

ACCOMPLISHMENTS OF THE 62ND LEGISLATURE

YOU ASKED ME TO TALK ABOUT THE ACCOMPLISHMENTS OF THE 62ND LEGISLATURE, SO I'LL TRY TO DO JUST THAT. EVERYTHING ELSE THAT HAPPENED DURING THE FIVE MONTHS WE WERE IN SESSION IN AUSTIN HAS RECEIVED TOO MUCH ATTENTION AND DISCUSSION. MANY TIMES, IT SEEMED TO ME, THE DIFFERENCES BETWEEN THE TWO FACTIONS IN THE HOUSE OF REPRESENTATIVES COULD HAVE BEEN IRONED OUT HAD SOME OF THE MEMBERS--AND THE PRESS--BEEN LESS VERBAL AND MORE INCLINED TOWARD A MEETING OF MINDS IN COMPROMISE.

FINALLY, AGAINST ALL OBSTACLES AND AFTER A FULL 140-DAY REGULAR SESSION AND A 4-DAY CALLED SESSION, WE DID BRING OUT AND GET ENACTED--WITH POSSIBLY TWO EXCEPTIONS--ALL OF THE "MUST" LEGISLATION WITH WHICH WE BEGAN THE YEAR. THESE FAILURES--AS YOU HAVE NO DOUBT GUESSED--PERTAINED TO PUBLIC WELFARE AND A REVISION OF THE PENAL CODE. BOTH WILL BE DISCUSSED IN MORE DETAIL A LITTLE LATER.

PRELIMINARY FIGURES BASED ON COUNTS MADE ON JUNE 4--THE DAY THE CALLED SESSION ENDED--SHOWED THAT THE GREATEST

VOLUME OF LEGISLATION EVER HANDLED BY ANY TEXAS LEGISLATURE WAS ON THE AGENDA OF THE REGULAR SESSION OF THE 62ND LEGISLATURE, MORE THAN 3,000 HOUSE AND SENATE BILLS AND JOINT RESOLUTIONS-- THAT IS, RESOLUTIONS PROPOSING CONSTITUTIONAL AMENDMENTS WHICH ARE CLASSED AS MAJOR LEGISLATION--WERE INTRODUCED. OF THAT NUMBER MORE THAN 1,000 MADE THEIR WAY THROUGH BOTH HOUSES OF THE LEGISLATURE AND TO THE GOVERNOR'S DESK FOR SIGNATURE. THE BATTING AVERAGE, THEN, WAS CLOSE TO .333, AND A LOT OF PLAYERS HAVE MADE THE BIG LEAGUES ON LESS THAN THAT! BY COMPARISON, THE 61ST LEGISLATURE HAD AN EASY TIME--2,341 BILLS AND JOINT RESOLUTIONS INTRODUCED AND 944 ENACTED.

REAPPORTIONMENT--REPRESENTATIVE, SENATORIAL, AND CONGRESSIONAL--STOOD HIGH IN THE ORDER OF BUSINESS WHEN THE 62ND SESSION WAS CONVENED ON JANUARY 12, 1971. BUT IT WASN'T UNTIL THE WANING HOURS OF THE REGULAR SESSION THAT HB 893, REAPPORTIONING THE STATE'S 150 LEGISLATIVE HOUSE SEATS, WAS ENACTED. IT WOULD BE VIRTUALLY IMPOSSIBLE AT ANY TIME FOR ANY LEGISLATURE TO REAPPORTION THESE DISTRICTS--OR THE SENATORIAL, CONGRESSIONAL, OR JUDICIAL DISTRICTS FOR THAT MATTER--TO SUIT EVERY INCUMBENT AND, AT THE SAME TIME, TO GIVE NEW POPULATION CONCENTRATIONS THEIR "DRUTHERS" ON DISTRICT LINES. WITH 150 INCUMBENTS ASSERTING THEIR RIGHTS AND DESIRES PLUS TEXAS' NOW

ARGE POPULATION AREAS CLAMORING FOR REAPPORTIONMENT ON THE "ONE MAN, ONE VOTE" RULE, YOU CAN SEE WHAT WE WERE UP AGAINST.

DURING AND JUST AFTER WORLD WAR II TEXAS BEGAN WHAT HAS BEEN A CONTINUING SWING FROM A RURAL TO AN URBAN STATE, SO THAT THE CONFLICT BETWEEN METROPOLITAN AND RURAL REPRESENTATION HAS BECOME INTENSIFIED WITH EACH DECENNIAL CENSUS. "THERE AIN'T NO WAY", AS THE SAYING GOES, TO MAINTAIN THE STATUS QUO . . . SO INCUMBENTS WERE PITTED AGAINST ONE ANOTHER IN A NUMBER OF DISTRICTS . . . AND THE FINAL RESULT MANAGED TO ALIENATE NEARLY AS MANY MEMBERS AS IT PLEASED. NEVERTHELESS, HB 893 WAS FINALLY PASSED . . . MULTIMEMBER DISTRICTS WERE RETAINED . . . AND THE UNITED STATES SUPREME COURT ON MONDAY, JUNE 7, 1971, ISSUED A LONG-AWAITED RULING THAT "MULTI-MEMBER LEGISLATIVE DISTRICTS DO NOT NECESSARILY DILUTE THE VOTING STRENGTH OF MINORITY GROUPS," AT THIS POINT, THEN, THE STATE OF TEXAS IS IN BETTER SHAPE THAN MANY THOUGHT ON LEGISLATIVE REDISTRICTING, DESPITE THE HUE AND CRY OF "GERRYMANDERING." HOWEVER, AT LEAST ONE LAWSUIT IS IN THE OFFING--THIS BY A REPUBLICAN HOUSE MEMBER (TOM CRADDICK OF MIDLAND) TO CHALLENGE THE CONSTITUTIONALITY OF HB 893.

CONGRESSIONAL REAPPORTIONMENT WASN'T ACCOMPLISHED UNTIL THE FOUR-DAY CALLED SESSION, WHEN SB 1 WAS ADOPTED. THE PLAN CARVED OUT TWO NEW CONGRESSIONAL DISTRICTS IN HEAVILY

POPULATED DALLAS-FORT WORTH AND THE HOUSTON AREA; CHANGES WERE MADE IN CONGRESSMAN DOWDY'S DISTRICT 2, WITH THE CONGRESSMAN'S HOME COUNTY OF HENDERSON BEING TRANSFERRED TO CONGRESSMAN PATMAN'S DISTRICT 1, AND THE REMAINDER OF THE DISTRICT 2 COUNTIES TOGETHER WITH ADDITIONAL EAST TEXAS COUNTIES FORMING A NEW DISTRICT 2, MOST OF THE HOUSTON SUBURB OF PASADENA WAS REMOVED FROM A HOUSTON CONGRESSIONAL DISTRICT AND PLACED IN CONGRESSMAN JACK BROOKS' DISTRICT 9, CAUSE OF MAJOR DISSENSION WAS THE PITTING OF REPUBLICAN CONGRESSMAN BOB PRICE OF PAMPA (PRESENT DISTRICT 18) AGAINST DEMOCRATIC CONGRESSMAN GRAHAM PURCELL OF WICHITA FALLS (PRESENT DISTRICT 13) IN A NEW PANHANDLE DISTRICT 13. NOTICE OF A POSSIBLE SUIT CONTESTING THE ENTIRE CONGRESSIONAL REAPPORTIONMENT MEASURE HAS ALREADY BEEN ISSUED IN A PRESS RELEASE FROM PASADENA, TEXAS.

THE SENATE GAVE UP THE JOB OF REDISTRICTING THE UPPER HOUSE OF THE TEXAS LEGISLATURE, LEAVING THE CHORE TO THE LEGISLATIVE REDISTRICTING BOARD COMPOSED OF THE LIEUTENANT GOVERNOR, THE SPEAKER OF THE HOUSE OF REPRESENTATIVES, THE ATTORNEY GENERAL, THE COMMISSIONER OF THE GENERAL LAND OFFICE, AND COMPTROLLER OF PUBLIC ACCOUNTS.

ANOTHER ISSUE CARRIED OVER FOR ACTION BY THE SPECIAL SESSION WAS A BILL PROVIDING FOR LIQUOR TAXES. TEXAS VOTERS

APPROVED GIVING THE LEGISLATURE AUTHORITY TO PROVIDE A MIXED BEVERAGE LAW BY ADOPTING SJR 10 OF THE 61ST LEGISLATURE AT THE GENERAL ELECTION ON NOVEMBER 3, 1970. THEN, DURING THE REGULAR SESSION OF THE 62ND LEGISLATURE, SB 346 WAS ENACTED TO PROVIDE FOR THE LEGAL SALE OF MIXED BEVERAGES ON A LOCAL OPTION BASIS. HB 3 OF THE FIRST CALLED SESSION LEVIED A 10 PERCENT TAX ON MIXED DRINKS, ICE AND MIXES SOLD BY BARS, RESTAURANTS AND PRIVATE CLUBS, AND REPEALED THE EXISTING NICKEL-A-SERVING PRIVATE CLUB TAX. THE NEW MIXED-DRINK TAX WILL TAKE EFFECT IMMEDIATELY.

AND SINCE WE'VE ALREADY TALKED A LITTLE BIT ABOUT TAXES, LET'S GO ALL THE WAY AND SEE WHAT THE NEW TAX BILL DOES TO EACH OF US. ESTIMATED TO RAISE \$650 MILLION, THE TAX PACKAGE IS ALMOST TWICE AS LARGE AS PREVIOUS RECORDHOLDERS IN THIS RESPECT. THE STATE SALES TAX WILL GO TO 4 CENTS ON THE DOLLAR ON JULY 1--A 23 PERCENT INCREASE IN THE RATE--MEANING A 5 PERCENT LEVY IN CITIES WITH THE LOCAL SALES TAX. A PENNY IS ADDED ON EACH 10-CENT PURCHASE AND AN ADDITIONAL PENNY IS TACKED ON AT EACH 20-CENT INTERVAL THEREAFTER. THIS WILL BE EASIER FOR THE MERCHANT TO FIGURE THAN THE CURRENT ODD-CENT BREAKING POINTS WHICH HAVE MADE IT NECESSARY FOR THEM TO REFER TO CHARTS.

NEXT TO FEEL THE TAX PINCH ARE THE CIGARETTE SMOKERS, WHO MUST NOW PAY 18-1/2 CENTS PER PACK INSTEAD OF 15-1/2 CENTS AS

PROVIDED UNDER THE OLD LAW, SINCE THIS IS WHAT MIGHT BE CALLED A TAX ON PLEASURE, THE LEGISLATURE, INTERESTINGLY ENOUGH, PROVIDED THAT 1 CENT OF THE TAX ON EACH PACK SHOULD GO FOR THE PURCHASE OF NEW STATE PARKS. MAYBE THAT WILL EASE THE PAIN TO SOME EXTENT!

AUTO BUYERS' SALES TAXES WILL INCREASE TO 4 PERCENT FROM THE CURRENT 3 PERCENT--A 33 PERCENT JUMP IN THE TAX RATE-- AND THE CORPORATE FRANCHISE TAX RATE WILL INCREASE 38 PERCENT.

ANOTHER REVENUE-RAISING MEASURE PROVIDES FOR AN INCREASE IN OUT-OF-STATE COLLEGE TUITION AND A VERY SMALL HIKE IN RESIDENT TUITION, TO BE EFFECTIVE WITH THE NEW SCHOOL TERM THIS FALL.

SINCE YOU NOW KNOW WHERE THE MONEY IS COMING FROM, LET'S LOOK AT THE WAY THE STATE'S \$7.1 BILLION SPENDING BILL (SB 11) APPORTIONS THESE DOLLARS AMONG THE MANY SERVICES AND PROGRAMS. THE SPENDING LEVEL DURING THE CURRENT BIENNIUM WAS \$6.4 BILLION.

HIGHER EDUCATION--AND MAYBE THE "HIPPIE REVOLUTION" HAD SOMETHING TO DO WITH IT--FAILED TO RECEIVE A PAY RAISE FOR COLLEGE FACULTIES FOR THE FIRST TIME IN 10 YEARS. THERE WASN'T MUCH ENTHUSIASM FOR PUBLIC EDUCATION SPENDING EITHER. THE 10-YEAR

PUBLIC SCHOOL FINANCING PLAN PASSED IN 1969 PROVED SO COSTLY THAT LEGISLATORS APPARENTLY FELT THEY WERE DOING GOOD TO MAINTAIN THE STATUS QUO. HOWEVER, THE TEACHER RETIREMENT PROGRAM AND BENEFITS WERE IMPROVED.

SPENDING FOR PUBLIC WELFARE WAS ALLOCATED FOR ONLY ONE YEAR OF THE BIENNIUM--WHICH IS THE UNFINISHED BUSINESS I MENTIONED EARLIER. UNLESS THE FEDERAL GOVERNMENT DECIDES TO TAKE OVER WELFARE COSTS OR SUBSTANTIALLY INCREASE AID TO STATES THIS YEAR, A SPECIAL SESSION NEXT YEAR WILL BE NEEDED TO RAISE \$300 MILLION TO FUND THE PROGRAM. EARLY IN THE REGULAR SESSION, SB 10 WAS ENACTED TRANSFERRING \$8.2 MILLION FROM A CONTINGENCY FUND TO THE AID-TO-FAMILIES-WITH-DEPENDENT-CHILDREN PROGRAM IN ORDER TO AVERT WELFARE CUTS FOR THE REMAINDER OF THE FISCAL YEAR. A FULL \$11 MILLION IS ALLOTTED FROM THE GENERAL APPROPRIATIONS ACT (SB 11) FOR "VENDOR" MEDICAL PAYMENTS, WHICH ALLOWS DIRECT WELFARE PAYMENTS TO PHARMACISTS FOR MEDICINE USED BY THE NEEDY. THIS PLAN SHOULD ATTRACT AN ADDITIONAL \$22 MILLION IN FEDERAL AID FOR THE \$11 MILLION STATE EXPENDITURE. THIS WOULD, IN EFFECT, RELIEVE THE \$80 MILLION CONSTITUTIONAL CEILING ON ANNUAL WELFARE SPENDING OF \$11 MILLION. YOU REMEMBER THAT WAS THE PURPOSE OF THE PROPOSED CONSTITUTIONAL AMENDMENT WHICH WAS DEFEATED AT THE SPECIAL ELECTION HELD ON MAY 18- TO REMOVE THE PRESENT \$80 MILLION CEILING ON ALL WELFARE SPENDING AND PUT A \$55 MILLION CEILING ON PAYMENTS IN AID TO FAMILIES WITH DEPENDENT CHILDREN.

ANOTHER BILL ENACTED WAS ALSO DESIGNED TO ATTRACT FEDERAL FUNDS AND, AT THE SAME TIME, SAVE MONEY IN THE WELFARE PROGRAM. SB 245 REQUIRES CITIES, COUNTIES AND HOSPITAL DISTRICTS TO SET UP A UNIFORM SYSTEM OF ACCOUNTING FOR WELFARE EXPENDITURES AND MEDICALLY NEEDY. SPONSORS PREDICT IT WILL ATTRACT UP TO \$100 MILLION IN FEDERAL WELFARE AID.

THE PROPOSED CONSTITUTIONAL AMENDMENT TO ESTABLISH A STATE ETHICS COMMISSION TO PROVIDE A CODE OF ETHICS FOR STATE AND LEGISLATIVE OFFICERS AND EMPLOYEES, AS WELL AS RECOMMEND COMPENSATION FOR MEMBERS OF THE LEGISLATURE AND THE LIEUTENANT GOVERNOR WAS DEFEATED AT THE MAY 18 ELECTION. IT LOOKED FOR A TIME AS THOUGH THE 62ND LEGISLATURE WOULD ADJOURN WITHOUT PROVIDING THE LONG-AWAITED CODE OF ETHICS. HOWEVER, IN THE REGULAR SESSION'S FINAL HOURS, HB 203 WAS ENACTED TO SET STANDARDS OF CONDUCT FOR MEMBERS OF THE LEGISLATURE, LEGISLATIVE EMPLOYEES, STATEWIDE ELECTED OFFICIALS, EXCEPT THE JUDICIAL BRANCH, AND ALL ELECTED OFFICIALS OF STATE OR ANY POLITICAL SUBDIVISION, AS WELL AS APPOINTED STATE OFFICIALS AND EMPLOYEES OF STATE AGENCIES AND REGULATORY AGENCIES. THE ACT REQUIRES THAT COMPLETE FINANCIAL STATEMENTS BE FILED BY THE OFFICIALS LISTED AS WELL AS ANY EMPLOYEE WHOSE SALARY IS IN EXCESS OF \$11,000.

A NUMBER OF PUBLIC HEALTH AND MENTAL HEALTH BILLS MADE AN APPEARANCE DURING THE REGULAR SESSION. SB 27 WAS ENACTED TO REQUIRE IMMUNIZATION AGAINST FIVE DISEASES FOR PUBLIC SCHOOL ADMITTANCE, WITH EXCEPTIONS PROVIDED FOR HEALTH AND RELIGIOUS REASONS. THE GOVERNOR'S COMMISSION ON PHYSICAL FITNESS WAS CREATED BY SB 574, AND SB 362 REQUIRES LABELING OF HAZARDOUS MATERIALS AND BANS SALE OF HIGHLY FLAMMABLE CHILDREN'S CLOTHING.

THE TEXAS UNEMPLOYMENT COMPENSATION ACT WAS COMPLETELY OVERHAULED TO COMPLY WITH NEW FEDERAL REQUIREMENTS. BENEFITED ARE THE UNEMPLOYED, WHOSE MAXIMUM WEEKLY JOBLESS PAYMENTS ARE INCREASED FROM \$45 TO \$63 PER WEEK.

THE MUCH-DISCUSSED PENAL CODE REFORM WAS THE SECOND FAILURE IN "MUST" LEGISLATION FOR THE SESSION. THE STATE BAR-RECOMMENDED REVISION AS PRESENTED IN HB 419, PROVED TO BE CONTROVERSIAL ENOUGH THAT SPONSORS SAID THEY WOULD DELAY ACTION ANOTHER TWO YEARS.

INSURANCE IN ONE FORM OR ANOTHER TOUCHES US ALL. IF YOU FEEL AS I DO--THAT IT IS CONSTANTLY GOING UP, NO MATTER WHAT IS BEING INSURED--YOU SHOULD BE INTERESTED IN SB 989. THE ACT PERMITS AUTOMOBILE LIABILITY INSURANCE COMPANIES TO OFFER LOWER PREMIUMS TO THE DRIVER WILLING TO PAY THE FIRST \$250 OUT OF HIS OWN POCKET ON ANY CLAIM AGAINST HIM (\$250 DEDUCTIBLE).

THOSE SUBJECT TO THE VICISSITUDES OF HURRICANES SHOULD BE PLEASED WITH THE ENACTMENT OF SB 31. THIS ACT INSTITUTES AN ASSIGNED RISK POOL PLAN FOR FIRE AND CASUALTY AND MAKES AVAILABLE INSURANCE COVERAGE FOR HURRICANE AND HAILSTORM IN HIGH-HAZARD AREAS SUCH AS THE GULF COAST.

PROPOSALS TO AMEND THE PATCHWORK THAT IS OUR TEXAS CONSTITUTION TOTALED 154 JOINT RESOLUTIONS INTRODUCED AND 18 FINALLY ENACTED. OF THESE, FOUR WERE SUBMITTED TO THE TEXAS ELECTORATE ON MAY 18, 1971--(1) SETTING UP THE STATE ETHICS COMMISSION, (2) PERMITTING CONSTITUTIONAL AMENDMENTS TO BE PROPOSED IN SPECIAL AS WELL AS CALLED SESSIONS OF THE LEGISLATURE, (3) RELATING TO THE CEILING ON PUBLIC WELFARE PAYMENTS, AND (4) PROVIDING FOR \$100 MILLION STATE REVENUE BONDS FOR ASSISTANCE IN BUILDING SEWAGE TREATMENT FACILITIES. ONLY THE LATTER WAS ADOPTED BY THE VOTERS. AT THE GENERAL ELECTION IN NOVEMBER, 1972, ANOTHER 14 PROPOSED AMENDMENTS WILL BE CONSIDERED. AMONG THEM ARE PROPOSALS TO ALLOW THE 63RD LEGISLATURE TO SIT AS A CONSTITUTIONAL REVISION COMMISSION IN 1974; TO PROVIDE AN INCREASE IN THE PAY OF LEGISLATORS TO \$8,400 A YEAR AND OF THE LIEUTENANT GOVERNOR AND HOUSE SPEAKER TO \$22,500; TO PROVIDE FOUR-YEAR TERMS FOR ALL STATEWIDE ELECTED OFFICIALS; TO GUARANTEE EQUAL LEGAL RIGHTS FOR WOMEN UNDER THE CONSTITUTION; AND TO AUTHORIZE SPECIAL TAX EXEMPTIONS FOR DISABLED VETERANS. I WON'T GO INTO DETAIL ON THESE OR THE REMAINING PROPOSALS AT THIS TIME,

SINCE THE GENERAL ELECTION DAY IS A LONG WAY OFF AND THE ANALYSIS OF CONSTITUTIONAL AMENDMENTS PREPARED BY THE TEXAS LEGISLATIVE COUNCIL BEFORE EACH ELECTION WILL BE AVAILABLE TO ANYONE WHO WANTS A COPY.

ANOTHER SUBJECT WHICH IS OF GREAT CONCERN TO PARENTS AND YOUNG PEOPLE ALIKE IS NARCOTICS. THE 62ND LEGISLATURE ENACTED WHAT I THINK ARE SOME REALLY PROGRESSIVE MEASURES IN THIS AREA. SB 387 PROVIDES FOR RESEARCH ON THE EFFECTS OF MARIJUANA, AND HB 187 PROVIDES THAT MINORS MAY CONSULT AND BE TREATED BY A PHYSICIAN FOR NARCOTICS PROBLEMS, REGARDLESS OF AGE OR PARENTAL CONSENT. THIS ACT SHOULD RESULT IN EARLIER TREATMENT FOR MANY YOUNGSTERS, WHO ARE TOO ASHAMED TO TELL THEIR PARENTS OF THEIR INVOLVEMENT WITH NARCOTICS.

THE DANGEROUS DRUG LAW (HB 1649) WAS COMPLETELY REVISED, WITH SOME PENALTIES INCREASED AND OTHERS LOWERED TO GIVE FIRST OFFENDERS MORE OPPORTUNITY FOR REHABILITATION. THE PENALTY FOR LSD USE AND SALE WAS INCREASED TO FELONY STATUS--FROM 2 TO 10 YEARS. HERETOFORE, IT HAD BEEN CONSIDERED A MISDEMEANOR.

THAT ABOUT TOUCHES THE MOST IMPORTANT LEGISLATION OF THE SESSION. OH YES. I'M SURE YOU ALREADY KNOW THAT THE 18-YEAR-OLD VOTE FOR ALL ELECTIONS--NOT JUST NATIONAL ELECTIONS--HAS BECOME

A REALITY WITH THE ADOPTION OF SCR 65, WHICH GIVES STATE RATIFICATION TO THE FEDERAL CONSTITUTIONAL AMENDMENT EXTENDING FULL VOTING RIGHTS TO 18-YEAR-OLDS. HOWEVER, THOSE UNDER 21 MUST VOTE IN THEIR PARENTS' HOMETOWN. AND AFTER A GREAT DEAL OF RESISTANCE IN SOME QUARTERS, A PERMANENT VOTER REGISTRATION LAW WAS ENACTED TO COMPLY WITH RULINGS OF THE FEDERAL COURTS. VOTERS WILL BE ABLE TO REREGISTER BY VOTING AT LEAST ONCE EVERY THREE YEARS UNDER THE BILL, WHICH WILL NOT TAKE EFFECT UNTIL THE U.S. SUPREME COURT AFFIRMS A LOWER COURT RULING VOIDING THE PRESENT ANNUAL REGISTRATION LAW.

SO YOU SEE THAT DESPITE SOME REPORTS TO THE CONTRARY, YOUR 62ND LEGISLATURE WAS A WORKING LEGISLATURE. AND THERE WERE ACCOMPLISHMENTS. THANK YOU FOR LETTING ME TALK ABOUT JUST A FEW THAT I CONSIDER AMONG THE MOST IMPORTANT.