OFFICIAL JOURNAL of the CONSTITUTIONAL CONVENTION of the STATE OF TEXAS

SIXTY-NINTH DAY (Wednesday, May 22, 1974)

AFTER RECESS

The Convention met at 9:30 o'clock a.m., pursuant to recess, and was called to order by the Vice-President.

The roll was called and the following were recorded present: 148 Present, 9 Absent-excused, 23 Absent. (Record 1, Appendix)

The Reverend Leon Ford, Pastor of the Wrightgrove Baptist Church, Houston, Texas, offered the invocation as follows:

Eternal God, our Father, we invoke Thy blessing upon this assembly today. We feel that without Thy presence, we will fail to do the job that we have been chosen to do. In the midst of these crises, in the midst of the many problems that face our world, we pray that Thou would bless our leaders with wisdom and knowledge that they may do the thing that will serve in the best interest of the entire nation. We pray that Thou would bless Mr. Lauhoff, one whom Thou has selected to be among this august body, with wisdom and knowledge that he may also be able to make the right decisions, and when he faces the crossroads of life, I pray that he will look unto Thee who giveth wisdom and understanding. We pray for our governor, and we pray for all of the officials in the name of Thy Son, Jesus. Amen.

LEAVES OF ABSENCE

Delegate Hall of Webb was granted leave of absence for today on account of illness on motion of Delegate Grant.

Delegate Short was granted leave of absence for today on account of compassionate reasons on motion of Delegate Cates.

Delegate McKinnon was granted leave of absence for today on account of important state business on motion of Delegate Hightower.

Delegate Gammage was granted leave of absence for today on account of death in family on motion of Delegate Brooks.

Delegate Olson was granted leave of absence for today on account of illness on motion of Delegate Schieffer.

Delegate Weddington was granted leave of absence for today on account of illness on

motion of Delegate Miller.

Delegate Ogg was granted leave of absence for today on account of transportation difficulties on motion of Delegate Blake.

Delegate Parker of Jefferson was granted leave of absence for today on account of important business on motion of Delegate Bigham.

Delegate Calhoun was granted leave of absence for today on account of important business on motion of Delegate Bailey.

DELEGATES PRESENT

Delegates Uher, Geiger, Munson and Bryant who had previously been recorded as "Absent" were announced "Present".

(President in Chair)

OATH OF OFFICE ADMINISTERED TO NEWLY ELECTED DELEGATE

The President administered the Oath of Office to Herman Lauhoff as a Delegate to the Constitutional Convention of 1974.

Delegate Lauhoff then addressed the Convention.

ARTICLE V ON SECOND READING

The President laid before the Convention as unfinished business Article V with an amendment by Delegate Baker pending.

Question: Shall the amendment be adopted?

Delegate Sullivant moved to table the amendment.

The motion to table prevailed by the following vote: 105 Yeas, 35 Nays, 2 Present-Not Voting, 39 Not Voting. (Record 2, Appendix)

PAIRED VOTE

Delegate Hendricks (present), who would vote "Nay", with Delegate Ogg (absent), who would vote "Yea".

DELEGATES PRESENT

Delegates Boone, Lary, Hall of Harris, Scoggins, Dramberger, Cobb, Hernandez, Bowers, Hudson, Reyes, Russell, Hutchison and Garcia who had previously been recorded as "Absent" were announced "Present".

Delegate Maloney (he having voted on the prevailing side) moved to reconsider the vote by which the Lary amendment to Section 11(a)(4) of Article V was adopted on May 16.

The motion prevailed by a non-record vote.

Question: Shall the amendment be adopted?

On motion of Delegate Lary and by

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unanimous consent the amendment was withdrawn.

Delegate Hoestenbach (he having voted on the prevailing side) moved to reconsider the vote by which his amendment to Section 11(3) of Article V was adopted on May 20.

The motion prevailed by a non-record vote.

Question: Shall the amendment be adopted?

Delegate Hoestenbach offered the following substitute for the amendment to Section 11(3) and (4) of Article V:

Amend Section 11, Subsection (a)(3) and (4), of the Judiciary Committee Report by substituting in lieu thereof the following:

(3) The legislature may establish an agency of the judicial branch having such membership as provided by law to prescribe rules of administration for the unified judicial system not inconsistent with general law or rules of procedure, and perform such other duties as shall be provided by law. Rules of administration promulgated by the agency shall not become effective until approved by the supreme court.

LARY
HOESTENBACH
WASHINGTON
OGG
DAVIS
EARLE

The substitute for the amendment was read and was adopted by a non-record vote.

The amendment as substituted was then adopted.

VOTE RECORDED

Delegate Wallace requested to be recorded as voting "Nay" on the adoption of the amendment as substituted.

Delegate McAlister (he having voted on the prevailing side) moved to reconsider the vote by which the Willis amendment to Section 15 of Article V was adopted on May 20.

Delegate Reynolds demanded the motion be reduced to writing.

The President laid before the Convention the following:

MOTION IN WRITING

I move to reconsider the vote by which the Willis amendment to Section 15 of Article V was adopted.

MCALISTER

The Motion in Writing was read.

(Delegate Hale in Chair)

Delegate Spurlock moved to table the

motion to reconsider.

The motion to table prevailed by the following vote: 94 Yeas, 59 Nays, 2 Present-Not Voting, 26 Not Voting. (Record 3, Appendix)

NOTICE OF INTENTION TO VOTE

Had the McAlister motion to reconsider passed I would have voted against the state double jeopardy appeal.

RODRIGUEZ

· (President in Chair)

DELEGATES PRESENT

Delegates Canales and Ragsdale who had previously been recorded as "Absent" were announced "Present".

Delegate Washington offered the following amendment to Article V:

Amend Article V to read as follows: ARTICLE V THE JUDICIARY

Sec. 1. is vested in the judicial branch. The state unified judicial system is composed of a supreme court, a supreme court of criminal appeals, courts of appeals, district courts, and circuit courts. All courts have jurisdiction as provided by law, but jurisdiction of courts of the same level must be uniform throughout the state.

Sec. 2. SUPREME COURT. (a) The supreme court shall be the highest court of the state and shall consist of the Chief Justice of Texas and at least eight other justices, of whom a majority shall be necessary to decide a case. It shall have such jurisdiction and administrative and rule-making authority as provided in this article or by law.

article or by law.

(b) The legislature may grant jurisdiction to the supreme court to receive and answer questions of state law certified from federal courts.

Sec. 3. SUPREME COURT OF CRIMINAL APPEALS. The supreme court of criminal appeals shall be the highest court of the state in criminal matters and shall consist of the chief justice and eight other justices. It may sit in panels of three or more, of whom a majority shall be necessary to decide a case. It shall have such jurisdiction and administrative authority as shall be provided in this article and by law.

Sec. 4. COURTS OF APPEALS. There shall be one or more courts of appeals as provided by law, each consisting of a chief judge and at least two other judges.

Sec. 5. DISTRICT COURTS. The state

sec. 5. DISTRICT COURTS. The state shall be divided into judicial districts as now or hereafter provided by law. In each district there shall be one district court with one or more district judges.

Sec. 6. CIRCUIT COURTS. The legislature shall provide by law for circuit courts. A circuit court may serve one or more counties, but no county shall have more than one circuit court. Each circuit court shall have one or more judges and such other officials as provided by law.

Sec. 7. COUNTY JUDGE. The county judge

provided for in Article IX, Section 3(a) of this constitution has judicial functions as

now or hereafter provided by law. Sec. 8. OTHER COURTS. (a) The commission in each county shall divide the county from time to time into justice precincts, not less than four nor more than

- (b) The county commission in each county shall establish and maintain one or more justice courts in the county with each court to exercise jurisdiction in one or more precincts in the manner provided by law.
- (c) Municipal courts may be established by law or by charter as authorized by law and shall have such jurisdiction as provided by
- Sec. 9. QUALIFICATIONS OF JUDGES. person may serve as a justice, judge, or justice of the peace unless the person is a United States citizen and a resident of this state and has other qualifications prescribed by law. No person may serve as justice or judge in the unified judicial system unless licensed to practice law in this state.
- Sec. 10. ELECTION OF JUDGES. (a) The Chief Justice of Texas and other justices of supreme courts are elected by the qualified voters of the state every six years in the manner provided by law. Judges of the courts of appeals are elected by the qualified voters of their respective districts every six years in the manner provided by law.
- (b) District and circuit judges are elected by the qualified voters of their respective districts every four years in the manner provided by law.
- Vacancies in the offices of (c) justices of the supreme courts and judges of courts of appeals, district courts, and circuit courts are filled by the governor, with the advice and consent of the senate, until the next succeeding general election.
- (d) Justices of the peace are elected the qualified voters of the county or precinct every four years in the manner provided by law. Vacancies in the office of justice of the peace are filled by the county commission until the next succeeding general election.
- (e) Municipal judges are selected in the manner provided by law or by charter as authorized by law.
- Sec. 11. QUALIFICATIONS COMMISSION; REMOVAL OF JUDGES. (a) There shall be a judicial qualifications commission with such authority and functions as provided by law.
- (b) A justice of the supreme courts may be removed by the governor on the address of two-thirds of each house of the legislature for willful neglect of duty, incompetency, oppression in office, or other reasonable cause not a sufficient ground for impeachment.
- (c) Any justice of the supreme courts, or justice of the peace may be yed, suspended, or censured as provided removed, by law.
- Sec. 12. COURT ADMINISTRATION. (a)(1) supreme courts shall provide for the efficient operation of the state judicial system. The supreme court may direct the transfer of civil cases from one court to another within each level of the state

- judicial system and may assign judges for civil cases within each level. The supreme court of criminal appeals may direct the transfer of criminal cases from one court to another within each level of the state judicial system and may assign judges for criminal cases within each level. The courts may delegate responsibility to administrative judges provided for in Subsection (a)(2).
- Each court of appeals district the state constitutes an (2) within administrative district for purposes of trial court management. Within each district, the Chief Justice of Texas, with the advice and consent of the senate, shall designate a judge to serve as administrative judge of the district.
- The legislature may establish an (3) agency of the judicial branch having such membership as provided by law to prescribe rules of administration for the unified judicial system not inconsistent with general rules of procedure, and perform such law or other duties as shall be provided by law. Rules of administration shall not become effective until approved by the supreme court.
- (b) The supreme court may promulgate rules of civil procedure not inconsistent with the laws of the state, for all courts, (b) to expedite the dispatch of business therein. Any rule of procedure expressly disapproved by the legislature shall have no effect thereafter.
- Sec. 13. DISTRICT CLERKS; COUNTY S. (a) A district clerk, who serves as CLERKS. clerk of the district and circuit courts of the county, is elected by the qualified voters of each county for a term of four years. The clerk may be removed from orrice upon a jury finding of incompetence, official The clerk may be removed from office misconduct, or other cause defined by law. Vacancies in the office of district clerk shall be filled by the judges of the district and circuit courts in the county until the next general election. Each clerk may have a deputy or deputies and other personnel authorized by law.
- (b) The county clerk, who serves as clerk of the county commission and recorder of the county, is elected by the qualified voters of each county for a term of four years. The legislature shall prescribe the duties, perquisites, and fees of the office. A vacancy in the office shall be filled by the county commission until the next general election.
- (c) The legislature may provide by law for the election of a single clerk to perform the duties of both a county clerk and a district clerk.
- Sec. 14. JURIES. (a) A grand jury in the district court consists of 12 persons, of whom nine constitute a quorum and must concur
- in a bill of indictment.

 (b) The legislature shall provide by law for trial juries.
- (c) A party has the right to a jury trial upon demand made in the manner prescribed by law.
- (d) Jury verdicts must be unanimous, except that the legislature, or the supreme pursuant to its rule-making authority, may authorize jury verdicts in civil cases rendered by not less than three-tourths of the jurors sitting in a case.
 - (e) The legislature may provide by law

for alternate jurors.

Sec. 15. SENTENCING AND PROBATION.
Courts having original jurisdiction of criminal cases shall have power to suspend the imposition or execution of sentence and place a defendant on probation; and shall have further power to modify, set aside, or reimpose sentence, subject to regulation by law.

Sec. 16. APPEAL BY STATE. The state may not appeal in criminal cases.

Sec. 17. APPEAL BY ACCUSED. (a) The accused shall have the right of appeal to the appellate court having jurisdiction, specifically including the right of appeal granted by Article I, Section 11a, of this constitution.

(b) Appeal to the supreme court of criminal appeals shall be at the discretion of the court, unless otherwise provided by law.

Sec. 18. APPEALS FROM ADMINISTRATIVE ACTION. Notwithstanding any other provision of the constitution, the legislature may provide by law for the method of appeal to the courts from actions, rulings, or decisions of administrative agencies and executive departments of the state or any of its subdivisions.

Sec. 19. DISTRICT ATTORNEYS; COUNTY ATTORNEYS. (a) The state shall be represented in each county by a district attorney as now or hereafter provided by law. The district attorneys shall be elected by the qualified voters of their respective districts, and shall serve for a term of four years and until their successors have qualified. The state shall provide for the basic compensation of district attorneys.

(b) With such exceptions as now or hereafter provided by law, county attorneys shall be elected by the qualified voters of each county and shall hold office for a term of four years and until their successors have qualified.

(c) Each district and county attorney shall be licensed to practice law in this state. Other qualifications, duties, and functions of district and county attorneys and the grounds and procedure for disqualification, suspension, removal, and filling of vacancies shall be as provided by law.

Sec. 20. COMPENSATION. The state shall pay the basic salaries of all justices and judges of the unified judicial system and shall pay such other expenses of the system as provided by law.

Sec. 21. JUDICIAL RETIREMENT. (a) The legislature may prescribe by law the mandatory retirement age of a justice or judge in the unified judicial system.

(b) Notwithstanding any other provision of this constitution, the system of retirement, disability, and survivors' benefits established in the constitution or by law for justices, judges, and commissioners of the appellate courts and judges of the district and criminal district courts and in effect at the time of adoption hereof shall be continued. The legislature shall provide for inclusion in the system of judges of all courts in the unified judicial system and such other elected state officials as now or hereafter provided by law.

(c) General administration of the Judicial Retirement System of Texas shall be by the Board of Trustees of the Employees Retirement System of Texas under such regulations as may be provided by law.

The amendment was read.

DELEGATES PRESENT

Delegate Lee who had previously been recorded as "Absent" was announced "Present".

Delegate Parker of Jefferson who had previously been recorded as "Absent-excused" was announced "Present".

Delegate McDonald of Hidalgo moved to table the amendment.

The motion to table prevailed by the following vote: 97 Yeas, 65 Nays, 1 Present-Not Voting, 18 Not Voting. (Record 4, Appendix)

Delegate Blanchard moved to recommit Article V to the Committee on The Judiciary.

Delegate Schwartz moved to table the motion to recommit.

The motion to table prevailed by the following vote: 85 Yeas, 77 Nays, 3 Present-Not Voting, 16 Not Voting. (Record 5, Appendix)

PAIRED VOTES

Delegate Green of Navarro (present), who would vote "Yea", with Delegate Ogg (absent), who would vote "Nay".

Delegate Parker of Denton (present), who would vote "Yea", with Delegate Olson (absent), who would vote "Nay".

Question: Shall Article V as amended be adopted?

RFCESS

On motion of Delegate Hale the Convention at 12:20 o'clock p.m. took recess until 2:00 o'clock p.m. today.

AFTER RECESS

(Delegate Maloney in Chair)

The Convention met at 2:00 o'clock p.m., pursuant to recess, and was called to order by the Presiding Officer.

LEAVES OF ABSENCE

Delegate Tarbox was granted leave of absence for the remainder of today on account of compassionate reasons on motion of Delegate Adams of Hardin.

Delegate Denton was granted leave of absence for the remainder of today on account of compassionate reasons on motion of Delegate Nichols.

Delegate Lombardino was granted leave of absence for the remainder of today on account

of important business on motion of Delegate Bird.

Delegate Parker of Denton was granted leave of absence for the remainder of today on account of important business on motion of Delegate Preston.

Delegate Wilson was granted leave of absence for the remainder of today on account of compassionate reasons on motion of Delegate Bock.

DELEGATES PRESENT

Delegates Ogg, Hall of Webb and Weddington who had previously been recorded as "Absent-excused" were announced "Present".

(President in Chair)

ARTICLE V ON SECOND READING

The President laid before the Convention as unfinished business Article V.

Question: Shall Article V as amended be adopted?

Delegate Hale offered the following amendment to Article V:

Amend Article V by deleting all below the proposing clause and substituting in lieu thereof the following:

ARTICLE V

THE JUDICIARY

Sec. 1. JUDICIAL POWER. The judicial power of the state is vested in the judicial branch. The state unified judicial system is composed of a supreme court, courts of appeals, district courts, and circuit courts. All courts have jurisdiction as provided by law, but jurisdiction of courts of the same level must be uniform throughout the state.

Sec. 2. SUPREME COURT. (a) The supreme court shall be the highest court of the state and shall consist of the Chief Justice of Texas and at least eight other justices, of whom a majority shall be necessary to decide a case. It shall have such jurisdiction and administrative and rule-making authority as provided in this article or by law.

(b) The legislature may grant jurisdiction to the supreme court to receive and answer questions of state law certified from federal courts.

Sec. 3. COURTS OF APPEALS. There shall be one or more courts of appeals as provided by law, each consisting of a chief judge and at least two other judges.

DISTRICT COURTS. The state Sec. 4. DISTRICT COURTS. The state shall be divided into judicial districts as now or hereafter provided by law. In each district there shall be one district court with one or more district judges.

CIRCUIT COURTS. Sec. 5. legislature shall provide by law for circuit courts. A circuit court may serve one or more counties, but no county shall have more than one circuit court. Each circuit court shall have one or more judges and such other officials as provided by law.
Sec. 6. COUNTY JUDGE. The county judge

provided for in Article IX, Section 3(a) of this constitution has judicial functions as now or hereafter provided by law, and the County Court over which such judge presides is continued in effect until otherwise provided by law.

Sec. 7. OTHER COURTS. (a) The county commission in each county shall divide the county from time to time into justice precincts, not less than four nor more than eight.

(b) The county commission in each county shall establish and maintain one or justice courts in the county with each court to exercise jurisdiction in one or more precincts in the manner provided by law.

(c) Municipal courts may be established by law or by charter as authorized by law and shall have such jurisdiction as provided by

Sec. 8. QUALIFICATIONS OF JUDGES. No person may serve as a justice, judge, or justice of the peace unless the person is a United States citizen and a resident of this state and has other qualifications prescribed by law. No person may serve as justice or judge in the unified judicial system unless licensed to practice law in this state.

Sec. 9. ELECTION OF JUDGES. (a) The Chief Justice of Texas and other justices supreme court are elected by the the qualified voters of the state every six years in the manner provided by law. Judges of the courts of appeals are elected by the qualified voters of their respective qualified districts every six years in the manner provided by law.

(b) District and circuit judges are elected by the qualified voters of their respective districts every four years in the manner provided by law.

(c) Vacancies in the offices of justices of the supreme court and judges of the courts of appeals, district courts, and circuit courts are filled by the governor, with the advice and consent of the senate, until the next succeeding general election.

(d) Justices of the peace are elected by the qualified voters of the county or precinct every four years in the manner provided by law. Vacancies in the office of justice of the peace are filled by the county commission until the next succeeding general

election.

(e) Municipal judges are selected in the manner provided by law or by charter as authorized by law.

Sec. 10. QUALIFICATIONS COMMISSION; REMOVAL OF JUDGES. (a) There shall be a judicial qualifications commission with such authority and functions as provided by law.

(b) A justice of the supreme court may be removed by the governor on the address of two-thirds of each house of the legislature for willful neglect of duty, incompetency, oppression in office, or other reasonable cause not a sufficient ground for impeachment.

(c) Any justice of the supreme court, judge, or justice of the peace may be removed, suspended, or censured as provided by law.

Sec. COURT ADMINISTRATION. The supreme court shall provide for the efficient operation of the judicial system. The court may direct the transfer of cases from one court to another within each level of the judicial system and may assign judges within or between levels. The court may delegate responsibility for administration to the chief justice and administrative judges provided for in Subsection (a)(2) of this section.

(2) Each court of appeals district within the state constitutes an administrative district for purposes of trial court management. Within each district, the Chief Justice of Texas, with the advice and consent of the senate, shall designate a judge to serve as administrative judge of the district.

(3) The legislature may establish an agency of the judicial branch having such membership as provided by law to prescribe rules of administration for the unified judicial system not inconsistent with general law or rules of procedure, and perform such other duties as shall be provided by law. Rules of administration promulgated by the agency shall not become effective until approved by the supreme court.

(b) The supreme court may promulgate rules of civil procedure not inconsistent with the laws of the state, for all courts, to expedite the dispatch of business therein. Any rule of procedure expressly disapproved by the legislature shall have no effect thereafter.

Sec. 12. DISTRICT CLERKS; COUNTY CLERKS. (a) A district clerk, who serves as clerk of the district and circuit courts of the county, is elected by the qualified voters of each county for a term of four years. The clerk may be removed from office upon a jury finding of incompetence, official misconduct, or other cause defined by law. Vacancies in the office of district clerk snall be filled by the judges of the district and circuit courts in the county until the next general election. Each clerk may have a deputy or deputies and other personnel authorized by law.

(b) The county clerk, who serves as clerk of the county commission and recorder of the county, is elected by the qualified voters of each county for a term of four years. The legislature shall prescribe the duties, perquisites, and fees of the office. A vacancy in the office shall be filled by the county commission until the next general election.

(c) The legislature may provide by law for the election of a single clerk to perform the duties of both a county clerk and a district clerk.

Sec. 13. JURIES. (a) A grand jury in the district court consists of 12 persons, of whom nine constitute a quorum and must concur in a bill of indictment.

(b) The legislature shall provide by law for trial juries.

(c) A party has the right to a jury trial upon demand made in the manner prescribed by law.

(d) Jury verdicts must be unanimous, except that the legislature, or the supreme court pursuant to its rule-making authority, may authorize jury verdicts in civil cases rendered by not less than three-fourths of the jurors sitting in a case.

(e) The legislature may provide by law for alternate jurors. Sec. 14. SENTENCING AND PROBATION. Courts having original jurisdiction of criminal cases shall have power to suspend the imposition or execution of sentence and place a defendant on probation; and shall have further power to modify, set aside, or reimpose sentence, subject to regulation by law.

Sec. 15. APPEAL BY STATE. The state shall have no right of appeal in criminal cases.

Sec. 16. APPEAU BY ACCUSED. (a) The accused shall have the right of appeal to the appellate court having jurisdiction, specifically including the right of appeal granted by Article I, Section 11a of this constitution.

(b) Appeal to the supreme court in criminal cases shall be at the discretion of the court, unless otherwise provided by law.

the court, unless otherwise provided by law.
Sec. 17. APPEALS FROM ADMINISTRATIVE
ACTION. Notwithstanding any other provision
of the constitution, the legislature may
provide by law for the method of appeal to
the courts from actions, rulings, or
decisions of administrative agencies and
executive departments of the state or any of
its subdivisions.

its subdivisions.

Sec. 18. DISTRICT ATTORNEYS; COUNTY ATTORNEYS. (a) The state shall be represented in each county by a district attorney as now or hereafter provided by law. The district attorneys shall be elected by the qualified voters of their respective districts, and shall serve for a term of four years and until their successors have qualified. The state shall provide for the basic compensation of district attorneys.

(b) With such exceptions as now or hereafter provided by law, county attorneys shall be elected by the qualified voters of each county and shall hold office for a term of four years and until their successors have qualified.

(c) Each district and county attorney shall be licensed to practice law in this state. Other qualifications, duties, and functions of district and county attorneys and the grounds and procedure for disqualification, suspension, removal, and filling of vacancies shall be as provided by law.

Sec. 19. COMPENSATION. The state shall pay the basic salaries of all justices and judges of the unified judicial system and shall pay such other expenses of the system as provided by law.

Sec. 20. JUDICIAL RETIREMENT. (a) The legislature may prescribe by law the mandatory retirement age of a justice or judge in the unified judicial system.

(b) Notwithstanding any other provision of this constitution, the system of retirement, disability, and survivors' benefits established in the constitution or by law for justices, judges, and commissioners of the appellate courts and judges of the district and criminal district courts and in effect at the time of adoption hereof shall be continued. The legislature shall provide for inclusion in the system of judges of all courts in the unified judicial system and such other elected state officials as now or hereafter provided by law.

(c) General administration of the Judicial Retirement System of Texas shall be by the board of Trustees of the Employees

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Retirement System of Texas under such regulations as may be provided by law.

> HALE DENSON BAKER EARLE RYNIIM POWERS PEVETO OGG GRANT

The amendment was read.

Willis moved to table the Delegate substitute.

The motion to table prevailed by the following vote: 91 Yeas, 72 Nays, 3 Present-Not Voting, 15 Not Voting. (Record 6, Appendix)

PAIRED VOTES

Delegate Brooks (present), who would vote "Nay", with Delegate Wilson (absent), who would vote "Yea".

Delegate Whitmire (present), who would vote "Yea", with Delegate Parker of Denton (absent), who would vote "Nay".

Delegate Bynum offered the following amendment to Section 6 of Article V:

Amend Article V by striking Section 6

and substituting the following:

Section 6. COUNTY JUDGE. The county judge provided for in Article IX, Section 3(a) of this constitution has judicial functions as now or hereafter provided by law, and the County Court over which such judge presides is continued in effect until otherwise provided by law.

> BYNUM BAILEY WILLIS SPURLOCK ROSSON JONES OF TAYLOR

The amendment was read.

On motion of Delegate Bynum and by unanimous consent the amendment was withdrawn.

Hoestenbach offered Delegate the following amendment to the Transition Schedule for Article V:

Amend the Transition Schedule for the Judiciary Committee report by striking Subsection (m) thereof and redesignating the following subsections accordingly.

> HOESTENBACH MARTIN

The amendment was read and was adopted by a non-record vote.

LEAVES OF ABSENCE

Delegate Brooks was granted leave of absence for the remainder of today on account of important business on motion of Delegate McAlister.

Delegate Schwartz was granted leave of absence for the remainder of today on account of important business on motion of Delegate Jones of Harris.

Delegate Von Dohlen offered the following amendment to Section 3 of Article

Amend Section 3 of Article V of the Judiciary Committee Report to read as follows:

Section 3. COURTS OF APPEALS. There shall be one or more courts of appeals as provided by law, each consisting of a chief judge and at least two other judges. A court may sit in sections. The concurrence of a majority of the judges sitting is necessary to decide a case.

> VON DOHLEN CREIGHTON

The amendment was read and was adopted by a non-record vote.

Delegate Jones of Harris offered the following amendment to the Transition Schedule for Article V:

Amend the Transition Schedule for Article V by adding a new subsection, appropriately designated, to read as follows:) CLERKS. All laws pertaining to the office of district clerk or county clerk which are in effect on the effective date of Article V, and which are consistent with the provisions hereof, remain in effect until changed by law.

The amendment was read and was adopted by a non-record vote.

DELEGATE PRESENT

Delegate Parker of Denton who had previously been recorded as "Absent-excused" was announced "Present".

Williamson offered Delegate following amendment to Article V:

Amend Report of Judiciary Committee by deleting all below the proposing clause and substituting in lieu thereof the following: ARTICLE V

THE JUDICIARY

Section 1. JUDICIAL POWER. The judicial power of the state 1s vested in a judicial system composed of a Supreme Court of Civil Appeals, a Supreme Court of Criminal Appeals, Courts of Civil Appeals, Courts of Criminal Appeals, District Courts and Circuit Courts. All courts shall have jurisdiction as provided by law, but jurisdiction of courts of the same level must be uniform throughout the state.

Sec. 2. SUPREME COURT. (a) The supreme court shall be the highest court of the state and shall consist of the Chief Justice of Texas and at least eight other justices, of whom a majority shall be

It shall have necessary to decide a case. such jurisdiction and administrative and rule-making authority as provided in this article or by law.

(b) The legislature may grant jurisdiction to the supreme court to receive and answer questions of state law certified from federal courts.

Sec. 3. COURTS OF APPEALS. There shall be one or more courts of appeals as provided by law, each consisting of a chief judge and

at least two other judges.

Sec. 4. DISTRICT COURTS. The state shall be divided into judicial districts as now or hereafter provided by law. In each district there shall be one district court with one or more district judges.

Sec. 5. CIRCUIT COURTS. The legislature shall provide by law for circuit courts. A circuit court may serve one or more counties, but no county shall have more than one circuit court. Each circuit court shall have one or more judges and such other

officials as provided by law. Sec. 6. COUNTY JUDGE. The county judge provided for in Article IX, Section 3(a) of this constitution has judicial functions as now or hereafter provided by law, and County Court over which such judge presides is continued in effect until otherwise

provided by law.

Sec. 7. OTHER COURTS. (a) The county commission in each county shall divide the county from time to time into justice precincts, not less than four nor more than

The county commission in each county shall establish and maintain one more justice courts in the county with each court to exercise jurisdiction in one or more precincts in the manner provided by law.

(c) Municipal courts may be established by law or by charter as authorized by law and shall have such jurisdiction as provided by law.

QUALIFICATIONS OF JUDGES. No person may serve as a justice, judge, justice of the peace unless the person is a United States citizen and a resident of this state and has other qualifications prescribed law. No person may serve as justice or judge in the unified judicial system unless licensed to practice law in this state.

Sec. 9. ELECTION OF JUDGES. (a) The

Chief Justice of Texas and other justices the supreme court are elected by the qualified voters of the state every six years in the manner provided by law. Judges of the courts of appeals are elected by the qualified voters of their respective districts every six years in the manner provided by law.

(b) District and circuit judges are elected by the qualified voters of their respective districts every four years in the manner provided by law.

Vacancies in the offices (c) justices of the supreme court and judges of the courts of appeals, district courts, and circuit courts are filled by the governor, with the advice and consent of the senate, until the next succeeding general election.

Justices of the peace are elected (d) by the qualified voters of the county or precinct every four years in the manner provided by law. Vacancies in the office of justice of the peace are filled by the county commission until the next succeeding general election.

(e) Municipal judges are selected in manner provided by law or by charter as

authorized by law.

Sec. 10. QUALIFICATIONS COMMISSION;
REMOVAL OF JUDGES. (a) There shall be a judicial qualifications commission with such authority and functions as provided by law.

A justice of the supreme court may (h) be removed by the governor on the address of two-thirds of each house of the legislature for willful neglect of duty, incompetency, oppression in office, or other reasonable cause not a sufficient ground for impeachment.

(c) Any justice of the supreme court, judge, or justice of the peace may be removed, suspended, or censured as provided by law.

Sec. 11. COURT ADMINISTRATION. (a)(1)
The supreme court shall provide for the efficient operation of the judicial system. The court may direct the transfer of cases from one court to another within each level of the judicial system and may assign judges The court may within or between levels. delegate responsibility for administration to the chief justice and administrative judges provided for in Subsection (a)(2) of this section.

Each court of appeals district within the state constitutes an administrative district for purposes of trial court management. Within each district, the Chief Justice of Texas, with the advice and consent of the senate, shall designate a judge to serve as administrative judge of the

district.
(3) The legislature may establish an agency of the judicial branch having such membership as provided by law to prescribe of administration for the unified rules judicial system not inconsistent with general law or rules of procedure, and perform such other duties as shall be provided by law. Rules of administration promulgated by the agency shall not become effective until approved by the supreme court.

(b) The supreme court may promulgate of civil procedure not inconsistent rules with the laws of the state, for all courts, to expedite the dispatch of business therein. Any rule of procedure expressly disapproved by the legislature shall have no effect thereafter.

DISTRICT CLERKS; COUNTY Sec. 12. DISTRICT CHERRY, Serves as (a) A district clerk, who serves as of circuit courts of CLERKS. clerk of the district and circuit courts of the county, is elected by the qualified voters of each county for a term of four The clerk may be removed from office vears. upon a jury finding of incompetence, official misconduct, or other cause defined by law. Vacancies in the office of district clerk shall be filled by the judges of the district and circuit courts in the county until the next general election. Each clerk may have a deputy or deputies and other personnel authorized by law.

(b) The county clerk, who serves as clerk of the county commission and recorder of the county, is elected by the qualified voters of each county for a term of four years. The legislature shall prescribe the duties, perquisites, and fees of the office. A vacancy in the office shall be filled by the county commission until the next general election.

(c) The legislature may provide by law for the election of a single clerk to perform the duties of both a county clerk and a district clerk.

Sec. 13. JURIES. (a) A grand jury in the district court consists of 12 persons, of whom nine constitute a quorum and must concur in a bill of indictment.

(b) The legislature shall provide by law for trial juries.

(c) A party has the right to a jury trial upon demand made in the manner prescribed by law.

(d) Jury verdicts must be unanimous, except that the legislature, or the supreme court pursuant to its rule-making authority, may authorize jury verdicts in civil cases rendered by not less than three-fourths of the jurors sitting in a case.

(e) The legislature may provide by law for alternate jurors.

Sec. 14. SENTENCING AND PROBATION.
Courts having original jurisdiction of criminal cases shall have power to suspend the imposition or execution of sentence and place a defendant on probation; and shall have further power to modify, set aside, or reimpose sentence, subject to regulation by law.

Sec. 15. APPEAL BY STATE. The state shall have no right of appeal in criminal cases.

Sec. 16. APPEAL BY ACCUSED. (a) The accused shall have the right of appeal to the appellate court having jurisdiction, specifically including the right of appeal granted by Article I, Section 11(a) of this constitution.

(b) Appeal to the supreme court in criminal cases shall be at the discretion of the court, unless otherwise provided by law.

Sec. 17. APPEALS FROM ADMINISTRATIVE ACTION. Notwithstanding any other provision of the constitution, the legislature may provide by law for the method of appeal to the courts from actions, rulings, or decisions of administrative agencies and executive departments of the state or any of its subdivisions.

Sec. 18. DISTRICT ATTORNEYS; COUNTY ATTORNEYS. (a) The state shall be represented in each county by a district attorney as now or hereafter provided by law. The district attorneys shall be elected by the qualified voters of their respective districts, and shall serve for a term of four years and until their successors have qualified. The state shall provide for the basic compensation of district attorneys.

(b) With such exceptions as now or hereafter provided by law, county attorneys shall be elected by the qualified voters of each county and shall hold office for a term of four years and until their successors have qualified.

(c) Each district and county attorney shall be licensed to practice law in this state. Other qualifications, duties, and functions of district and county attorneys and the grounds and procedure for disqualification, suspension, removal, and

filling of vacancies shall be as provided by

Sec. 19. COMPENSATION. The state shall pay the basic salaries of all justices and judges of the unified judicial system and shall pay such other expenses of the system as provided by law.

Sec. 20. JUDICIAL RETIREMENT. (a) The legislature may prescribe by law the mandatory retirement age of a justice or judge in the unified judicial system.

(b) Notwithstanding any other provision of this constitution, the system of retirement, disability, and survivors' benefits established in the constitution or by law for justices, judges, and commissioners of the appellate courts and judges of the district and criminal district courts and in effect at the time of adoption hereof shall be continued. The legislature shall provide for inclusion in the system of judges of all courts in the unified judicial system and such other elected state officials as now or hereafter provided by law.

(c) General administration of the Judicial Retirement System of Texas shall be by the Board of Trustees of the Employees Retirement System of Texas under such regulations as may be provided by law.

The amendment was read.

Delegate Hale moved to table the amendment.

The motion to table prevailed by the following vote: 95 Yeas, 59 Nays, 2 Present-Not Voting, 25 Not Voting. (Record 7, Appendix)

PAIRED VOTE

Delegate Hoestenbach (present), who would vote "Nay", with Delegate Schwartz (absent), who would vote "Yea".

Delegate Von Dohlen (he having voted on the prevailing side) moved to reconsider the vote by which the amendment to Section 3 of Article V was adopted.

The motion prevailed by a non-record vote.

Question: Shall the amendment be adopted?

On motion of Delegate Von Dohlen and by unanimous consent the amendment was withdrawn.

Delegate Coleman offered the following amendment to Section 3 of Article V:

Amend Section 3 of Article V of the Judiciary Committee Report to read as follows:

Sec. 3. COURTS OF APPEALS. There shall be one or more courts of appeals as provided by law, each consisting of a chief judge and at least two other judges. The legislature may authorize the court to sit in sections. The concurrence of a majority of the judges sitting is necessary to decide a case.

COLEMAN WASHINGTON DENSON

The amendment was read and was adopted by a non-record vote.

(Delegate Green of Harris in Chair)

DELEGATE PRESENT

Delegate Wilson who had previously been recorded as "Absent-excused" was announced "Present".

(President in Chair)

Article V failed of adoption by the following vote: 74 Yeas, 81 Nays, 7 Present-Not Voting, 19 Not Voting. (Record 8, Appendix)

PAIRED VOTES

Delegate Waters (present), who would vote "Nay", with Delegate Schwartz (absent), who would vote "Yea".

Delegate Harris of Dallas (present), who would vote "Nay", with Delegate Andujar (absent), who would vote "Yea".

Delegate Blake (present), who would vote "Yea", with Delegate Short (absent), who would vote "Nay".

Delegate McDonald of Dallas (present), who would vote "Yea", with Delegate Olson (absent), who would vote "Nay".

Delegate Poerner (present), who would vote "Nay", with Delegate Calhoun (absent), who would vote "Yea".

Delegate Reynolds (present), who would vote "Yea", with Delegate Tarbox (absent), who would vote "Nay".

REASONS FOR VOTES

After analyzing the content of Article V, I find that I am in agreement with the bulk of our labors. The State's right of appeal in criminal cases is against my concept of "justice for all". I am unalterably opposed to this provision. However, I feel that the overall good that stands to be accomplished far outweighs the detrimental aspects of the article, hence, my "Yea" vote.

BIRD

The primary reason for a "Nay" vote on this article is because of the inclusion of Section 15 entitled Appeal by State. The preservation of the prohibition is so important that I cannot bargain it away despite the fact that the remainder of the article is acceptable. The innocent will suffer if Right of Appeal is not deleted.

GARCIA

After careful consideration of the context of Article V, I am unalterably opposed to the provision giving the State

right of appeal in criminal cases. This provision is against my concept of justice. Hence my "Nay" vote.

MADLA

NOTICE OF INTENTION TO VOTE

Had I been present I would have voted "Yea" on the adoption of Article V.

LOMBARDINO

UNANIMOUS CONSENT TO RECORD VOTE

The following delegates requested unanimous consent to be recorded as voting on the following record votes. There was no objection:

Delegate Nichols requested to be recorded as voting "Yea" on Record Vote 7 on February 18.

Delegate Nichols requested to be recorded as voting "Nay" on Record Vote 9 on March 21, 1974.

Delegate Allred requested to be recorded as voting "Nay" on Record Vote 3.

Delegate Boone requested to be recorded as voting "Yea" on Record Vote 2.

Delegate Clayton requested to be recorded as voting "Yea" on Record Vote 2.

Delegate Cobb requested to be recorded as voting "Yea" on Record Vote 2.

Delegate Cole requested to be recorded as voting "Yea" on Record Vote 5.

Delegate Geiger requested to be recorded as voting "Yea" on Record Votes 2 and 3.

Delegate Lary requested to be recorded as voting "Yea" on Record Vote 2.

Delegate Madla requested to be recorded as voting "Nay" on Record Vote 3.

Delegate Ogg requested to be recorded as voting "Yea" on Record Votes 2, 4 and 5.

Delegate Schwartz requested to be recorded as voting "Nay" on Record Vote 3.

Delegate Scoggins requested to be recorded as voting "Yea" on Record Votes 2 and 7.

Delegate Waters requested to be recorded as voting "Nay" on Record Vote 2.

Delegate Wilson requested to be recorded as voting "Nay" on Record Vote 7.

Delegate Wyatt requested to be recorded as voting "Nay" on Record Vote 2.

RECESS

Delegate Doran moved the Convention stand adjourned until 9:30 o'clock a.m. tomorrow.

Delegate Powers moved the Convention take recess until 9:30 o'clock a.m. tomorrow.

Question first on the motion to stand adjourned until 9:30 o'clock a.m. tomorrow.

The motion to adjourn failed of adoption by the following vote: 58 Yeas, 96 Nays, 1 Present-Not Voting, 26 Not Voting. (Record 9, Appendix)

Question next on the motion to take recess until 9:30 o'clock a.m. tomorrow.

The motion to take recess prevailed by the following vote: 113 Yeas, 41 Nays, 1 Present-Not Voting, 26 Not Voting. (Record 10, Appendix)

Accordingly, on motion of Delegate Garcia and the Bexar County delegation, the Convention at 5:22 o'clock p.m. took recess in memory of Valerie Barlow, daughter of Judge and Mrs. James Barlow, until 9:30 o'clock a.m. tomorrow.

1974

NAY

TEXAS CONSTITUTIONAL CONVENTION

1974 1240 YEA N-V NAY Mr. President Adams, D. Adams, H. • Agnich ·Aikin _ Allen, Joe • Allen, John __ Allred • Andujar Atwell Bailey Baker Bales _ Barnhart • Bigham Bird Blake Blanchard Blythe _____ e Bock Boone ____ Bowers _ Braecklein Brooks ____ e Bynum _ Caldwell Calhoun Canales ____ • Cates Clark Clayton _____ • Clower ____ Cobb ____ Cole _ Coleman · Coody · Cooke · Craddick Creighton ____ Daniel _____

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e Doran ____

YEA N-V NAY Doyle_ Dramberger • Edwards • Earle Evans Finnell • Finney _____ Foreman •Fox ______X Garcia _____ • Gaston _____ Geiger
Grant
Green, F.
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> DATE: 1. __JAN 2__ __FEB 3__ __MAR 1__ APR 2___ __MAY 3___ __JUN 4__ _JUL 5_ _AUG 6_ __SEP 7__ _.OCT 8__ _NOV 9__ __DEC 0__

YEA

RECORD #1 ROLL CALL

YEA-148	TOTALS NAY-0	PNU-0	NU-32	ARTIC	CLE
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RECORD # 2 MOTION TO TABLE BAKER AMENDMENT TO ART. I

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X-EXCUSED ABSENCE

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TEXAS CONSTITUTIONAL CONVENTION

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YEA N-V NAY

RECORD # 3 MOTION TO TABLE THE MOTION TO RECONSIDER THE

DOTE BY WHICH THE WILLIS AMENDMENT WAS ADOPTED

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N-V NAY

(1-804) 355-0872 International ROLL-CALL

YEA

YEA

N-V

NAY

N-V NAY

YEA

_Mr. President

Adams, D.

Adams, H.

_Aikin ______Allen, Joe _____Allred _____

Agnich

Andujar _Atwell _ Bailey Baker Bales Barnhart Bigham • Bird Blake Blanchard _Blythe Boone Bowers Braecklein Brooks Bynum

• Caldwell Calhoun Canales Cates_ _Clark __ Clayton Clower ._ Cobb __ Cole _ Coleman Coody _Cooke Craddick Davis Denson Denton

Doggett
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NAY

_Doyle	Lee	Russell
_Doyle	_Lee Leland	• Sage
Earle	• Lewis	•_Salem
● Edwards _Evans	Lombardino Longoria	Sanchez
Evans	Longoria	Sanchez _Santiesteban
_Finnell	McAlister	• Schieffer
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Foreman	McDonald, T.	• Scoggins
• Fox	_McKinnon	Scoggins Semos Sherman, M.
Fox Gammage A Garcia	McKnight	Sharman M
Garcia		
Gaston	Maloney Martin	Sherman, W
	_Martin	Simmons
Geiger	_Martin	_Simmons
Grant	Massey	_Slack
Green, F	_Mattox _Mauzy	_Snelson
Green, R.	_Mauzy	_Spurlock
• Hale	_Meier	Sullivant
• Hale Hall, A. Hall, W.	Meier	Snelson Spurlock Sullivant Sutton Tarbox Temple Thompson Traeger
_Hall, W.	Mendden	_Tarbox
• Hanna	_Miller	_Temple
Harrington	_Montoya	_Thompson
_Harris, E	Moore	Traeger
Harris, O.	Munson	Truan
Harris, O. Head Heatly	Murray	
_Heatly	Nahers	_Uher
Henderson	Newton	_Vale
_Hendricks	_Nichols	_Vecchio
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_Hilliard	Nugent	
_Hoestenbach	_Olson	_Washingron
● Hollowell	Parker, C. X	_Waters
_Howard	Parker, W.	Watson
• Hubenak	Patman	_Watson
_Hudson	Pentony	_Whitehead
• Hutchison	• Peveto	_Whitmire
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Jones, Gene	Poff	• Williams
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RECORD #4 MOTION TO TABLE THE WASHINGTON AMENDMENT TO ART. I

Rosson

Laney Lary

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Brooks
Bynum

Caldwell

Calhoun

Canales

Cates

Clark

Clayton

Clower

Cobb

Coleman,

Craddick

Creighton

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Coody

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Daniel

Denson

Denton

Doggett __Donaldson

Doran

Davis

Blanchard

e_Bird

Allen, John

YEA N-V NAY

Doyle
Dramberger
Earle
Edwards
Evans
Finnell
Finney

Finney
Foreman
Fox
Gammage
Garcia
Gaston

Gaston
Geiger
Grant
Green, F
Green, R.
Hale

Hall, A.
Hall, W.
Hanna
Harrington
Harris, E.
Harris, O.

Heatly
Henderson
Hendricks
Hernandez
Hightower
Hilliard

_Hoestenbach _Hollowell _Howard _Hubenak _Hudson _Hutchison

_Johnson ____ _Jones, Gene ___ _Jones, Grant __ _Jones, L. _Kaster ___

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Kothmann

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Laney _____

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Lee
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Longoria
McAlister
McDonald, F.
McDonald, T.
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Parker, C. ___ Parker, W. __ Patman ___

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Poerner
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Russell
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Schieffer
Schwartz
Scoggins
Semos
Sherman, M.

Sherman, W.
Short
Simmons
Slack
Snelson
Spurlock
Sullivant
Sutton
Tarbox

_Von Dohlen _Wallace _Washington _Waters _Watson _Wedding.on _Whitehead

Vick

• Wyatt ______
Bryant _____
X-EYCUSED ABSENCE

Wolff

RECORD # 5 HOTION TO TABLE THE MOTION TO RECOMMIT

ART. I TO THE JUDICIARY COMMITTEE

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Alt.	8	80	8
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Phone (1-804) 355-0872 International ROLL-CALL & Corporation, Richmond, Va. 23230

		TEXAS CONSTITUTI	ONAL CONVENTION	
	1974	TEATIS CONSTITUTE		1245
)	177 AST		WEA NIV NAV	YEA N-V NAY
	YEA N-V NAY	YEA N-V NAY	YEA N-V NAY	TEA N-V NAT
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	• Allred	• Foreman	McDonald, T.	Scoggins
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	_Atwell	Pox	● McKnight	Sherman, M.
	Bailey	_Garcia	_Madla	_Sherman, W
	Baker	• Gaston	Maloney	Short
	Balos	• Geiger	Martin	_Simmons
	Bales Barnhart	Geiger	Martin Massey	•_Slack
	_Bigham	Green, F.	_Mattox	• Snelson
	Ried	• Green, R.	● Mauzy	Spurlock
	Blake	Hale	Meier	Spurlock Sullivant Sutton Tarbox
	Blanchard	_Hall, A	· LAW HOFF	Sutton
	Blythe	Hall W	_Mengden	Tarbox X
	Bock	• Hanna	_Miller	emple
	Boone	Harrington	Montova	_Thompson
	Bowers	_Harrington _Harris, E	●_Montoya ●_Moore	• Traeger
	Bracklein	• Harris, O	_Munson	Traeger
	Brooks Bynum	_Head	Murray	●_Tupper
	Bynum	•_Heatly	Nabers	• Uher
	_Bynum _Caldwell	• Henderson	Newton	_Uher _Vale _Vecchio
	Calbour	_Hendricks	_Nichols	Vecchio
	_Canales	_Hernandez	Nlowlin	•_Vick
	Cates	•Hightower	Nugent	Von Dohlen
	_Clark	•Hilliard	Ogg	• Wallace
	Clayton	 Hoestenbach 	Olson	_Wallace _Washington _Waters
	Clayton	●_Hollowell	Parker, C.	_Waters
	Cobb Cole Coleman	• Howard	Nugent Ogg Olson Parker, C Parker, Vv	_Watson
	Cole	● Hubenak	Patman	_Weddington
	Coleman	_Hudson	Pentony	Mhitehead
	Coody	Hutchison	_Peveto	_Whitmire
	_Cooke	_Johnson	Poerner	Wieting
	Craddick	_Jones, Gene	• Poff	• Williams
	Creighton	Jones, Grant	_Powers	Williamson
	_Daniel	Jones, L.	Presnal	• Willis
	Davis	_Kaster	Presnal	_WilsonX
	Denson	Korioth	_Ragsdale	Wolff
	Denton X	_Kothmann	_Ragsdale	_Wyatt
	_Denson	_Kothmann	Reynolds	_Wyatt _Bryant
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RECORD # 6 MOTION TO TABLE THE HALE SUBSTITUTE AMENDMENT TO ART. I

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	_Mr. Preside		D. I	
	_Adams, D.	nT	_Doyle _	
	Adams, H.		• Earla	rger
	• Agnich		- Edwards	
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	Allen, Joe		Finnell	
	Allen, John		Finney	
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	• Clower		Hollowel	I
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YEA N-V	NAY	YEA N-V NAY
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_Lee _Leland		Russell
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_Lombardino _	X	Salem
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McAlister		• Schieffer
McDonald, F.		_Schwartz
McDonald T		Scoggins
McDonald, T. McKinnon	X	_Semos
_McKnight		Sherman, M.
Madla		Sherman W
Maloney		_Sherman, W
_Martin		Simmons
Massey		Slack
Mattox		Snelson
_Mauzy		_Spurlock
Meier	- Marie Salar	_Sullivant
· LAUHOFF		Sutton
Mengden		_TarboxX
_Miller		Temple
_Montoya		● Thompson
_Moore		Traeger
Munson		● Truan
Murray		Tupper
_Nabers		_Uher
_Newton		_Vale
Nichols		_Vecchio
Nowlin		_Vick
_Nugent		_Von Dohlen
Ogg	~	_Wallace
_Olson	1	_Washington
Parker, C.		_Waters
Parker, W.		_Watson
Patman	-	Weddington
Pentony		_Whitehead
Peveto	-	_Whitmire
Poff		• Wieting
Powers		• Williams
_Presnal	-	_Williamson
Preston		Willis
Ragsdale	-	_Wolff
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RECORD # 7 HOTION TO TABLE THE WILLIAMSON SUBSTITUTE

TO ART. T

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NOV	9
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_Salem
_Sanchez
_Santiesteban
Schieffer
Schwartz
Scoggins
Semos
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Chart Y
_SHOFF
Salem Sanchez Santiesteban Schieffer Schwartz Scoggins Semos Sherman, M. Sherman, W. Short Simmons Slack Snelson Spurlock
_Slack
_Snelson
Spurlock
_Sullivant
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Uher Vale Vecchio Vick Von Dohlen Wallace Washington Waters
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• Williams
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_Willis

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_Lee	● Russell
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Longoria	_Santiesteban
_McAlister McDonald, F	_Schieffer
McDonald, F.	_SchwartzX
_McDonald, T	_Scoggins
_McKinnoX	Semos
_McKnight	_Sherman, M
_Madla	_Sherman, W
Maloney	_Sherman, W _Short
_Martin	_Simmons
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Mattox	_Snelson
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_Parker, C	_Waters •
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YEA N-V NAY YEA N-V NAY

RECORD # 8 ADOPTION OF ART. I, AS AMENDED

YEA-	74	_ TOT	ALS N	AY-81		PNU-	7	NU-19	ART	TICLE		DATE: 1
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ROLL-CALL

Richmond, Va. 23230

TEXAS CONSTITUTIONAL CONVENTION

1974 . 1248 YEA N-V NAY _Mr. President

Adams, D. __

Adams, H. __

Agnich _Aikin _ _Allen, Joe •_Allen, John _Allred _Andujar Atwell Bailey Baker Bales Barnhart Bigham Bird

Blake Blanchard
 Blythe · Bock Boone Bowers Braecklein X Brooks Bynum _ Caldwell X Calhoun Canales Cates

_Clark

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_Cole ____

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YEA	N-V	NAY
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Head

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Hilliard

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Howard

_Hubenak _Hudson

_Hutchiso ..

• Kaster _Korioth ___ _Kothmann _

Kubiak .

Laney_

_Lary

_Johnson _Jones, Gene _Jones, Grant _Jones, L.

_Hernandez

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H9 Motion to Adjourn to 9:30 AM

Tomorrow

Yea-58	TOTALS Nay	96 PNU-1	NU-26	ARTI	CLE	DATE: 1_
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_1	Mr. President
•	Adams, D.
•	Adams, H.
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0.	Allen, Joe
-	Allen, John

YEA

Allred Andujar Atwell Bailey

Baker Bales Barnhart Bigham Bird Blake Blanchard

Blythe Bock Boone Bowers Braecklein X Brooks

Bynum Caldwell Calhoun Canales _Cates · Clark Clayton

Cobb Cole Coleman · Coody Cooke

• Clower

Craddick Creighton . _Daniel Davis . Denson

Denton Doggett Donaldson . Doran

Doyle . Dramberger • Earle Edwards Evans Finnell Finney

Foreman ● Fox Gammaga Garcia Gaston Geiger

Grant Green, F. Green, R. • Hale Hall, A. Hall, W.

. Hanna Harrington Harris, E. Harris, O.

● Head _ ● Heatly Henderson Hendricks

Hernandez Hightower Hilliard

Hoestenbach Hollowell Howard Hubenak

Hudson Hutchison Johnson

Jones, Gene Jones, Grant Jones, L.

● Kaster Korioth Kothmann

Kubiak . Laney_ Lary .

• Lee	
Leland	
Lewis	
Lombardino	${X}$
Longoria	
 McAlister 	100
McDonald, F.	
McDonald, T.	
_McKinno.	X
_McKnight	•
_Madla	•

Maloney Martin Massey Mattox

Mauzy • Meier Launoff Mengden

Miller . ● Montoya Moore Munson

Murray Nabers Newton

Nichols ●_Nowlin Nugent Ogg .

Olson Parker, C Parker, W.

Patman Pentony Peveto

Poerner Poff _ Powers

Presnal Preston Ragsdale Reyes

Reynolds Rodriguez Rosson

	Russell	
0	_Sage	
	Salem	•
	Sanchez	
	Santiestevan_	
	Schieffer	
•	Schwartz	
-	Scoggins	
	Semos	
	Sherman, M.	
-	Sherman, M.	
-	Sherman, W.	
2	Short	
_	_Simmons	100
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82	Sutton	
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Temple _ Thompson Traeger Truan . Tupper Uher

Vale ●_Vecchio Vick Von Dohlen ● Wallace

Washington Waters Watson

Weddington Whitehead Whitmire _ Wieting . Williams

Williamson Willis Wilson Wolff ●_Wyatt Bryant

X-Evensed Absence

Motion to Recess until 9:30 AM

to MOLLOW

Yea-	113	TO	TALS Na	4-41	PN	v- 1	NV-26		ART	ICLE		DATE: 1
YE	A	1			N/	AY	•	_Comm.	10			JAN 2_
 100-:	200	100	0-200		100	-200	0-	_Rep.	20	SEC	TION	FEB 3
0	0	0	0		0	0_		_Subs.	1	10	1	MAR 1
•_1	1_0	_1	1		1	1	_	_Amm.	2	20	2	APR 2_
2		_2	2		2	2		_Quo.	3	30	3	MAY 3
3	3	3	3		3	3		_3 R	_4	40	4	_JUN 4
4	4	4	4		_4	4		_Subm.	•5	50	5	JUL 5
5	5	5	5		5	5		Mino.	6	60	6	_AUG 6_
6	6	6	6		6	6		Mot.	7	70	7	SEP 7
7	7	7	7		7	7		_Alt.	8	80	8	_OCT 8_
8	8	8	8		8	8		Sep.	_9	90	9	_NOV 9_
9	9	_9	9_		9	9_		_2 R	0	00	0	DEC 0