods of revision. Publication was financed by a Sears-Roebuck Foundation Grant. Because of this generosity, the League of Women Voters is able to offer the publication to you or your organization

FREE OF CHARGE

In addition, the League of Women Voters of Dallas has a trained corps of speakers on the subject of Texas Constitutional Revision. Speeches range from a five-minute discussion of the pamphlet to a full-scale analysis of why there is such great interest in revision. We welcome the opportunity to address your group. For speakers, please contact Mrs. Nolan Hensarling, DA 1-6906 or Mrs. Henry Lanz, EM 1-5165.

For single copies or quantity orders of Texas Constitutional Review, call FL 2-7372 or LA 8-6277 or use the handy order blank below.

Name: _____ Phone: _____

Address: _____
Street City Zip Code

Mail to: League of Women Voters of Dallas, Room 210, 2626 West Mockingbird, Dallas, Texas 75235

Files

League of Women Voters of Dallas December, 1966

TEXAS CONSTITUTIONAL REVISION

"Cumbersome and confusing," Walter Moore, editor of the Texas Almanac called it. "A thing of shreds and patches." And to what does this refer? The basic rules of our state government, the Texas Constitution, all 55,000 words of it.

To understand our Constitution and to determine if it can meet present day needs, we need to look into its history. After the Civil War, Texas was subjected to a carpetbagger regime, headed by a governor who raided the treasury and terrorized the state. At the same time the corrupt Grand administration was revealing huge scandals on a national scale. No wonder the people of Texas distrusted government at any level.

A group of small farmers, who called themselves the Patrons of Husbandry, arose. They demanded various reforms and a return to normal government in the South. Soon this movement became nationwide and was known as the Grangers. When it came time to rewrite the Constitution, these Grangers formed the majority of the delegates. These were honest citizens who dedicated themselves to writing a document that they thought would prevent forever the recurrence of carpetbagger abuses. Therefore, instead of outlining only the broad principles of government as did the writers of the US Constitution, they spelled out in minute detail each operation of the state government, purposely providing little elasticity. Instead of giving general directions to the legislature, they surrounded it with prohibitions. Instead of providing for leadership by the governor, they deprived him of direct responsibility and the power to lead. Instead of setting up a single office of finance, they divided state finances into numerous special funds and special agencies.

This new Constitution may have served the immediate purpose of the framers. But it permitted little flexibility for changing times. For example, though many provisions for railroads, farmers, and ranchers were included; naturally, nothing could be said about the oil and gas industry, the electric power industry, much less airport authorities. Have you tried explaining to a new resident of our state that oil and gas is regulated by the railroad commission?

Or, let's talk about that Constitutional Confusion known as State Finances. Let's pretend for a moment that you are a corporation president whose company has the same fiscal policy as the state of Texas. Well, your corporation has no central control of finance. Six separate fiscal agencies all operate independently of each other; your bylaws of incorporation have provisions dealing with finance in 48 different sections; only 15% of your company's income can be budgeted, that is made available for current needs by your Board of Directors. The other 85% has already been earmarked for special funds for specific purposes. I think if your company was in this fiscal shape, you'd quickly send in a team of financial experts....yet let's look at the State Government of Texas. There is no central control of finance; there are six independent fiscal agencies; the State Constitution has 48 scattered sections dealing with finance. And 85% of the state's income is earmarked by the Constitution for special funds and may not be used for other purposes. Any surplus must be set aside, even though funds may be desperately needed elsewhere. Because of our strange auditing system, even state officials cannot always agree on what the Constitution provides. In 1959 the governor and the comptroller publicly disagreed over whether the deficit was $66 million or $47 million dollars...a small difference of $18 million. At this time there was a surplus of over $150 millions on balance in special earmarked funds. Can we as taxpayers afford this kind of confusion? Or do you think we need a financial administration that is coordinated, easily understood by the public and capable of efficient centralized administration?

Let's take a look at a provision which is one of the clearest and less repetitious of all the articles. For the most part the article outlining the executive branch of our state government is exactly as written in the 1876 Constitution. Since one of the purposes of the framers of this document was to remedy excesses of bad government, naturally they did not wish to invest authority in any one person. So they divided responsibility among an executive department of seven elected officials. The governor is considered the chief only by tradition and because he is the standard bearer of the successful political party, rather than because of powers given him by the Constitution.

Much of the real governing of the state is done by approximately 250 boards and agencies. Some of them are appointed by the governor with the approval of 2/3 of the Senate, but the governor is rarely in office long enough to appoint a majority to any one of them. Once they are in office he cannot remove or effectively control even his own appointees. This system of independent boards makes it very difficult to pin down responsibility in our state government. The governor does report on the condition of the state and makes recommendations at the beginning of each Legislative session. Also, he does have a veto which must be over-ridden by 2/3 of each house.

Unlike the Executive article, which remained pretty static, we have the Judiciary article, which has been amended a number of times. Despite this updating, many more reforms in our state judiciary have been proposed. Without going into too much detail, these include revision of our present court system into a centrally administered state wide court, rather than the system of district and county courts which we now have. Others have advocated the Missouri or merit plan for selection and tenure of judges, and creation of a Judicial Districts Board with power to redistrict courts in the absence of legislative action. Many of the reforms have been directed toward eliminating inequities in docket assignments. A judge in a sparsely populated district may not have enough cases to keep him busy, while one in an urban area like Dallas will have long trial delays because of overloaded dockets.

Article III contains most of the provisions for the Legislature. Among its provisions are:

Limitation of sessions to only 140 days every other year and special sessions called by the governor for specified subjects only. Because of this restriction time has a way of running out and urgently needed legislation must wait another year or two.

The Constitution sets the order of presentation and action of bills so precisely that each session, by 4/5ths vote, must nullify it so as to set up a workable order.

The Constitution is so statutory in nature (that is, contains many specific laws rather than general principles) that the Legislature must attempt to correct it through initiating Constitutional amendments.

This means that citizens of Texas have to go to the Polls frequently to amend the Constitution. In fact, every Legislature except the one in 1885 has proposed Constitutional amendments...a total of 280 with 179 passed. This practice seems to be increasing rather than decreasing. The largest number ever proposed was by the 1965 Legislature...they put 27 on the ballot to be voted upon in a two-year period. How many average citizens do you know who are aware of what the 16 amendments in November, 1966 even contained, much less were able to vote intelligently upon them? And in the shorthand of ballot printing, further confusion can develop. Wording of one of the amendments, #7, was misleading. The wording did not contain what was the major issue...which was to put the annual form of registration into the Constitution so that future Legislatures will find it difficult to change to other registration forms.

We are told, also, that the Constitution forbids enactment of local laws by the Legislature. Yet in 1961, which is the last figure I have, 144 local laws were passed. Let's look at amendment #13 in November, 1966 to see how this is done. This amendment authorized the Legislature to provide for consolidating the functions of government within a county having 1.2 million or more inhabitants. This is obviously a local bill directed toward Harris County. However, as other counties grow to this size they inadvertently come under such bills and amendments.

Some students of government think local legislation by the state unfairly interferes with local control of government. Which leads us to the mass of detailed and restrictive provisions which govern the state's relationship to local governments. While two articles cover this relationship in part, many of the most important restrictions are found in at least four other articles. The Texas Constitution assumes that the patterns of organization of all 254 counties should be the same, since all counties are set up identically, despite differences of size, population, climate, and economic well-being. Yet, Texas counties vary from over a million to less than a thousand in population. An attempt was made in 1933 to permit counties to select their own form of government, called County Home Rule. Yet, the Constitution was so difficult to amend that even a 12 page enabling act failed to clarify the powers and limitations of the County.

Local government problems are multiplying daily. To meet the needs a third form of government has arisen. It is called the Special District. A Special District is set up by the Constitution and the Legislature to perform services which local governments cannot perform. Generally this is a single governmental function or a group of related functions. Most common are school, water, and hospital districts. Many Special Districts have no legal tax or debt limits. They are usually so loosely granted for such a multiplicity of reasons that it is difficult to classify them, much less determine how many exist and are still operating. For there is no central authority over Special Districts at any level. Are Special Districts the answer to local problems, or must more flexibility for local units be found?

If you believe that for the reasons we have stated here that Texans would benefit from a fundamental review of its basic law, then you will want to know how this can be done.

At present, reform is being carried out by the single amendment process. Besides costing about $20,000 per amendment, this is a slow and confusing way to proceed.

A second method would be for the voters to authorize the Legislature to act as a revision body. A major drawback to this is the crowded agenda which the Legislature faces, making thorough study impossible.

A third method is through a Constitutional Commission. The usual Commission is composed of appointees from each house of the Legislature, executive appointees, judicial representatives and private citizens. In other states using the Commission method, bodies have varied in size from 7 to 32 members. The major advantage of this method is the small size and expense. The major disadvantages are that Commission members are not elected and therefore could possibly follow political considerations rather than the mandate of the people and Legislatures may choose not to follow up the Commissions recommendations.

Attempts have been made in Texas to revise the Constitution by the Commission method. In 1949, 200 citizens were asked to meet in Austin by Governor Jester. The Legislature failed to act on their recommendations. Governor Shivers appointed the Texas Economy Commission in 1950, but again there was no legislative action.

In 1957, HCR 13 established research through two groups: a four year constitutional research project by the Texas Legislative Council and an 18 member Citizen's Advisory Committee. However, the Legislature failed to appropriate the $150,000 necessary for research. It was not until 1959, two years later, that a special Legislative session appropriated $50,000; and a director was not appointed until 1960. Because of insufficient funds, and because only one year was left of the four year period, the Texas Legislative Council decided a thorough research job was impossible. However, they did report that they felt no comission or convention was needed at that time, but recommended the elimination of fifty deadwood articles, an amendment which would allow more than one subject to be voted upon at one time, and a future study of the Judicial Section.

The second group, the Citizens Advisory Committee, agreed with the Texas Legislative Council on the need for removal of deadwood and reform of the Judicial section. But they disagreed on the need for a constitutional convention and strongly urged its creation.

Since then, bills have been introduced in several Legislative sessions, including 1965, to create a Constitution Revision Commission, but so far no bill has passed.

The fourth method of revision, the Constitutional Convention, is the oldest technique for amendment in the United States. In this method, the State Legislature initiates action by submitting a referendum to the voters. This referendum includes the method of delegate selection and the expenses of the convention. If the Voters authorize the Constitutional Convention, they become an autonomous body and are not subject to the Legislature but to the voters. Their recommendations are then voted upon in a statewide election. Advantages of this method is that delegates are less subject to political pressures and technical research is more easily performed. Also, historically, the caliber of delegates has been superior to those chosen by any other method. Disadvantages are that research and publicity are costly, the process is time consuming, and legislative hostility may be present since a Convention is independent of Legislative control.

Although many proposals for Constitutional Conventions have been introduced in the Texas Legislature, only in 1919 was it actually submitted to the voters. It was defeated by a substantial margin.

Constitutional revision in Texas will not come without grass roots demand for reform. Constitutional law is made by the people and will be changed only when the people demand it. It is up to you to help stimulate citizen interest and participation and to let your legislators know that you think our present Texas Constitution is inadequate.

copy

3905 Gasper
Dallas, Texas 75220
December 15, 1966

Dear TCR Committeewoman,

Aren't we fortunate to be studying an item that is so timely and so important! I think all League members are going to enjoy the review of our positions on Constitutional Revision. And because it is so timely, the Board has decided to revise its calendar to move TCR into the February unit meeting instead of May. This way we will be knowledgeable in following the Legislature's examination of this vital subject.

Dottie Soules was to be your chairman; but because of personal reasons, she had to resign. In the absence of a chairman, I am assuming these duties, but would like to have all of you help me as much as possible. One of the ways you can help is to read before you come to our first committee meeting in January the new Texas Constitutional Review which State mailed directly to you this year. We will try to schedule two meetings in January and will have a briefing session with our unit leaders on February 3. It is important that we all make every effort to attend these three meetings, sinc more than likely they will be the only extra meetings you will be asked to attend on this subject.

If you have ideas on what this subject should include, if you do not have a copy of the TCR pamphlet, and if you cannot attend on Monday, January 9, at 10 a.m. in the League Conference Room, 2626 Mockingbird Lane, please call me at FL 2-7372.

I hope all of you have a very Merry Christmas and a Happy New Year.

Barbara Bubis

P.S. to Unit Leaders:

Please check the roster to see if your unit is represented on this committee and to see if your representative plans to attend. If your unit is not represented, won't you try to send someone to this meeting. (Let me know who) Also, even if you do have someone, you might want to ask new members if they would like to be a part of this very timely study. It's a good way to get them involved.

TCR

LEAGUE OF WOMEN VOTERS OF DALLAS LWV 2626 W. MOCKINGBIRD, DALLAS, TEXAS 75235

file

October, 1966

Dear Fellow Citizen:

Revision of the Texas Constitution has been the subject of much discussion in recent days.

The League of Women Voters has for some years been studying this basic instrument of our state government. Just recently, through the cooperation of the Education Fund of the League of Women Voters of the United States and the Sears-Roebuck Foundation, a factual discussion of the Constitution has been published.

We wanted you, as an opinion leader, to have a copy with the compliments of the League of Women Voters of Dallas.

Sincerely yours,

Fran Faris

Mrs. Sam Faris, President

lga

TCP

LEAGUE OF WOMEN VOTERS OF DALLAS LWV 2626 W. MOCKINGBIRD, DALLAS, TEXAS 75235

file

October, 1966

Dear Fellow Citizen:

Revision of the Texas Constitution has been the subject of much discussion in recent days.

The League of Women Voters has for some years been studying this basic instrument of our state government. Just recently, through the cooperation of the Education Fund of the League of Women Voters of the United States and the Sears-Roebuck Foundation, a factual discussion of the Constitution has been published.

We wanted you, as an opinion leader, to have a copy with the compliments of the League of Women Voters of Dallas.

Sincerely yours,

Fran Faris

Mrs. Sam Faris, President

lga

October 17, 1966

Mrs. Ruth Joor, President
League of Women Voters of Texas
1841 Bingle Rd.
Houston, Texas 77055

Dearr Ruth,

The Dallas League recently mailed to its Community Mailing List copies of the Texas Constitutional Review. This list consists of community leaders, Chambers of Commerce, libraries, universities, public school personnel, organization presidents, media, etc.

We have received many letters commending the League for this publication, a request from our library system for extra copies, and many favorable comments.

One such letter is enclosed. I felt that this letter might merit special attention from the Texas League. Mr. Strauss is past president of the Dallas Assembly, which is a group of men under the age of 50 who are in training, so to speak, for leadership in the Dallas community. As such, it is an influential organization. He refers to our League member, Mrs. L. D. Starr. Mrs. Starr is not serving at present on our Board, but did chair the resource committee during the original study. Her husband is president of one of the large department stores, Titches.

I notice that Mr. Struass has sent copies of the enclosed letter to Mrs. Starr and to Mr. Temple. In view of this, we know that the Texas League will want to contact Mr. Temple. If you feel this would come from the Dallas League more advantageously, we shall be glad to write. Otherwise, we know you will make the contact.

Our Speakers' Bureau has been busy with requests for speeches on Texas Constitutional Revision. Naturally, we find that this has been given impetus since the governor's platform. We have also given briefings to the Republican legislative candidates and to Republican Clubs at their requests.

Will we receive further instructions right after the elections as to lobbying among our newly elected legislators? If we do not hear to the contrary, we will probably be sending them copies of the TCR pamphlet and will carry on from there.

Sincerely,

Mrs. Ralph I. Bubis

May 30, 1966

Copies of TCR resolution were sent to 188 Democratic and 94 Republican precinct hairmen in the city of Dallas and each chairman was asked to send us the results of their action on our resolution. Four Democratic and 2 Republican precincts reported that no resolutions were introduced at their precinct conventions.
Of the few other precincts reporting the following results were obtained:

	For	Against
Democratic	12	5
Republican	3	4

The resolution was not introduced at either county convention. The Republican Party headquarters said that their resolution committee decided against introducing the TCR resolution as they did not feel that outside groups should have their resolutions acted upon. They did say that most of the committee are in accord that Texas Constitutional Revisions are needed, but that the League is going about it the wrong way.

Beatrice Sanders

TO: Local League Presidents, TCR Chairman and Publications Chairman

FROM: Mrs. Darvin M. Winick

May 1966

RE: Uses for Texas Constitutional Review Booklet

1. Opinion Makers (Local)
2. City-County Library
3. Grade and High School libraries
4. College Government departments
5. Local newspaper and news staff
6. Local bank officials
7. Local radio station
8. Basis for television program
9. Ministerial Alliance
10. County Bar Association
11. County Court House
12. Chamber of Commerce
13. Present to Democratic Women's Club
14. Present to Republican Women's Club
15. Parent Teachers Association
16. Presidents of other Organizations in Town
17. To every Legislator
18. To every Newspaper in Texas
19. Include in Welcome Wagon Material
20. Take to every Speaking Engagement
21. Give to High School and Government classes
22. To Jr. Colleges and or Colleges in the area
23. To labor unions for distribution
24. Distribute to all citizen boards in your community

RE: State Board Distribution of Texas Constitutional Review

1. Legislators in non-League areas
2. 100 Libraries and Jr. Colleges in non-League Areas

STATE CONTINUING RESPONSIBILITY #1: Support of measures to promote Texas Constitutional Revision.

Four years have passed since Texas Constitutional Revision was adopted as a Continuing Responsibility. League members have continued to educate the public on needs for revision, keep their members well informed regarding League positions and status, and engaged in Legislative activity.

In capsule form, events of the past two years follow.

July 1964	Request was made for local Leagues to visit their Legislators and/or plan a Candidates Rally before Election Day. Legislators were asked to comment on the high cost of amending the Constitution.
August 1964	Updated Digest for Texas Constitutional Revision was mailed.
September 1964	Statements to the Democratic and Republican State Platform Committees were made.
October 1964	Taped discussion of the steps that the League must take in order to sponsor a bill for a Constitutional Revision Commission in the 59th Legislature was used at all Area Conferences.
November 1964	Question regarding our Legislative candidates views on Constitutional Revision was included in the Legislative Questionnaire to be used in interviewing for the January session.

<u>Texas Constitutional Revision activity in the 59th Legislative session - 1965</u>

A bill to create a Texas Constitutional Revision Commission was snagged in the Senate and introduced in the House. Despite testimony and our all-out efforts, no revision legislation was passed during this session.

March 1965	Testimony to the State Affairs Committee of the House of Representatives in support of H.B. 767 (for a Constitutional Revision Commission) was presented.
April 1965	New Texas Constitutional Revision flyer "What You Should Know About the Facts of Life in Texas" was distributed at the opening session of Presidents' Council. Local Leagues were given a list of ideas for statewide distribution.
June 1965	Adoption of 27 proposed Constitutional Amendments made urgent our need for immediate press releases. Local Leagues received copies of releases and a push for public awareness was again strongly urged.

October 1965

Local Leagues alerted that Texas Historical Period will be observed in March.

Mimeographed speech on Constitutional Revision by Bo Byers of the Austin Bureau of the Houston Chronicle was sent to local Leagues.

Preliminary plans for introducing resolution at the May precinct conventions for systematic study and revision of the Texas Constitution was called to the attention of local Leagues.

January 1966

Updating of the Texas Constitutional Review booklet was completed.

Final plans for precinct Resolution for Party Platforms was sent to all Leagues.

February 1966

Preparation of Texas Constitutional Review packets for display during Texas Historical Period was completed. Local Leagues were requested to take the packets to their libraries and arrange for display. Packets were to be mailed to a list of libraries and Junior Colleges in non-League areas.

Revised Texas Constitutional Review was published. Distribution made in conjunction with Texas Historical Period.

March 1966

Questions to be considered at Fort Worth Convention:

1. What will the League do if a Con Con (Constitutional Convention) is actually called?
2. Is additional Constitutional research needed at this time?
3. What is our "New Vision" for the 1966-68 biennium?

II. TEXAS CONSTITUTIONAL REVISION: Support of measures to promote revision of the Texas Constitution.

The continuation of community education and legislative action which will insure appropriate measures for revision is implied in the generalized wording of this item.

The League supports general revision of the Texas Constitution, the revision to be preceded by competent and thorough research. Additional positions are: Support of constitutional provisions for an effective judicial structure* and support for a Constitutional Convention.

League members adopted nine principles in 1959 by which to judge any proposed revision of the Constitution. A tenth principle was adopted in 1959. These principles are not positions but are criteria to use for consideration of revision measures. The ten Constitutional Principles are:

1. A framework of basic law
2. A clear separation of powers with responsibility definitely assigned
3. Provisions for justice with a minimum of delay
4. Qualifications for voter eligibility and guarantees of fair elections
5. A coordinated finance structure capable of flexibility
6. Maximum home rule for municipal and county government with coordination of overlapping functions
7. Provisions for support of public education
8. Provisions for support of public health and welfare services
9. Provisions for amendment and revision
10. Basic policies regarding state employee selection, retention and promotion

OUTLOOK FOR WORK:

1. Intensive distribution and promotion of the Texas Constitutional Review booklet.
2. Public Relations aimed at educating the average citizen as well as other organizations other than the League.
3. Continue to build political party support.
4. A more intensified news media involvement.
5. Continued pressure for adequate legislation and research.

* This phrase covers the Selection and Tenure Item. Your State Board proposes incorporating this item under Texas Constitutional Revision.

League of Women Voters of Texas
612 NORTH 18TH STREET • WACO, TEXAS

June 11, 1965

FOR IMMEDIATE RELEASE

Taxpayers will foot a half million dollar bill to patch the 1876 Texas Constitution during the next 18 months, the League of Women Voters has charged. Texans will be asked to pass on 27 constitutional amendments at three separate elections. In contrast the U. S. Constitution adopted in 1789, has been amended only 24 times in its entire history.

Mrs. Maurice H. Brown, state President of the League of Women Voters of Texas, regretted that the recent session of the Legislature failed to take action on legislation that would have provided a study commission to develop research leading to overall and coordinated revision of the Texas Constitution. "We need a new Texas Constitution - no longer can we afford the luxury of a horse and buggy government," Mrs. Brown said. "Texas has grown rapidly and dramatically - from a rural to an urban population; from an agricultural to an industrial economy. Our restricted and limited state government can no longer adequately cope with the resulting complex problems. When the state fails to act, the federal government often steps in. Texas and Texans need a review and revision of the State Constitution. Our basic law must permit, not forbid, vigorous and responsible government."

The Texas League of Women Voters is a non-partisan organization which works to promote active, informed participation of citizens in their government. The League has been foremost in a citizen movement for revision of the Texas Constitution so that state government will continue to meet citizen needs and provide adequate governmental services.

VOTER INSERT

INSTRUCTIONS FOR INTRODUCING THE TCR RESOLUTION

AT PRECINCT CONVENTIONS

1. Precinct Conventions of both parties are usually held immediately after the polls close, usually in or near the polling place. Watch the news media for time and place of those precinct meetings you plan to cover. As far as possible, plan to have the Resolution introduced in as many recinct conventions of both parties as possible. Every effort should be made to see that the Resolution is introduced successfully in at least one precinct convention of each party.

2. The person chosen to be the Introducer must be a qualified voter who resides in the precinct and is a member of the party holding the convention. He or she is also either a League member - who is not a Board member - a League husband, a good League friend or contributor, a prominent citizen, or the Precinct Chairman.

3. It is advisable for the Introducer to contact the Party Precinct Chairman ahead of time, acquaint him with the contents of the Resolution, ask his help and advice on the best way to accomplish passage. Sufficient copies of the resolution have been sent to each Precinct Chairman.

4. Facts to remember:
   The Precinct Convention is an autonomous group and makes its own rules as long as they aren't in conflict with the law.

   A resolution may be introduced from the floor or through the resolutions committee, depending on the convention rules. Larger precincts usually operate on a committee basis, small ones conduct their business from the floor.

   Convention strategy and decisions generally are made by an organization of precinct leaders in "cacus" beforehand and the choices for permanent chairman, secretary, delegates, committees, etc., are laid out before the Convention for approval. The old saying that it's 'Who gets there firstest with the mostest" is the rule.

League of Women Voters of Texas
612 NORTH 18TH STREET • WACO, TEXAS

On Duplicate
Presidents' Mailing

October 1965

Speech made by Mr. Bo Byers to the League of Women Voters of Houston, Sept. 10/65.

C.R.Y.

You asked for it this morning, and you're going to get it--my opinion on the outlook for revision of the Texas Constitution and possible effective approaches to bring about this revision.

To get in the proper mood for serious discussion of this important issue, I gave a title to this talk. It is a title I believe you might convert into a campaign slogan as you push for constitutional revision.

The title makes use of three letters of the alphabet--at the risk of raising cries of "subversive" from those who view alphabetic designations as evidence of federal intrusion.

The three letters are: C, R, Y.

That stands for a distinctly Southern-style slogan--"Constitutional Revision, You-all."

How are we going to make C.R.Y. a reality?

Before looking at possible answers to that question, let me talk for a few minutes about some straws in the wind--straws that seem to portend at least the possibility that Texans will enjoy the benefits of a new state constitution within the next 10 years.

Ten years may sound like a long time to wait. It is, but in light of the fact that Texas has struggled along under its present constitution for almost 90 years, I think it is realistic to hope that a new one can be developed and approved by the people within the next decade.

Why do I anticipate culmination of the effort by 1975?

For these reasons:

First, the U. S. Supreme Court's "one man, one vote" decision--unless derailed by Dirksen--means people in the cities are going to have the opportunity for a voice in state legislative affairs proportionate to their numbers in the state.

(Notice I said they will have the opportunity for such a voice, which is slightly different from saying they will have a voice.)

Second, the build-up in pressures on cities and counties to solve increasingly difficult problems resulting from urbanization, industrialization, and demoralization of society is going to be an incentive for legislators from the urban areas to consider constitutional reform.

Third, the 1970 consus will result inevitably in a still greater concentration of legislative strength in the metropolitan areas. This strength will be realized in the 1973 legislature, based on reapportionment in 1971 and the subsequent elections of 1972.

Four, with the acquisition of majority control of the legislative vote by legislators from nine or ten of the state's largest cities in 1973, sentiment in the metropolitan areas by then should be ripe for a new constitution to replace the present, clearly rural-oriented constitution.

Assuming my thesis proves correct, the 1973 legislature might well submit the proposition of a constitutional convention to a vote of the people, or might establish a constitutional commission.

Should either of these events come about, a modern state constitution could be ready for use by 1975. This pre-supposes, of course, the groundwork having been done to promote public support for a new constitution.

The League of Women Voters, more than any other organization, has been in the forefront of the demand for constitutional revision for nearly 20 years.

It is, therefore, with some hesitance that I venture to offer an answer to the question I posed a moment ago: How are we going to make C.R.Y.-- constitutional revision, you-all-- a reality?

But this is the point of your workshop today--to develop Political Effectiveness. And, so, let me venture in where you angels already have dared to tread.

Betty Ray, in her letter outlining numerous questions for us to ponder today, asked this: "Would a sound approach to revision be arousing public interest?"

The answer, obviously, is, "Yes, if you can arouse public interest, half the battle is won."

But how arouse the public? What can be done to get Mr. and Mrs. Texas Public Citizen stirred up about something as dull sounding as constitutional revision?

The public will not become concerned, effectively, until the opinion makers in the state power structure become concerned.

Traditionally, the power structure resists change because those who hold power <u>reason</u> that change may pose a threat to the continuation of their power.

Nevertheless, there are valid arguments that can be made to the business and political leaders of this state--the men who form today's power structure--to convince them a new state constitution is needed.

What are some of those arguments?

They relate to something already mentioned: the complexity of society as it becomes more and more urbanized and industrialized.

What has happened in government as these complex problems increase?

People have turned more and more to Washington, to the federal government for help as they have found state government unresponsive and city and county government unable to cope with the situation.

This, then, is the first argument to be made to the business and political leaders: "Look, the very thing that you have resisted and criticized--the increasing role of the federal government--has come about, in part at least, because our city and state governments weren't responsive, and our Texas constitution, like those of many other states, is one of the reasons this is so."

A second argument, one which should carry weight with state leaders: If state government is to give good executive direction to solving the critical problems of Texas society, the chief executive--the governor--should be granted broader power and heavier responsibility in heading that effort.

John Connally, the present governor, has implicitly recognized that such authority is needed, particularly in the area of budget execution.

He has, by virtue of enlisting strong business backing and through his powers of personal persuasion, convinced the legislature to set up a College Coordinating Board.

This board gives some promise of establishing a coordinated system of higher education, but there would be more assurance if the board were directly accountable to the chief executive of the state.

Such accountability, if authorized under a new constitution with respect to all executive agencies, would, in turn, make the governor more responsible to the voters.

A third argument to be made to business leaders and top political officeholders or candidates for such office is this: A modern state constitution is needed before we can modernize county and city government and give taxpayers better service for their tax dollars.

All levels of government can be improved, but the area of greatest need--and the one that offers the opportunity for most rapidly effecting economy--is county government.

The glaring lack of central accountability in county government, county duplication of services better performed by city government, and the impracticality of the county home rule provision--all are arguments for constitutional revision to make way for better local government.

What I have said is perhaps repetition of the obvious, a replay of the familiar, but it seems to me these are some of the selling points that would be most effective with the people who can help you the most.

How are you going to reach these people who hold the reins of political power?

Go to the people you know in the power groups. These are your leaders in the Chambers of Commerce, in the Bar Associations, in the Texas Medical Association, in the Texas Manufacturers Association.

Sell the people you know in these organizations on a personal basis. Persuade them to make constitutional revision a part of their legislative program.

Go to the publisher and the editor of your influential newspapers. Convince them to take up the editorial cudgels. Do the same with TV and radio owners and managers. Ask them for public service spots.

Go to Governor John Connally, to Lt. Gov. Preston Smith, to Atty. Gen. Waggoner Carr, and to House Speaker Ben Barnes--and to whoever are their successors or contenders for those offices. Solicit their support, and prevail on them to make constitutional revision a priority subject in their programs.

Last, and definitely not least, go to your city councils and to your legislative delegations. Bear down on the need for legislative commitment to constitutional revision if cities are going to fight their way out of financial quicksands.

These, it seems to me, are some of the approaches to promoting a new constitution for Texas--a constitution long overdue but now, in my opinion, perhaps closer at hand than many might suspect.

You can see that I still remain an optimist at heart.

Should the next 10 years prove me wrong, don't feel badly. Remember, the slogan I've given you will still apply.

You can sit down and--C.R.Y.--"cry," for constitutional revision, you-all.

# # # # # # # # # # #

STATE OF TEXAS

DATE_____

PRECINCT NO._____

WHEREAS, the 1876 Texas Constitution was adopted in an era when there was great fear and distrust of state government and therefore it makes the complex problems of an increasingly urban and industrial society more difficult to solve, and,

WHEREAS, in the subsequent 88 years such Constitution has been amended 163 times from 293 proposals submitted and that the cost of such piecemeal revision has amounted to some $550,000 since 1956, and

WHEREAS, the 59 Legislature submitted 27 amendments to the voters of the state at a cost in excess of $500,000, and

WHEREAS, the basic problem of state government is the need for constitutional reform,

NOW, THEREFORE, BE IT RESOLVED by the Precinct Convention of the _____Party of Texas held in the _____ Precinct of Dallas County, Texas, on _____1966 that the delegates from this convention to the Dallas County Convention be pledged to submit and support the following:

The _____Party of Texas believes that revision of the Texas Constitution is essential to improved state government and urges the 60th Texas Legislature to create and finance a Constitutional Study Commission to complete research necessary for a new Constitution and to take the necessary steps to call a Constitutional Convention.

League of Women Voters of Texas
612 NORTH 18TH STREET o WACO, TEXAS

STATE BOARD REPORT - April 1965

TO: Presidents, Vice Presidents and Publications Chairmen
FROM: Mrs. Robert E. Casperson
RE: Statement to the State Affairs Committee

Statement made to the State Affairs Committee of the House of Representatives on March 24, 1965 by Mrs. Robert E. Casperson in the name of the League of Women Voters of Texas.....

I am Mrs. Bob Casperson, 3rd Vice President of the League of Women Voters of Texas.....here to speak for the establishment of a Commission to undertake study of the Constitution as provided in HB 767.

In 1957, House Concurrent Resolution 13 was adopted by the 56th Legislature providing for a 4 year constitutional research project by the Texas Legislative Council and creating a Citizens Advisory Commission. Because of circumstances related to the Legislative Council, a director was not appointed until 1960. Because of the short time left..... less than a year.....before a final report was to be made, the Texas Legislative Council decided that a thorough research job was not possible. As a result, the Council adopted a much more simplified format than that set out in the Resolution.

The Citizens Advisory Committee strongly recommended the creation of a Constitutional Commission to study all available materials on the Constitution including the Texas Legislative Council reports.

Six years have passed without the creation of this commission. The Constitution continues to meet immediate problems of state government on an emergency basis. When 3 or 4 or even as many amendments as 14 (as happened just a few years ago) are passed by the House and Senate and submitted to the voter, this indicates the Constitution is not beyond need for improvement.

The 1876 Constitution has been revised by 158 amendments out of 266 voted on. It costs at least $20,000 to submit each amendment to a vote of the people.....

Much of the Constitution is good and should be retained. This very fact has obscured another important fact .....that there are some areas in the Constitution that need clarification and some that need deletion.

Speaking as a citizen of Texas and for a citizens group of Texas.....we see an urgent need to clarify this important document so that its provisions can be more readily understood..... by the citizen.

Its strengths and values are obscured for us in many ways by the long succession of amendments. This unplanned growth of the Constitution needs to be re-worked into a more logical and understandable document.

The League of Women Voters of Texas believes that preparatory research would enable us to retain what is good, omit what is obsolete, replace what has proved unworkable. The creation of a Constitutional Revision Commission as called for in House Bill 767 would permit the kind of research that is necessary for revision.

Thank you for the opportunity to appear before this committee.

# #

This bill and House Bill 66 were assigned to the same sub-committee by request of the respective sponsors, Mr. Jones and Mr. Parker. It was further requested that the content of HB 767 be substituted in HB 66 so that the preferred form would have the lower number.

As of the first week in April the bill has not been reported back to the full committee.