

**OFFICIAL JOURNAL
of the
CONSTITUTIONAL CONVENTION
of the
STATE OF TEXAS**

FIFTH DAY
(Monday, January 14, 1974)

The Convention met at 1:00 o'clock p.m., pursuant to adjournment, and was called to order by the President.

The roll was called and the following were recorded present: 167 Present, 5 Absent-excused, 8 Absent. (Record 1, Appendix)

The Reverend Jack Heacock, First United Methodist Church of Austin, offered the invocation as follows:

O God Our Father...

We go stumbling about blindly before the face of your continual presence, wanting to know where you are: You who are as near as any lingering thought we have, though vast beyond it; close as the air we breathe and the words on our lips, pressing upon us in the touch of some hand, shining in our eyes with your accustomed light. But these we pile up and say are common things, too common. Common as the steam spurting from under the lid of a kettle. Thousands had looked, but James Watt saw it. Common as the drift water on the shores of Portugal. Thousands had looked, but Columbus saw it, and it spoke to him of another world across the sea that waited for his coming. Help us here, who make laws and shape the process for human transactions: to see in school children from poverty impounded districts and the mentally retarded and the emotionally crippled and the oppressed minority peoples and the women, the children, the aged, the troubled youth. Not problems that require solutions, but our very own brothers and sisters to whom we have a very personal responsibility and opportunity...

For this is precisely where you told us that you would meet us; in the needs of our brothers and sisters...

In the name of the Son whom we call our brother:

Jesus Christ, Our Lord. Amen.

LEAVES OF ABSENCE

Delegate Laney was granted leave of absence for today on account of illness on motion of Delegate Clayton.

Delegate Canales was granted leave of absence for today on account of illness on motion of Delegate Sanchez.

Delegate Scoggins was granted leave of absence for Monday, January 14, and Tuesday, January 15 on account of important business

on motion of Delegate Agnich.

Delegate Brooks was granted leave of absence for today on account of important business on motion of Delegate Allen of Gregg.

Delegate Wyatt was granted leave of absence for today on account of important business on motion of Delegate Schieffer.

PERMANENT OFFICERS AND EMPLOYEES

The President announced the appointment of the following permanent officers and employees of the Convention:

Secretary, Charles A. Schnabel
Chief Clerk, Dorothy Hallman
Assistant Secretary, Marion Dellana
Sergeant-at-Arms, Russell Kelley
Assistant Sergeant-at-Arms, Tommy Townsend
Executive Director, James F. Ray
Parliamentarian, Robert E. Johnson
Assistant Parliamentarian, Robert I. Kelly
Journal Clerk, Betty King
Engrossing and
Enrolling Clerk, Orea Guffin
Calendar Clerk, Adele Jacobs
Voting Machine Operator, Charles Petri, Jr.
Chaplain, Dr. Ralph M. Smith

**MOTION REGARDING MEETINGS OF
SUBSTANTIVE COMMITTEES**

Vice-President Aikin moved that the eight substantive committees hold public hearings on Friday evening, January 18 and Saturday, January 19 in order that citizens who work from eight to five Monday through Friday might have an opportunity to express their views to the committees.

Question on the motion that the substantive committees hold hearings on Friday evening, January 18 and Saturday, January 19, "Yeas" and "Nays" were demanded.

The motion prevailed by the following vote: 140 Yeas, 14 Nays, 5 Absent-excused, 21 Not voting. (Record 2, Appendix)

REASON FOR VOTE

I voted no on Record Vote 2 for the reason that it will not allow enough time, in my opinion, to apprise the public of the meeting this Saturday and give the public the fullest opportunity to appear and present matters. I would favor a later Saturday meeting to allow more time for appearance and presentation and preparation by the public.

ROSSON

REASON FOR VOTE

I voted no on Delegate Aikin's motion to hold committee meetings on next Friday and Saturday nights, because I think the dates are much too early to obtain any significant citizen input. I believe my time would be better served by my returning to my home district to talk to citizens there.

MCDONALD

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CONSTITUTIONAL CONVENTION PROPOSALS
AND RESOLUTIONS

The following Constitutional Convention Proposals and Resolutions were referred to the Committee indicated: (Referral appears at end of printing of Proposal or Article thereof)

CONSTITUTIONAL CONVENTION PROPOSAL 1

By Delegates Daniel and Aikin:

C.C.P. 1, A PROPOSAL FOR INCORPORATION
IN THE CONSTITUTION OF TEXAS

Proposing a Constitution of Texas.
BE IT PROPOSED BY THE CONSTITUTIONAL
CONVENTION OF TEXAS:

That the Constitution of Texas be as
follows:

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. FREEDOM AND SOVEREIGNTY OF
STATE. 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. INHERENT POLITICAL POWER;
REPUBLICAN FORM OF GOVERNMENT. 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. 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. 3a. EQUALITY UNDER THE LAW.
Equality under the law shall not be denied or
abridged because of sex, race, color, creed,
or national origin. This amendment is
self-operative. (Added Nov. 7, 1972).

Sec. 4. RELIGIOUS TESTS. No religious
test shall ever be required as a
qualification to any office, or public trust,
in this State; nor shall any one be excluded
from holding office on account of his
religious sentiments, provided he acknowledge
the existence of a Supreme Being.

Sec. 5. WITNESSES NOT DISQUALIFIED BY
RELIGIOUS BELIEFS; OATHS AND AFFIRMATIONS.
No person shall be disqualified to give
evidence in any of the Courts of this State
on account of his religious opinions, or for
the 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 OF WORSHIP. 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. APPROPRIATIONS 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. FREEDOM OF SPEECH AND PRESS;
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. SEARCHES AND SEIZURES. 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 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 anti-trust 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

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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. (Added 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.

Sec. 11a. MULTIPLE CONVICTIONS; DENIAL OF BAIL. 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. (Added Nov. 6, 1956.)

Sec. 12. 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 OR FINES; CRUEL AND UNUSUAL PUNISHMENT; REMEDY BY DUE COURSE OF LAW. 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. DOUBLE 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. (As amended Aug. 24, 1935.)

Sec. 15-a. COMMITMENT OF PERSONS OF UNSOUND MIND. 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, adjudication 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. (Added Nov. 6, 1956.)

Sec. 16. BILLS OF ATTAINDER; EX POST FACTO OR RETROACTIVE LAWS; IMPAIRING OBLIGATION OF CONTRACTS. No bill of attainder, ex post facto law, retroactive law, or any law impairing the obligation of contracts, shall be made.

Sec. 17. TAKING, DAMAGING OR DESTROYING PROPERTY FOR PUBLIC USE; SPECIAL PRIVILEGES AND IMMUNITIES; CONTROL OF PRIVILEGES AND FRANCHISES. 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. IMPRISONMENT FOR DEBT. No person shall ever be imprisoned for debt.

Sec. 19. DEPRIVATION OF LIFE, LIBERTY, ETC.; 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. OUTLAWRY OR TRANSPORTATION FOR OFFENSE. 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; SUICIDES. 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 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 KEEP AND 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 IN HOUSES. 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 AND MONOPOLIES;

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PRIMOGENITURE OR 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 ASSEMBLY; PETITION FOR REDRESS OF GRIEVANCES. 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. SUSPENSION OF LAWS. No power of suspending laws in this State shall be exercised except by the Legislature.

Sec. 29. PROVISIONS OF BILL OF RIGHTS EXCEPTED FROM POWERS OF GOVERNMENT; TO FOREVER REMAIN INVIOLEATE. To guard against transgressions of the high powers herein 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.

To Committee on Rights and Suffrage.

ARTICLE II SEPARATION OF POWERS

Sec. 1. SEPARATION OF POWERS. The government of the State of Texas shall be divided into three branches: legislative, executive, and judicial. Except as otherwise authorized by this Constitution, each branch shall exercise the powers appropriate thereto.

To Committee on Rights and Suffrage.

ARTICLE III THE LEGISLATURE

Sec. 1. LEGISLATIVE POWER. The legislative power of the State of Texas shall be vested in two houses, a Senate and a House of Representatives, which together shall be styled "The Legislature of the State of Texas."

Sec. 2. COMPOSITION. As shall be provided by law, the Senate shall consist of not fewer than thirty-one nor more than fifty members, and the House of Representatives shall consist of not fewer than ninety-three nor more than one hundred fifty-five members. The number of members of the House of Representatives shall be a whole multiple of the number of members of the Senate.

Sec. 3. QUALIFICATION OF MEMBERS. (a) A person shall be eligible for election to the Senate if a citizen of the United States, a qualified voter, twenty-five years of age or older, and a resident of this State for five years and of the senatorial district for one year immediately preceding the election.

(b) A person shall be eligible for election to the House of Representatives if a citizen of the United States, a qualified voter, twenty-one years of age or older, and a resident of this State for two years and of the representative district for one year immediately preceding the election.

(c) In the general election following a redistricting, a person shall be eligible to

be elected to the Legislature from any new district that contains a part of the district in which that person was eligible for election on the effective date of the redistricting, but only if within thirty days after the date of filing as a candidate in the primary election that person becomes a resident of the new district.

(d) A member of the Legislature may not hold any other office or position of profit or trust under this State, the United States, or any foreign government, except as a member of the National Guard, National Guard Reserve, or any of the armed forces reserves of the United States, as a retired member of the armed forces of the United States, or as a notary public.

Sec. 4. ELECTION AND TERMS OF MEMBERS.

(a) Senators and Representatives shall be elected at a general election.

(b) Each Senator shall serve a term of four years beginning on the date provided in this Constitution or by law for convening the Legislature in regular session. The qualified voters shall elect a new Senate after each statewide senatorial redistricting, and the Senators shall decide by lot which shall serve four-year terms and which shall serve two-year terms, so that one-half shall be chosen every two years thereafter.

(c) Each Representative shall serve a term of two years beginning on the date provided in this Constitution or by law for convening the Legislature in regular session.

(d) Vacancies in the Senate and House of Representatives shall be filled by special election as provided by law.

Sec. 5. REDISTRICTING. (a) Before August 15 following publication of each federal decennial census, the Legislature shall by law divide the State into single-member senatorial districts and each senatorial district into single-member representative districts.

(b) All senatorial districts shall contain as nearly as practicable an equal number of inhabitants. All representative districts within a senatorial district shall contain as nearly as practicable an equal number of inhabitants. All districts shall be composed of compact and contiguous territory.

(c) A county entitled to more than one Senator or Representative shall be divided into the required number of districts. Population in excess of that required for complete districts within the county, or the population of a county insufficient to comprise a district, shall be joined with population of another county or counties to form one district.

(d) Senatorial and representative districts shall not divide counties unless necessary to prevent a significant population variance between districts.

(e) A Legislative Redistricting Board shall be constituted within twenty days after August 15. The board shall consist of the Governor, Lieutenant Governor, Speaker of the House of Representatives, Attorney General, and five members appointed by the Governor. The appointed members shall be from different geographical regions of the State, and due regard shall be given to the division between urban and rural areas. No appointed member shall be a public officeholder, and not more

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than three shall be from the same political party. The Legislature shall provide funds for the board's clerical, technical, and other expenses.

(f) If the Legislature fails to redistrict by August 15 or if its redistricting plan is declared invalid, the State shall be redistricted by the board. In the event of failure to redistrict, the board shall convene as soon as practicable after it is constituted. In the event the legislative redistricting plan is declared invalid, the board shall convene as soon thereafter as is practicable. The board shall make and file its redistricting plan with the Secretary of State within twenty-five days after its first meeting.

(g) If the board fails to complete its redistricting in accordance with the requirements of this Section, the Supreme Court of Texas shall have original jurisdiction to compel the board to perform its duties and may provide such remedies and penalties as may be appropriate.

(h) The board shall be dissolved immediately following the first general election held in accordance with a valid redistricting plan.

Sec. 6. COMPENSATION. Each member of the Legislature shall receive compensation and allowances as provided by law, not to exceed the amount recommended by the salary commission. Any increase in compensation shall become effective only at the first regular session following the next general election.

Sec. 7. SESSIONS. (a) The Legislature shall meet at least once every two years and at such times and for such duration as provided by law.

(b) All legislative proceedings shall be open to the public.

(c) Neither house may adjourn or recess for more than three days without the consent of the other.

(d) The Legislature shall meet at the seat of government unless otherwise provided by law.

Sec. 8. ORGANIZATION AND PROCEDURE. (a) Each house shall be the judge of the qualifications and election of its own members, but contested elections shall be determined as provided by law.

(b) Each house shall adopt its rules of procedure. The Legislature by majority vote of the membership of each house shall adopt joint rules. Rules, once adopted, shall remain in effect until amended, repealed, or otherwise changed by the same or succeeding Legislatures.

(c) At the beginning and end of each session the Senate shall elect from its members a president pro tempore who shall perform the duties of president when the Lieutenant Governor is absent or disabled, or when the office is vacant.

(d) When first assembled the House of Representatives shall organize and elect a speaker from its members.

(e) All elections held by either house of the Legislature shall be by individual voice votes to be recorded in the journal.

(f) Two-thirds of the membership of each house shall constitute a quorum for transacting business, but fewer members may

recess or adjourn from day to day and compel the attendance of absent members.

(g) Each house shall prepare and publish a journal of its proceedings. At the request of any three members present, the votes on any question shall be recorded in the journal.

(h) Each house may punish a member for disorderly conduct or for cause deemed sufficient by that house and may expel a member by two-thirds vote of its membership, but not a second time for the same offense.

Sec. 9. LEGISLATIVE IMMUNITY. No member shall be questioned in any other place for speech or debate during a legislative proceeding.

Sec. 10. CONFLICT OF INTEREST. (a) No member may vote for the appointment of another member to any office filled by the Legislature.

(b) During the term for which elected a member shall be ineligible for (1) 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, or (2) any office or position the appointment to which may be made, in whole or in part, by either house of the Legislature. The ineligibility shall terminate on the last day in December of the last full calendar year of the term for which the member was elected.

(c) A member privately interested in a bill, resolution, or other matter before the Legislature shall disclose the interest and shall not vote on the bill, resolution, or other matter.

(d) No member may have a pecuniary interest in any contract with the State.

(e) No member shall for compensation other than the emoluments of office appear before or have dealings with an executive or administrative unit of State government; and no member shall directly or indirectly share in any fee paid to any other person for such appearance or dealings.

(f) A continuance shall not be granted in any judicial proceeding solely because a party or attorney is a member of the Legislature.

Sec. 11. BILLS. (a) The Legislature shall enact no law except by bill.

(b) A bill may originate in either house. After a bill passes either house, the other may amend or reject it, but neither house may so amend a bill as to change its original purpose.

(c) Every bill shall be limited to a single subject, which shall be expressed in its title. A general appropriation bill shall be limited to the subject of appropriations. A statutory revision bill shall be limited to that subject.

(d) A bill, amendatory in form, shall set out the complete section, as amended, of the statute it amends.

(e) Before a house considers a bill it must have been referred to a committee of that house and reported at least five days before adjournment of the session.

(f) Before a bill becomes law it must be read on three separate days in each house. Either house by four-fifths record vote of the members present and voting may suspend this requirement.

(g) If a bill or resolution is defeated by a vote of either house, no bill or resolution containing the same substance

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shall be passed during the same session.

(h) The presiding officer of each house shall, in the presence of that house, certify the final passage of each bill or resolution requiring the concurrence of both houses. The fact of certification shall be recorded in the journal.

(i) No law except the general appropriation act and redistricting acts shall take effect until ninety days after it becomes a law or ninety days after adjournment of the session at which it was enacted, whichever is earlier. The Legislature, by three-fourths record vote of the membership of each house, may authorize an earlier effective date.

Sec. 12. LOCAL OR SPECIAL LEGISLATION. The Legislature may not enact a local or special law if a general law is or can be made applicable. Whether a general law is or can be made applicable shall be a matter for judicial determination.

Sec. 13. IMPEACHMENT. (a) The House of Representatives shall have the sole power to conduct legislative investigations to determine the existence of cause for impeachment and, by the record vote of two-thirds of its membership, to impeach executive officers and justices of the Supreme Court.

(b) Any officer against whom articles of impeachment have been preferred shall be suspended from the exercise of the duties of the office during the pendency of the impeachment. The Governor may make a temporary appointment to fill the vacancy occasioned by the suspension of the officer until the decision on the impeachment.

(c) Impeachments shall be tried by the Senate. When sitting for that purpose, Senators shall affirm or take an oath to try impartially the party impeached. If the Governor or Lieutenant Governor is tried, the Chief Justice of the Supreme Court shall preside. A person may be convicted of impeachment charges only by record vote of two-thirds of the membership of the Senate.

(d) A judgment of conviction by the Senate shall not extend beyond removal from office and disqualification to hold any office of honor, trust, or profit of this State. An impeached person, whether convicted or acquitted, shall be amenable to prosecution, trial, judgment, and punishment according to law.

Sec. 14. ADVICE AND CONSENT OF THE SENATE. Two-thirds of the members present and voting shall constitute consent to any appointment which this Constitution requires to be with the advice and consent of the Senate. The Legislature may provide by law for interim appointments made when the Senate is not in session.

To Committee on the Legislature.

ARTICLE IV THE EXECUTIVE

Sec. 1. OFFICERS CONSTITUTING THE EXECUTIVE DEPARTMENT. The Governor shall be the Chief Executive Officer of the State. The Executive Department shall consist of a Governor, Lieutenant Governor, Attorney General, Comptroller of Public Accounts, Secretary of State, Commissioner of the

General Land Office, and such other officers as may be provided by law.

Sec. 2. SELECTION, TERMS, AND RESIDENCE OF OFFICERS OF EXECUTIVE DEPARTMENT. The Governor, Lieutenant Governor, Attorney General, and Comptroller of Public Accounts shall be elected by the qualified voters of the State at general elections beginning with 1978. The Secretary of State shall be appointed by the Governor. The Commissioner of the General Land Office shall be elected or appointed as provided by law. Appointive officers of the Executive Department shall be appointed by the Governor with the advice and consent of the Senate and shall serve at the pleasure of the Governor. Elective officers of the Executive Department shall serve four-year terms. All officers of the Executive Department shall reside at the seat of government.

Sec. 3. RETURNS OF ELECTION; DECLARATION OF ELECTION; TIE VOTES; CONTESTS. Election returns for executive officers shall, until otherwise provided by law, be sealed and transmitted to the Secretary of State, who shall open the returns and promptly certify the winner but shall do so no later than the first Monday in January. The person receiving the highest number of votes for an office shall be declared elected. If two or more persons shall have the highest and an equal number of votes for an office, one of them shall be chosen immediately by joint vote of both houses of the Legislature. Contested elections for executive offices specifically named in Section 1 of this Article shall be determined by both houses of the Legislature in joint session.

Sec. 4. GOVERNOR'S ELIGIBILITY AND INSTALLATION. (a) The Governor shall be at least thirty years of age, shall be a citizen of the United States, and shall have been a resident of this State at least five years immediately preceding election.

(b) The Legislature shall provide appropriations for a staff and office space for a new Governor-elect prior to inauguration. A new Governor-elect shall be entitled to receive from governmental agencies those reports to which an incumbent Governor is entitled.

(c) The Governor shall be inaugurated on the second Tuesday in January or as soon thereafter as practicable. In those years when a new Governor is inaugurated, the Legislature shall convene in regular session one day prior to inauguration and shall organize but shall not act as a deliberative body for the consideration and passage of bills and resolutions until forty-five days thereafter, except on matters called for by the Governor.

Sec. 5. GUBERNATORIAL SUCCESSION. (a) If before inauguration the person elected Governor fails to qualify, is disabled, or dies, the person elected Lieutenant Governor shall be inaugurated and shall serve as Governor until the person elected Governor at the next general election assumes office for the remainder of the term.

(b) If after inauguration the Governor dies, resigns, becomes disabled, or is removed from office, the Lieutenant Governor shall become Governor and shall serve for the remainder of the term unless the vacancy occurs within sixteen months after

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inauguration in which event the Lieutenant Governor shall serve only until the person elected Governor at the next general election assumes office for the remainder of the term.

(c) If after a vacancy occurs in the office of Governor and the Lieutenant Governor becomes Governor and thereafter dies, resigns, becomes disabled, or is removed from office, the Speaker of the House of Representatives, if qualified, shall become Governor under the same conditions and for the same term as provided for the Lieutenant Governor.

(d) If the Governor is absent from the State, the Lieutenant Governor shall act as Governor until the Governor returns. If both the Governor and Lieutenant Governor are absent from the State, the Speaker of the House of Representatives shall act as Governor during such absences.

(e) While serving or acting as Governor, the Lieutenant Governor or Speaker of the House of Representatives shall receive only the compensation payable to a Governor.

(f) The Legislature may provide by law for further succession to the office of Governor. No person shall serve as Governor unless qualified for that office.

Sec. 6. DISABILITY OF ELECTIVE OFFICERS OF EXECUTIVE DEPARTMENT. The disability of any elected officer of the Executive Department to perform the duties of the office during the term for which elected shall be determined in a proceeding in the Supreme Court of the State under such rules of procedure as may be prescribed by that court. A majority vote of the Governor, Lieutenant Governor, Attorney General, Comptroller of Public Accounts, Commissioner of the General Land Office, Speaker of the House of Representatives, and President pro tempore of the Senate shall initiate such proceedings.

Sec. 7. COMPENSATION OF OFFICERS OF EXECUTIVE DEPARTMENT. The compensation of the Governor, Lieutenant Governor, Attorney General, Comptroller of Public Accounts, Secretary of State, and Commissioner of the General Land Office shall be as provided by law, not to exceed the amount recommended by the salary commission. The compensation of officers of the Executive Department shall not be diminished during their term of office. The Governor shall have the use of the Governor's Mansion.

Sec. 8. DUAL OFFICE HOLDING; OTHER COMPENSATION. No officer of the Executive Department shall hold any other civil or corporate office or practice any profession; nor shall any such officer receive any salary, reward, or compensation from non-governmental sources.

Sec. 9. COMMANDER-IN-CHIEF; CALLING FORTH MILITIA. The Governor shall be Commander-in-Chief of the military forces of the State, except when they are called into actual service of the United States, and shall have power to call forth the militia to execute the laws of the State, to suppress insurrections, and to repel invasions.

Sec. 10. EXECUTION OF LAWS; CONDUCT OF BUSINESS WITH OTHER STATES, THE UNITED STATES, AND FOREIGN NATIONS. The Governor shall cause the laws to be faithfully executed and shall conduct, in person or in

such manner as shall be provided by law, all intercourse and business of the State with other states, the United States, and foreign nations.

Sec. 11. CONVENING THE LEGISLATURE IN SPECIAL SESSION. The Governor may, on extraordinary occasions, convene the Legislature in special session, stating specifically the purpose and duration of the session.

Sec. 12. GOVERNOR'S MESSAGE. At the beginning of each legislative session the Governor shall, and at other times may, give the Legislature information on the condition of the State, and may recommend legislative action.

Sec. 13. ACTION ON BILLS AND RESOLUTIONS. (a) Every bill that passes both houses of the Legislature shall be presented to the Governor. The Governor may approve the bill by signing it in which event it shall become law and shall be filed with the Secretary of State. The Governor may veto the bill by returning it with objections to the house in which it originated. That house shall enter the objections in its journal and reconsider the bill for passage over the veto. If the bill passes that house by a two-thirds record vote of the membership, it shall be sent with the Governor's objections to the other house which shall enter the objections in its journal and reconsider the bill for passage over the veto. If the bill likewise passes that house by a two-thirds record vote of the membership, the bill shall become a law and shall be filed with the Secretary of State. If the Governor fails to veto a bill within ten days (Sundays excepted) after it is presented, the bill shall become a law and shall be filed with the Secretary of State. If the Legislature by its adjournment prevents a veto, the bill shall become a law and shall be filed with the Secretary of State unless within twenty days after adjournment the Governor files the bill and objections with the Secretary of State and gives public notice thereof by proclamation. If the same Legislature meets again, the Secretary of State shall return the bill with the Governor's objections to the house in which the bill originated for reconsideration in the manner provided above.

(b) The Governor may veto or reduce any item of appropriation in a bill, except that no item consisting of an appropriation for the salary for a single office or position may be reduced. Portions of a bill not vetoed and the reduced amount of items shall become law. Items vetoed and the amount by which items are reduced together with the Governor's objections shall be returned to the house in which the bill originated for reconsideration in the manner provided in Subsection (a).

(c) All orders and resolutions requiring the concurrence of both houses of the Legislature, except those concerning adjournment and legislative rules and those proposing amendments to the Constitution or a referendum on incurring State debt, shall be presented to the Governor. If the Governor disapproves an order or resolution, it shall not become effective unless repassed in the manner provided for in Subsection (a).

Sec. 14. CHIEF PLANNING OFFICER. The Governor shall be the chief planning officer

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of the State and may require information in writing and reports from all State agencies and officers upon any subject relating to their duties, conditions, management, and expenditures.

Sec. 15. BUDGET PREPARATION. At the beginning of each session at which appropriations are to be made for the general operation of the government the Governor shall submit to the Legislature a budget for all proposed State expenditures for the applicable fiscal period, accompanied by an appropriation bill covering the proposed expenditures. This bill, to be known as the Budget Bill, shall be introduced immediately in each house by the respective chairmen of the committees on appropriations for consideration and passage as in the case of any other bill. Until the Budget Bill has been enacted, neither house shall finally pass any other appropriation bill, except emergency bills recommended by the Governor and appropriations for the operation of the Legislature.

Sec. 16. BUDGET EXECUTION. The Governor shall be responsible as provided by law for the proper execution and administration of the total State budget and shall require of all State governmental agencies such expenditure plans, fiscal reports, and accounts as deemed necessary to supervise the expenditure of previously appropriated funds.

Sec. 17. ADMINISTRATIVE REORGANIZATION. The Governor may from time to time submit to the Legislature written reorganization plans reassigning functions among or consolidating or abolishing any State governmental agencies. Within sixty days after submission or within sixty days after the Legislature can act as a deliberative body, whichever comes later, either house may reject a plan by resolution. Unless rejected the plan shall become effective by its terms.

Sec. 18. REPRIEVES, COMMUTATIONS, AND PARDONS; REMISSION OF FINES AND FORFEITURES. The Governor shall have power as provided by law to grant reprieves relating to the execution of death sentences, and to grant commutations, pardons, and the remission of fines and forfeitures.

Sec. 19. LIEUTENANT GOVERNOR. The Lieutenant Governor shall possess the same qualifications as provided for the Governor. The qualified voters shall cast separate votes for the candidates for Governor and Lieutenant Governor. The Lieutenant Governor shall, by virtue of the office, be President of the Senate and when the Senate is equally divided may cast a deciding vote.

Sec. 20. SECRETARY OF STATE. The Secretary of State shall perform the duties required by this Constitution and such other duties as may be provided by law.

Sec. 21. ATTORNEY GENERAL. The Attorney General, except as expressly provided by law to the contrary, shall represent the State in all suits in which the State may be a party in all the courts of the State and of the United States, shall have all the powers of the office as at common law, and shall have such other duties as may be provided by law. The Attorney General must be qualified to practice before the Supreme Court of this State.

Sec. 22. COMPTROLLER OF PUBLIC ACCOUNTS. The Comptroller of Public Accounts shall perform the duties required by this Constitution and such other duties as may be provided by law.

Sec. 23. GENERAL LAND OFFICE. There shall be one General Land Office in the State at the seat of government, where all land titles emanating from the State shall be registered. The Commissioner of the General Land Office shall perform the duties required by this Constitution and such other duties as may be provided by law.

Sec. 24. VACANCIES IN STATEWIDE OFFICES. Unless otherwise provided by this Constitution, all vacancies in elective statewide offices shall be filled by appointment of the Governor with the advice and consent of the Senate. An appointee shall serve for the remainder of the term unless the vacancy occurs within sixteen months after the elected officer assumed office, in which event the appointee shall serve only until a successor elected at the next general election assumes office for the remainder of the unexpired term.

Sec. 25. STATE AGENCIES. (a) The length of the term of members appointed by the Governor to State governmental agencies created by statute and with a life of not less than six years shall be two years, unless the number of appointed members is three or a whole multiple thereof in which case the length of the term shall be six years. Two-year terms shall expire between February 1 and April 1 of odd-numbered years. In the case of agencies with members who serve six-year terms, the terms of the members appointed by the Governor shall be staggered. The terms of one-third of such members shall expire between February 1 and April 1 of odd-numbered years.

(b) At the time of appointing members of multi-member agencies with six-year terms, the Governor may designate the chairman. If the Governor fails to designate a chairman prior to April 1, the members of an agency shall choose the chairman from among its membership.

Sec. 26. SEAL OF STATE AND COMMISSIONS. There shall be a Seal of the State which shall be kept by the Secretary of State and used by that officer 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." All commissions shall be in the name and by the authority of the State of Texas, sealed with the Seal of the State, signed by the Governor, and attested by the Secretary of State.

To Committee on the Executive.

ARTICLE V THE JUDICIARY

Sec. 1. UNIFIED JUDICIAL SYSTEM. The judicial power of the State is vested in the Judicial Branch. The State unified judicial system shall be composed of a Supreme Court, courts of appeals, district courts, and county courts. No other courts shall be created except municipal courts, as provided by law or charter, and justice courts. All courts shall have jurisdiction as provided by law, but jurisdiction of courts of the same

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level shall 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. The court may sit in sections as designated by the court to hear argument of cases and to consider applications for writs of error or other preliminary matters, but a majority of the court shall be necessary to decide a case.

(b) The Supreme Court shall have the duty and authority to provide for the efficient and just operation of the judicial system. It may transfer cases from a trial court to a court of appeals or to the Supreme Court, and from one court of appeals to another or to the Supreme Court.

(c) The Supreme Court shall have authority to prescribe rules of civil and criminal procedure, but any rule of procedure expressly disapproved by the Legislature shall have no effect thereafter. The Supreme Court may prescribe other rules as provided by law.

Sec. 3. COURTS OF APPEALS. The Legislature shall provide by law for one or more courts of appeals, each consisting of a chief judge and two other judges, and such additional judges as may be provided by law. Not fewer than three judges shall sit in any case.

Sec. 4. DISTRICT COURTS. The State shall be divided by law, or by an agency acting under authority of law, into geographical judicial districts. In each district there shall be one district court with one or more district judges and such other officials as provided in this Article or by law.

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

Sec. 6. JUSTICE COURTS. The governing body of each county shall establish and maintain one or more justice courts and, if more than one, shall divide the county into justice precincts and provide a justice court for each precinct.

Sec. 7. QUALIFICATIONS OF JUDGES. Each justice or judge shall be a citizen of this State and shall have such other qualifications as provided by law. Each justice and judge in the unified judicial system must be licensed to practice law in this State.

Sec. 8. MERIT SELECTION AND NONPARTISAN ELECTION. (a) There is hereby created a Judicial Nominating Commission of eleven members, a majority of whom shall be non-lawyers. The Governor, Lieutenant Governor, and Speaker of the House of Representatives acting together shall select the members of the Judicial Nominating Commission and designate the chairman. The selection of the members shall be on a nonpartisan basis with due regard to representation of the sexes, ethnic groups, and geographical regions of the State.

(b) Members of the commission shall serve six-year terms, and no person shall

serve more than one full term. Vacancies shall be filled by the selection committee for the remainder of the term.

(c) No member of the commission shall hold an elective or salaried public office or office in a political party, or shall be eligible for appointment to a State judicial office during the term for which appointed.

(d) When a vacancy occurs in the office of the Chief Justice of Texas, a supreme court justice, or a court of appeals judge, the vacancy shall be filled by the Governor from a list of three nominees submitted by the commission within forty-five days after the vacancy occurs. In selecting nominees, the commission shall consider only those who are well qualified from experience and knowledge of the law, but, among those so qualified, shall give fair consideration to the sexes, ethnic groups, and geographical regions of the State. If the Governor fails to make the appointment within sixty days after receiving the list of nominees, the Lieutenant Governor shall make the appointment from the list. A justice or judge appointed pursuant to this Subsection shall be subject, in the manner provided by law, to approval or rejection on a nonpartisan ballot at the first general election held more than ten months after the appointment is made, and every sixth year thereafter.

(e) If the Supreme Court determines that the Chief Justice is temporarily disabled, it shall designate another justice of the Supreme Court to serve temporarily as acting Chief Justice until the disability ends.

(f) District and county judges shall be elected on a nonpartisan ballot by the qualified voters as provided by law. Judges of the district courts shall serve six-year terms, and judges of the county courts shall serve four-year terms. Vacancies in the office of judge of the district and county courts shall be filled until the next succeeding general election by the Governor with the advice and consent of the Senate.

(g) Justices of the peace shall be elected every four years by the qualified voters of the county or precinct. Vacancies in the office shall be filled by the County Commission for the remainder of the term.

(h) No active justice or judge in the unified judicial system may engage in the practice of law. If any justice or judge files as a candidate for any elective nonjudicial office, the judicial office shall immediately become vacant.

Sec. 9. COMPENSATION. The State shall pay the basic salaries of all justices and judges of the unified judicial system, subject to any supplementation by counties, and shall pay such other expenses of the system as provided by law. The salaries of such justices and judges shall not exceed the amount recommended by the salary commission. Funds collected by the courts may not be used to support the unified judicial system except to the extent of reimbursement of salaries and other expenses.

Sec. 10. MANDATORY RETIREMENT OF JUDGES. The office of each justice and judge in the unified judicial system shall become vacant on the first day of January of the year following the date on which the incumbent reaches the age of seventy-five

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years or an earlier age, not less than seventy years, as provided by law.

Sec. 11. REMOVAL OF JUDGES. (a) Any justice of the Supreme Court shall be removed by the Governor, after a hearing by the Legislature and a vote by two-thirds of the membership of each house, for willful neglect of duty, incompetency, oppression in office, or other reasonable cause not a sufficient ground for impeachment.

(b) Any justice, judge, or other judicial officer may be removed from office, suspended, or censured by the Supreme Court for willful or persistent conduct which is clearly inconsistent with the proper performance of duties of the office, or which casts public discredit upon the judiciary or the administration of justice, and may be involuntarily retired or removed by the Supreme Court for disability seriously interfering with the performance of duties of the office if the disability is, or is likely to become, permanent.

(c) The Legislature shall establish by law a Judicial Qualifications Commission which shall operate under rules promulgated by the Supreme Court. The commission shall have authority to issue an order of public censure and to recommend to the Supreme Court suspension, removal, or retirement of any justice, judge, or other judicial officer.

Sec. 12. JUDICIAL COUNCIL. (a) There is hereby created a Judicial Council which shall consist of the Chief Justice of Texas as chairman and the following members, each of whom shall serve a two-year term: two judges of the courts of appeals, three trial judges, one district clerk, and one county clerk, each appointed by the Supreme Court of Texas; four members of the State Bar appointed by its board of directors; and two members of each house of the Legislature appointed by each house. Vacancies shall be filled by the appointing authority for the remainder of the term.

(b) The council shall prescribe rules of administration for the unified judicial system and shall perform other duties as provided by law. Rules of administration shall not become effective until approved by the Supreme Court.

(c) Pursuant to rules of administration prescribed by the council, the Chief Justice may delegate administrative powers to active or retired judges, and temporarily assign a judge to any court of the same level and from a court of appeals to the Supreme Court. By such assignments, the membership of any court may be temporarily increased. The council shall also prescribe rules for filling vacancies temporarily for the purposes of trying cases and hearing appeals. If for any reason a judge feels aggrieved by any administrative action of the Chief Justice, the judge may petition the Supreme Court for review of such action.

Sec. 13. CLERKS. (a) The Supreme Court and each court of appeals shall appoint a clerk who shall serve for a term of four years unless sooner removed by the court for good cause entered on the minutes of the court. These clerks shall give bond as required by law.

(b) District courts may remove their district clerks from office upon a jury

finding of incompetence, official misconduct, or other causes defined by law.

Sec. 14. JURIES. (a) Grand juries in the district courts shall consist of twelve persons, nine of whom shall constitute a quorum.

(b) Trial juries in the district courts shall consist of twelve persons and verdicts shall be unanimous, except that the Legislature or the Supreme Court pursuant to its rule-making power may provide that a verdict may be rendered in civil and misdemeanor cases in the district courts by fewer than twelve but not fewer than nine who shall concur in and sign the verdict.

(c) Trial juries in county courts shall consist of six persons and verdicts shall be unanimous, except that the Legislature or the Supreme Court pursuant to its rule-making power may provide that in civil cases a verdict may be rendered by fewer than six jurors.

(d) The qualifications of grand jurors and trial jurors shall be as provided by law.

(e) Any party shall have a right of trial by jury in civil causes in the district and county courts upon demand as provided by law or rule of the Supreme Court. A jury shall not be empaneled in any cause until a jury fee is paid if required by law or by rule of the Supreme Court.

Sec. 15. SUSPENSION OF SENTENCE AND PROBATION. Courts having original jurisdiction of criminal cases shall have power to suspend sentence, place a defendant on probation, and reimpose sentence, subject to regulation by law.

Sec. 16. APPEAL BY STATE. The State shall have no right of appeal in criminal cases.

Sec. 17. APPEAL BY ACCUSED. The right of appeal granted to an accused by Article I, Section 11a of this Constitution shall be direct to the Supreme Court of Texas.

To Committee on the Judiciary.

ARTICLE VI SUFFRAGE

Sec. 1. QUALIFIED VOTER. Any citizen of the United States eighteen years of age or older who meets the registration and residence requirements provided by law, who is not serving a sentence for a felony, whether incarcerated, on parole, or on probation, and who is not of unsound mind as determined by a court, shall be a qualified voter.

Sec. 2. ELECTIONS. All elections by the qualified voters shall be by secret ballot. The Legislature by law shall provide the requirements for residence, registration, absentee voting, and administration of elections, and shall ensure the purity of elections and guard against abuses of the electoral process.

Sec. 3. GENERAL ELECTIONS. General elections shall be held in even-numbered years on a date provided by law.

To Committee on Rights and Suffrage.

ARTICLE VII EDUCATION

Sec. 1. EQUITABLE SUPPORT OF FREE PUBLIC SCHOOLS. (a) A general diffusion of knowledge being essential to the preservation

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of the liberties and rights of the people, it shall be the duty of the Legislature to establish and make suitable provision for the equitable support and maintenance of an efficient system of free public schools and to provide equal educational opportunity for each person in this State.

(b) In distributing State resources in support of the free public schools, the Legislature shall ensure that the quality of education made available shall not be based on wealth other than the wealth of the State as a whole and that State supported educational programs shall recognize variations in the backgrounds, needs, and abilities of all students. In distributing State resources, the Legislature may take into account the variations in local tax burden to support other local government services.

Sec. 2. PERMANENT AND AVAILABLE SCHOOL FUND. (a) The Permanent School Fund consists of all property set apart for support of the free public schools. The Permanent Fund shall not be expended but shall be preserved and invested at the direction of the State Board of Education in the manner prescribed by law.

(b) The Available School Fund consists of income from the Permanent Fund together with all State taxes dedicated to support the free public schools.

(c) The Available Fund shall be appropriated by the Legislature to support the free public schools, including the provision of free textbooks and such other instructional materials as may be required in academic programs.

Sec. 3. PROHIBITION OF AID TO NON-PUBLIC SCHOOLS. Public funds shall not be used for support of religious, church-affiliated, or proprietary schools that provide education below the college level; nor shall public funds be provided to any students for payment of expenses incurred by attending such schools.

Sec. 4. DEDICATED SCHOOL TAX. One-fourth of the revenue from State occupation taxes and one-fourth of the net revenue from the State motor fuel tax are dedicated to the Available School Fund.

Sec. 5. STATE BOARD OF EDUCATION. There shall be a State Board of Education which shall have the duties provided in this Article and by law. The Legislature may provide either for appointed or elected members whose terms shall not exceed six years. If the board is elective, the Governor shall appoint four additional members to the board. In making appointments the Governor shall give consideration to fair and equitable representation of the sexes, ethnic groups, social groups, and economic groups.

Sec. 6. SCHOOL AND COMMUNITY COLLEGE DISTRICTS. The Legislature shall define by general law the duties and functions of school and community college districts and shall provide for establishing, financing, altering, consolidating, and abolishing such districts.

Sec. 7. FIRST CLASS COLLEGES AND UNIVERSITIES. The Legislature shall provide for a system of higher education of the first class which shall include The University of

Texas System, the Texas A&M University System, universities, colleges, community colleges, and other first class institutions or systems as may be provided by law.

Sec. 8. PERMANENT UNIVERSITY FUND, ITS ADMINISTRATION, ITS INVESTMENTS; AVAILABLE UNIVERSITY FUND AND ITS EXPENDITURE. (a) The Permanent University Fund consists of the two million acres of land set apart and appropriated for the establishment and maintenance of The University of Texas by the Constitution of 1876 and the Legislative Act of April 10, 1883, together with the proceeds of the sale of such land, including the sale of oil, gas, and other minerals from such land, and the securities and other assets purchased with the proceeds. All proceeds shall be invested, and only the income from the Permanent University Fund may be appropriated and expended.

(b) The Permanent University Fund shall be held in trust for the people of Texas and for the use and benefit of the Texas A&M University System and The University of Texas System. The land set apart to the Permanent University Fund, if sold, shall be sold under such regulations, at such times, and on such terms as may be provided by law.

(c) The Board of Regents of The University of Texas System may invest the Permanent University Fund in securities, bonds, or other obligations issued, insured, or guaranteed in any manner by the United States Government, or any of its agencies, in bonds issued by the State of Texas or any political subdivision thereof, and in such bonds, debentures, obligations, preferred stocks, or common stocks issued by corporations, associations, or other institutions as the Board of Regents of The University of Texas System may deem to be proper investments for the Permanent University Fund. However, not more than one percent of the Fund shall be invested in the securities of any one corporation nor shall more than five percent of the voting stock of any one corporation be owned by the Fund. In making each and all investments, the Board of Regents shall exercise the judgment and care under the circumstances then prevailing that 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. The Board of Regents shall make full disclosure of all investments as provided by law.

(d) The net income (that is, dividends, interest, and other income less administrative expense) of the Permanent University Fund, exclusive of net income attributable to grazing leases of Permanent University Fund land, shall constitute the Available University Fund. Out of one-third of the Available University Fund, the Legislature shall appropriate an annual sum sufficient to pay the principal and interest due on Permanent University Fund bonds or notes issued by the Board of Directors of the Texas A&M University System pursuant to the next section or its predecessor sections of prior constitutions, and the remainder of such one-third of the Available University Fund shall be appropriated by the Legislature for the support and maintenance of Texas A&M

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University at College Station. Out of the other two-thirds of the Available University Fund, the Legislature shall appropriate an annual sum sufficient to pay the principal and interest due on Permanent University Fund bonds or notes issued by the Board of Regents of The University of Texas System pursuant to the next section or its predecessor sections of prior constitutions, and the remainder of such two-thirds of the Available University Fund, plus the net income (that is, income less administrative expense) from grazing leases of Permanent University Fund land, shall be appropriated by the Legislature for the support and maintenance of The University of Texas at Austin.

Sec. 9. TEXAS A&M UNIVERSITY SYSTEM; THE UNIVERSITY OF TEXAS SYSTEM; PERMANENT UNIVERSITY FUND BONDS OR NOTES. (a) The Board of Directors of the Texas A&M University System and the Board of Regents of The University of Texas System for the benefit of all the institutions now included in their respective systems are each hereby authorized to issue in amounts not to exceed for the Texas A&M System ten percent, and for The University of Texas System twenty percent, of the value of the Permanent University Fund exclusive of real estate at the time of any issuance, negotiable bonds and notes for the following purposes: (1) acquiring land either with or without permanent improvements; (2) constructing new buildings or other permanent improvements; (3) repairing and rehabilitating existing buildings or other permanent improvements; (4) acquiring library books and materials; (5) acquiring capital equipment; and (6) refunding any bonds heretofore or hereafter issued.

(b) Any bonds or notes issued pursuant to this Section shall be payable solely out of the Available University Fund. Bonds or notes so issued shall mature serially or otherwise not more than thirty years from their respective dates.

(c) Institutions now included in the Texas A&M University System and The University of Texas System, and entitled to participate in the Permanent University Fund, shall not receive any general revenue funds for acquiring land either with or without permanent improvements, or for constructing and equipping new buildings or other permanent improvements except in case of fire, flood, storm, or earthquake occurring at any such institution. In such an event an appropriation in an amount sufficient to replace the uninsured loss may be made by the Legislature from general revenue funds.

(d) For the purpose of securing the payment of the principal and interest of these bonds or notes, the Boards are severally authorized to pledge the whole or any part of the respective interests of the Texas A&M University System and The University of Texas System in the Available University Fund. The Permanent University Fund may be invested in these bonds or notes. All bonds or notes issued pursuant to this Section shall be approved by the Attorney General of Texas and when so approved shall be incontestable.

Sec. 10. STATE HIGHER EDUCATION TAX FUND FOR THE BENEFIT OF CERTAIN INSTITUTIONS

OF HIGHER EDUCATION. (a) The Legislature shall levy a State ad valorem tax on property at a rate not less than ten cents on the one hundred dollars valuation sufficient to provide a level of support necessary to promote the attainment of first class status for all State institutions of higher education except those institutions included in the Texas A&M University System and The University of Texas System, all public community colleges, and all State technical institutes.

(b) The proceeds of this tax shall comprise the Higher Education Tax Fund.

(c) The Higher Education Tax Fund may be pledged to secure or refund bonds issued heretofore or hereafter for acquiring land, either with or without permanent improvements thereon, constructing, equipping, repairing, rehabilitating buildings or other permanent improvements, and for acquiring capital equipment and library books and materials at the institutions for which the Fund is created. After appropriating an annual sum sufficient to pay the principal and interest due on such bonds, the Legislature shall appropriate the remainder of the Fund for the support and maintenance of State institutions of higher education other than The University of Texas at Austin, Texas A&M University at College Station, the public community colleges, and the State technical institutes.

(d) The Legislature shall provide by law for each issue of bonds authorized by this Section and for equitable distribution of the proceeds on the basis of statewide needs. Responsibility for issuance of bonds and allocation of proceeds shall be vested as provided by law.

(e) From the date on which they became eligible to participate in the special tax fund established in this Section, the institutions participating in this fund shall not receive any general revenue funds for acquiring land or permanent improvements, or for constructing and equipping new buildings or other permanent improvements, except that in the case of fire or natural disaster the Legislature may appropriate from general revenue an amount sufficient to replace the uninsured loss.

(f) If for any reason the tax authorized by this Section is held invalid, the Legislature shall provide an equal amount of revenue from other sources.

To Committee on Education.

ARTICLE VIII FINANCE

Sec. 1. TAXATION. Taxes shall be levied and collected by general law.

Sec. 2. PROPERTY TAX EXEMPTIONS. (a) There shall be exempt from all ad valorem taxation:

(1) The property of the State except as provided by law and all other public property used for public purposes;

(2) All household goods and personal effects not used for the production of income; and

(3) All farm products in the hands of the producer and family supplies for home and farm use.

(b) There shall be exempt from State ad valorem taxation:

(1) Three thousand dollars of the

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assessed value of all residence homesteads; and

(2) The property of political subdivisions of the State.

(c) The Legislature by general law may exempt from ad valorem taxation:

(1) Property used exclusively for educational or charitable purposes or places of burial not held for profit;

(2) Up to three thousand dollars of the assessed value of property owned by a disabled veteran of the armed services of the United States or by the surviving spouse and surviving minor children of a disabled veteran of the armed services of the United States;

(3) Up to three thousand dollars of the assessed value of property owned by the surviving spouse or surviving minor children of any member of the armed services of the United States whose life was lost while on active duty;

(4) Actual places of religious worship;

(5) 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 if the property yields no revenue to the church or religious society, but 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; and

(6) Any other property validly exempt at the time of adoption of this Constitution.

(d) The governing body of any political subdivision may exempt from ad valorem taxes not less than three thousand dollars of the assessed value of a residence owned and occupied by persons sixty-five years of age or over. If no exemption has been granted, the governing body, upon a petition signed by qualified voters equal in number to at least twenty percent of those voting in the last preceding election held by the political subdivision, shall call an election to determine by majority vote whether to grant such an exemption in the amount, not less than three thousand dollars, specified in the petition.

(e) The Legislature by general law may provide relief from residential ad valorem taxes for persons determined to be in need of such relief because of age, disability, or economic circumstances. Any such law shall provide for the reimbursement of political subdivisions for revenue losses caused by such relief.

(f) No exemptions from ad valorem taxation shall be granted except as authorized under this Section.

Sec. 3. HIGHWAY-USER REVENUES. Subject to legislative appropriation, allocation, and direction, all net revenues from motor vehicle registration fees and three-fourths of net revenues from all taxes on fuels and lubricants used to propel motor vehicles over public roadways, except gross production and ad valorem taxes, shall be deposited in the State Highway Fund. Such revenues shall be used solely for acquiring rights-of-way, constructing and maintaining a State highway system; for policing public roadways; and for administering laws pertaining to the supervision of traffic and safety on public

roadways. One-fourth of net revenues from these taxes shall be allocated to the Available School Fund. 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, or less than the percentage allowed to be retained, under the laws in effect at the time of adoption of this Constitution.

Sec. 4. STATE TAXES ON INCOME. If a law is enacted levying an income tax, the tax may be on personal or corporate income, or both, and may be graduated or otherwise. The law may define income by reference to the laws of the United States as they then exist or may thereafter be changed.

Sec. 5. STATE DEBT. (a) State debt shall mean bonds or other evidences of indebtedness which are secured by the general credit of the State or are to be repaid, directly or indirectly, from tax revenue and are incurred for the State or for an agency of the State.

(b) No State debt shall be authorized or incurred except as provided in this Constitution.

(c) State debt may be authorized by general law to refund outstanding State debt.

(d) State debt may be incurred if approved by two-thirds vote of the membership of each house of the Legislature and submitted to and approved by a majority of the qualified electors voting on the question.

Sec. 6. APPROPRIATIONS. (a) Money may not be drawn from the State Treasury except in accordance with specific appropriations made by law.

(b) Any appropriation from the State Treasury expires two years after its effective date.

(c) No bill containing an appropriation may be considered as passed or be sent to the Governor for consideration until and unless the Comptroller of Public Accounts certifies that the amount appropriated is within the estimated revenue for the applicable fiscal period.

(d) No appropriation in excess of the estimated revenue shall be valid unless it is made in response to imperative public necessity and approved by four-fifths vote of the membership of each house of the Legislature.

Sec. 7. PUBLIC FUNDS. Public money and public credit shall be used for public purposes only.

Sec. 8. PUBLIC PURPOSES. Public purposes, as that term is used in this Constitution, include, but are not limited to, purposes for which taxes could be levied or public money or public credit could be used before the adoption of this Constitution.

To Committee on Finance.

ARTICLE IX LOCAL GOVERNMENT

Sec. 1. COUNTIES. The counties of the State are those that exist on the date of adoption of this Constitution. Changes in county boundaries, the merger and division of counties, and the removal of county seats shall be subject to the approval of a majority of the qualified voters voting on

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the question in each county affected.

Sec. 2. POWERS OF COUNTY GOVERNMENT. The powers of counties shall be those granted by this Constitution and by general law.

Sec. 3. COUNTY AND DISTRICT OFFICIALS. (a) The governing body of each county, to be known as the County Commission, shall consist of a County Judge elected by the qualified voters of the county and four County Commissioners, each elected by the qualified voters from separate and compact precincts containing as nearly as practicable an equal number of inhabitants. The County Judge shall serve as presiding officer.

(b) A Sheriff, Treasurer, Tax Assessor-Collector, County Clerk, and District Clerk shall be elected for each county, except that a single County Clerk may be elected to perform the duties of county and district clerk as provided by law.

(c) County Attorneys, District Attorneys, and Criminal District Attorneys shall be elected in such numbers and for such counties as provided by law.

(d) The County Commission may provide for the election of one or more Constables.

(e) The qualifications, duties, and functions of county officials and the grounds and procedure for disqualification, suspension, and removal shall be as provided by law.

(f) Notwithstanding any of the foregoing provisions, the qualified electors of a county, as provided by general law, may by charter, or by a majority vote of those voting on the question, alter the governing body, create additional offices, eliminate offices, combine the duties and functions of offices, and change the method of selection of any one or more county officials. In such an event the county shall provide for the performance of all duties and functions required by State law.

(g) Vacancies in county offices shall be filled as provided by general law or charter. Vacancies in district offices shall be filled as provided by law.

Sec. 4. COUNTY CHARTERS AND ORDINANCES. (a) The Legislature shall by law provide procedures by which any county with a population of not less than twenty-five thousand may adopt, amend, or repeal a charter with the approval of a majority of qualified voters voting on the question. A charter election may be initiated by petition of the qualified voters of the county or by resolution of the governing body as provided by law. No charter or ordinance shall be inconsistent with the Constitution or laws of the State.

(b) The qualified voters of a county without a charter may by a majority of those voting on the question grant the county governing body the power to enact ordinances as authorized by law.

(c) If a county ordinance conflicts with an ordinance of an incorporated city or town, the municipal ordinance shall prevail within its jurisdiction as defined by law.

(d) Neither county charters nor ordinances shall affect jurisdiction or venue or the duties of personnel of courts which are part of the State unified judicial system.

Sec. 5. GENERAL LAW CITIES. Cities and

towns having a population of one thousand five hundred or less may be chartered only by general law. They may levy, assess, and collect such taxes as may be authorized by law.

Sec. 6. CITY CHARTERS. Cities and towns having more than one thousand five hundred inhabitants may, by a majority vote of the qualified voters voting on the question, adopt, amend, or repeal their charters as provided by law. No charter or ordinance shall be inconsistent with the Constitution or general laws of the State. Cities which adopt charters under this Section may levy, assess, and collect any taxes authorized by law or charter. No city shall lose the power to amend or repeal its charter because its population drops below one thousand five hundred.

Sec. 7. SPECIAL DISTRICTS AND AUTHORITIES. The Legislature shall provide by general law for establishing, financing, consolidating, and abolishing special districts and authorities and shall define their powers by general law. No special district or authority shall be created if the service it is to provide can be provided by an existing political subdivision. The provisions of this Section shall not be applicable to school and community college districts.

Sec. 8. TERMS OF OFFICE. The terms of office for all elected officials of political subdivisions shall be as provided by law or charter.

Sec. 9. COMPENSATION OF OFFICIALS. Elected officials of political subdivisions shall be compensated only on a salary or per diem basis.

Sec. 10. LOCAL REDISTRICTING. Within the calendar year following that in which each federal decennial census is published, and at such other times as the governing body of any political subdivision may deem necessary, each governing body not entirely elected at large shall divide its geographical area into districts for the election of those representatives to the governing body not elected at large. The districts shall be composed of contiguous territory and shall be as compact and as nearly equal in population as practicable.

Sec. 11. LOCAL DEBT. Political subdivisions shall not issue general obligation bonds, except refunding bonds, unless approved by a majority of qualified voters voting on the question. No debt shall be created by a political subdivision unless at the same time provision is made for paying the interest and principal when due.

Sec. 12. INTERGOVERNMENTAL COOPERATION. A political subdivision may, by act of its governing body, cooperate or contract with one or more other political subdivisions, the State, or the United States with respect to the exercise of any function, power, or responsibility, or the use of public funds and credit in the public interest.

To Committee on Local Government.

ARTICLE X GENERAL PROVISIONS

Sec. 1. OFFICIAL OATH. All State and local officials shall take the following oath before they enter upon the duties of their office:

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"I, _____, do solemnly swear that I will faithfully execute the duties of the office of _____ and will to the best of my ability preserve, protect, and defend the Constitutions and laws of the United States and of the State of Texas, so help me God."

Sec. 2. RESIDENCE OF CIVIL OFFICIALS. All elected and appointed officials shall reside within the State. All elected and appointed officials of a political subdivision shall reside within the political subdivision which they serve, and shall keep their offices at such places as required by law. Failure to comply with these conditions shall vacate the office.

Sec. 3. OFFICIALS TO SERVE UNTIL SUCCESSOR QUALIFIED. All officials may continue to perform the duties of their offices until their successors shall be duly qualified.

Sec. 4. FORFEITURE OF RESIDENCE BY ABSENCE ON PUBLIC BUSINESS. No person shall forfeit the right of suffrage, or of election or appointment to any office because of absence from the State or a political subdivision on business of the United States, this State, or a political subdivision.

Sec. 5. VACANCIES FILLED FOR UNEXPIRED TERM. Except as otherwise provided in this Constitution, elections to fill vacancies in office shall be for the remainder of the term only.

Sec. 6. DISQUALIFICATION FROM CONSTITUTIONAL OFFICE. In addition to the grounds and procedures provided in this Constitution, the disqualification, suspension and removal from any constitutional office, withholding of salary, and temporary filling of vacancies shall be as provided by law, but no statute enacted under the authority of this Section may be applicable to conduct committed before its enactment.

Sec. 7. QUALIFICATION FOR AND DISQUALIFICATION FROM STATUTORY OFFICE. Unless otherwise provided in this Constitution, the qualifications, grounds for disqualification, suspension and removal from office, withholding of salary, and temporary filling of vacancies for statutory officials shall be as provided by law.

Sec. 8. APPOINTMENTS TO STATE AGENCIES. The authority responsible for appointing the members or filling vacancies for State governmental agencies shall make appointments that fairly and equitably represent the sexes, ethnic groups, economic groups, and geographical regions of the State.

Sec. 9. SALARY COMMISSION. (a) A salary commission shall be established to recommend rates of compensation for members of the Legislature, judges in the State unified judicial system, and officials of the executive branch, and to perform such other duties pertaining to compensation as may be provided by law. Compensation paid by the State shall not exceed the rates recommended by the commission.

(b) The salary commission shall consist of nine members appointed by the Governor with the advice and consent of the Senate. Members of the commission shall serve six-year terms. Vacancies shall be filled by the Governor for the remainder of the term with the advice and consent of the Senate.

No member of the commission may hold another public office at the same time.

Sec. 10. ENVIRONMENT. The State and each person shall maintain and improve a clean and healthful environment in Texas for present and future generations. The Legislature shall provide for the administration and enforcement of this duty. The Legislature shall provide adequate remedies for the protection of the environmental life support system from degradation and provide adequate remedies to prevent unreasonable depletion and degradation of natural resources.

Sec. 11. SEPARATE AND COMMUNITY PROPERTY OF HUSBAND AND WIFE. All property owned or claimed by each spouse before marriage, and that acquired afterward by gift, devise, or descent, shall be the separate property of that spouse; and laws shall be passed more clearly defining the rights of each spouse in relation to separate property as well as that held in common with one another. A husband and wife may from time to time and by written instrument partition between themselves in severalty or into equal undivided interests all or any part of their existing community property. In like manner, they may exchange between themselves the community interest of one in any property for the community interest of the other in other community property. The portion or interest set aside to each by partition or exchange shall be and constitute a part of the separate property of such spouse. A partition or exchange under this Section shall not prejudice the rights of preexisting creditors. This provision is self-operative, but laws may be passed prescribing reasonable requirements not inconsistent herewith.

Sec. 12. HOMESTEAD. (a) The homestead of a family and of such other persons as may be designated by law is protected from forced sale for the payment of all debts, except for purchase money therefor, taxes due thereon, and for work and material used in constructing improvements thereon when the work and material are contracted for in writing by the owner but, in the case of married persons, only if both spouses consent to the contract in the manner required when a homestead is sold. A homestead of married persons may be sold only with the consent of both spouses, except that when the homestead is the community property or the separate property of the spouse desiring to sell, it may be sold as provided by law without the consent of the other spouse if the latter is incompetent, has disappeared, or has abandoned the homestead, as provided by law. No mortgage, trust deed, or other lien on a residential homestead shall be valid except for the purchase money therefor or for improvements made thereon, as provided above. Liens may be created on non-residential homesteads but only in the manner required for a conveyance thereof. All pretended sales of the homestead involving any condition of defeasance shall be void.

(b) The homestead not in a city, town, or village shall consist of not more than two hundred acres of land, which may be in one or more parcels with the improvements thereon. Of the two hundred acres, only fifty acres on which the home is located shall be classified as residential and the remainder shall be

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classified as non-residential. The homestead in a city, town, or village shall consist of land valued at the time of establishment thereof, and without reference to the value of any improvements thereon, at no more than ten thousand dollars or any larger sum as may be provided by law. A homestead in a city, town, or village is a residential homestead if used as a home and is non-residential if used as a place for the exercise of the calling or business of the head of a family or such other person as may be designated by law. A home remains a homestead while temporarily rented only so long as no other homestead is acquired.

(c) The homestead of married persons shall descend and vest like any other real property, except that the homestead shall not be partitioned so long as it is used and occupied as a home either by the surviving spouse, or by minor children if the use and occupancy have been granted by the court.

Sec. 13. PROTECTION OF PERSONAL PROPERTY FROM FORCED SALE. The Legislature shall provide by law for the protection from forced sale of certain portions of the personal property of all adults and heads of families.

Sec. 14. WAGES NOT SUBJECT TO GARNISHMENT. No current wages for personal service shall be subject to garnishment.

Sec. 15. PRIVATE CORPORATIONS. No private corporation shall be created except by general laws.

Sec. 16. FOREIGN CORPORATIONS WITH BANKING AND DISCOUNTING PRIVILEGES. No foreign corporation, other than national banks of the United States, shall be permitted to exercise banking or discounting privileges in this State.

Sec. 17. ALCOHOLIC BEVERAGES. (a) The Legislature shall regulate the manufacture, sale, possession, and transportation of alcoholic beverages, and shall preserve the right of any county, justice precinct, or incorporated town or city to exercise local option by election to legalize or to prohibit the sale of alcoholic beverages of various types and various alcoholic content.

(b) In any county, justice precinct, or incorporated town or city in which the manufacture, sale, barter, or exchange of alcoholic beverages of any of various types and various alcoholic content was prohibited at the time of the adoption of this Constitution, the same shall continue to be unlawful unless and until a majority of the qualified voters in such political subdivision voting on the question in an election shall determine such to be lawful.

Sec. 18. PRACTITIONERS OF MEDICINE. 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. 19. GAMBLING ENTERPRISES. Neither the State nor any political subdivision thereof shall sponsor or operate lotteries or any other gambling enterprises.

Sec. 20. LIENS OF MECHANICS, ARTISANS, AND MATERIALMEN. Mechanics, artisans, and materialmen 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. 21. PENSION AND RETIREMENT SYSTEMS. Any pension or retirement system of this State, or of any political subdivision thereof, or of any governmental agency of either, now in effect shall be continued. No funds held pursuant to any such system shall be used for any purposes inconsistent therewith.

To Committee on General Provisions.

ARTICLE XI

MODE OF AMENDING

THE CONSTITUTION OF THE STATE

Section 1. AMENDMENTS TO THE CONSTITUTION. (a) Amendments to this Constitution may be proposed to the qualified voters of the State by a record vote of two-thirds of the membership of each house. Before either house votes, a proposed amendment shall be submitted to the Attorney General who shall within twenty days of receipt of a request render an opinion on its effect on other provisions of this Constitution and on whether the proposal can be enacted without a constitutional amendment.

(b) A proposed amendment shall be submitted at the next general election following the expiration of ninety days after it is proposed by the Legislature. Procedures shall be provided by law for publicizing proposed amendments.

(c) A proposed amendment shall become a part of this Constitution on approval by a majority of the qualified voters voting on the question.

Sec. 2. CONSTITUTIONAL CONVENTION. (a) The Legislature by a record vote of a majority of the membership of each house may submit to the qualified voters of the State the question of whether to call a constitutional convention. The question shall be submitted at the first general election occurring at least six months after the Legislature proposes the question. A constitutional convention shall be called if approved by a majority of the qualified voters voting on the question.

(b) The question of whether to call a constitutional convention shall be submitted to the qualified voters at least once every twenty years.

(c) The Legislature shall, at the next legislative session following approval of a constitutional convention by the qualified voters, provide by law for the time, place, and duration of the convention; fix and provide for the pay, allowances, and expenses of delegates and officers; and provide for the expenses of the convention. The first meeting of the convention shall be within three months after the election of delegates.

(d) One delegate shall be elected from each representative district and shall have the same qualifications for office as a member of the House of Representatives. Delegates shall be elected and vacancies filled as provided by law, except that no justice or judge, no member of the Legislature, and no elective official of the executive branch may serve as a delegate.

(e) The constitutional convention may,

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by a majority vote of its membership, propose any revision or amendments to the Constitution. The convention shall determine the manner of submission, the date of the election, which shall be not less than two nor more than six months after the convention adjourns, and the manner of publicizing the proposals to be voted on.

(f) Any proposed revision or amendments shall become effective, as the convention provides, if approved by a majority of qualified voters voting on the question.

To Committee on Rights and Suffrage.

CONSTITUTIONAL CONVENTION PROPOSAL 2

By Delegate Vick:

C.C.P. 2, A PROPOSAL FOR INCORPORATION IN THE CONSTITUTION OF TEXAS

Relating to the right to work.

BE IT PROPOSED BY THE CONSTITUTIONAL CONVENTION OF TEXAS:

That the following section be included in the appropriate article:

Section _____. RIGHT TO WORK. (a) The inherent right of a person to work and bargain freely with his employer, individually or collectively, for terms and conditions of his employment shall not be denied or infringed by law, or by any organization of whatever nature.

(b) No person shall be denied employment on account of membership or nonmembership in a labor union.

(c) Any contract which requires or prescribes that employees or applicants for employment in order to work for an employer shall or shall not be or remain members of a labor union shall be null and void and against public policy.

(d) In this section, "labor union" means an association, group, union, lodge, local, branch, or subordinate organization of any union of working people, incorporated or unincorporated, organized and existing for the purpose of protecting themselves and improving their working conditions, wages, or employment relationships in any manner, but does not include associations or organizations not commonly regarded as labor unions.

To Committee on Rights and Suffrage.

CONSTITUTIONAL CONVENTION PROPOSAL 3

By Delegate McAlister:

C.C.P. 3, A PROPOSAL FOR INCORPORATION IN THE CONSTITUTION OF TEXAS

Relating to establishing an Educational Review Commission, its duties and responsibilities.

BE IT PROPOSED BY THE CONSTITUTIONAL CONVENTION OF TEXAS:

That the following section be included in Article VII:

Section _____. EDUCATIONAL REVIEW COMMISSION.

(a) There shall be an Educational Review Commission which shall examine and evaluate the educational system of the State

of Texas. The purpose of the Commission will be to provide recommendations for an updated and flexible system of education that will meet the changing educational needs of each decade.

(b) The Commission shall be automatically activated on the first of January of the first year of each decade beginning January 1, 1980, and will be in existence and conduct its study of the educational system for a period of twelve months. Upon completion of its study, the Commission shall report to the Governor and the Legislature its recommendations for legislative action and constitutional amendment.

(c) The Commission will be composed of eighteen members, six to be appointed by the Governor, six to be appointed by the Lieutenant Governor, and six to be appointed by the Speaker of the House of Representatives. Of the appointments made by the Governor, two shall be members of the State Board of Education; of those made by the Lieutenant Governor two shall be members of the Senate; and of those made by the Speaker of the House two shall be members of the House. The Governor, Lieutenant Governor, and Speaker shall give consideration to fair and equitable representation of the sexes, ethnic groups, social groups, and economic groups in making their appointments to the Educational Review Commission.

To Committee on Education.

CONSTITUTIONAL CONVENTION PROPOSAL 4

By Delegate Green of Harris:

C.C.P. 4, A PROPOSAL FOR INCORPORATION IN THE CONSTITUTION OF TEXAS

Relating to highway-user revenues.

BE IT PROPOSED BY THE CONSTITUTIONAL CONVENTION OF TEXAS:

That Article VIII, Section 3, read as follows:

Section 3. HIGHWAY-USER REVENUES. Subject to legislative appropriation, allocation, and direction, all net revenues from motor vehicle registration fees and three-fourths of net revenues from all taxes on fuels and lubricants used to propel motor vehicles over public roadways, except gross production and ad valorem taxes, shall be deposited in the State Transportation Fund. Such revenues shall be used solely for acquiring rights-of-way, constructing and maintaining a State highway system; for acquiring rights-of-way, constructing and maintaining mass transit systems for the public convenience by the State or by political subdivisions of the State through the use of grants from the State Transportation Fund; for policing public roadways; and for administering laws pertaining to the supervision of traffic and safety on public roadways. One-fourth of net revenues from these taxes shall be allocated to the Available School Fund. 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, or less than the percentage allowed to be retained, under the

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laws in effect at the time of adoption of this Constitution.

To Committee on Finance.

CONSTITUTIONAL CONVENTION PROPOSAL 5

By Delegate Jones of El Paso:

C.C.P. 5, A PROPOSAL FOR INCORPORATION IN THE CONSTITUTION OF TEXAS

Relating to public access to state-owned beaches.

BE IT PROPOSED BY THE CONSTITUTIONAL CONVENTION OF TEXAS:

That the following section be included in the appropriate article:

Section ____ PUBLIC ACCESS TO STATE-OWNED BEACHES. It is hereby declared and affirmed to be the public policy of this State that the public, individually and collectively, shall have the free and unrestricted right of ingress and egress to and from the State-owned beaches bordering on the seaward shore of the Gulf of Mexico, or such larger area extending from the line of mean low tide to the line of vegetation bordering on the Gulf of Mexico, in the event the public had acquired a right-of-use or easement to or over such area by prescription or dedication, or has retained a right by virtue of continuous right in the public.

To Committee on General Provisions.

CONSTITUTIONAL CONVENTION PROPOSAL 6

By Delegate Schwartz:

C.C.P. 6, A PROPOSAL FOR INCORPORATION IN THE CONSTITUTION OF TEXAS

Providing for free access to public beaches.

BE IT PROPOSED BY THE CONSTITUTIONAL CONVENTION OF TEXAS:

That a Section 22 be added to Article X to read as follows:

"Section 22. It is hereby declared and affirmed to be the public policy of this State that the public, individually and collectively, shall have the free and unrestricted right of ingress and egress to and from the State-owned beaches bordering on the seaward shore of the Gulf of Mexico, or such larger area extending from the line of mean low tide to the line of vegetation bordering on the Gulf of Mexico, in the event the public had acquired a right of use or easement to or over such area by prescription or dedication, or has retained a right by virtue of continuous right in the public."

To Committee on General Provisions.

CONSTITUTIONAL CONVENTION RESOLUTION 6

By Delegate Parker of Jefferson:

C.C.R. 6, WHEREAS, The people of the State of Texas decided on November 7, 1972, by an overwhelming majority vote (1,549,982

to 985,282) that a new constitution for Texas should be drafted and submitted for their approval and that the duty and responsibility for the advance planning and drafting of the new constitution should rest with the members of the 63rd Legislature sitting as delegates to a Constitutional Convention to begin its work on January 8, 1974; and

WHEREAS, The delegates to the Constitutional Convention are dedicated and determined to carry out and perform their duty and responsibility in the most efficient and expeditious manner possible, at the least possible cost to the taxpayers of the state, while at the same time allowing all Texans to express their views and opinions as to how the new constitution should be written and encouraging full and open debate of all matters pertaining to the new constitution on the floor of the Convention; and

WHEREAS, The 63rd Legislature created a Constitutional Revision Commission to do extensive pre-convention work, including the holding of public hearings and the preparing of recommendations, and such Commission was appointed and included a representative cross-section of the citizenry of this state; and

WHEREAS, The Revision Commission did a magnificent job under the able leadership of Chairman Robert W. Calvert and Vice-Chairman Berryl Milburn, holding many public hearings, gaining maximum citizen input, and deliberating at all times openly and democratically, and presented its recommendations well in advance to the delegates to the Constitutional Convention; and

WHEREAS, The 63rd Legislature created a Joint Constitutional Convention Planning Committee to prepare and plan for the Convention itself and the Committee timely completed and published its plans and recommendations for the Convention; and

WHEREAS, Because of the work of the CRC and the Joint Constitutional Convention Planning Committee, the Texas Constitutional Convention of 1974 is the best prepared, both substantively and procedurally, of any constitutional convention ever held in the history of this nation; and

WHEREAS, The work done by both the Constitutional Revision Commission and the Joint Constitutional Convention Planning Committee will allow the delegates to the Convention to begin hearings and deliberations immediately; and

WHEREAS, Texas' first Constitutional Convention and the Constitutional Convention of 1875, with far fewer and less efficient methods of communication and transportation, were completed in less than 90 days; and

WHEREAS, The staff of the Constitutional Revision Commission and the Joint Constitutional Convention Planning Committee, after careful consideration of the Convention's needs and the experience of other state constitutional conventions, prepared a reasonable, flexible 81-day schedule for the Texas Constitutional Convention of 1974; and

WHEREAS, Each delegate to the Texas Constitutional Convention of 1974 received a copy of the 81-day schedule which the Joint Constitutional Convention Planning Committee caused to be prepared far in advance of the beginning of the Convention and each delegate

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has had an opportunity to comment on and suggest changes in such schedule; and

WHEREAS, The 81-day schedule has been revised by the staff of the Constitutional Revision Commission and the Joint Constitutional Convention Planning Committee to conform to the Rules of Procedure recommended by the Joint Constitutional Convention Planning Committee and the comments and suggestions of the delegates; now, therefore, be it

RESOLVED, That the Texas Constitutional Convention of 1974 adopt the 81-day Constitutional Convention schedule as a flexible, extendable timetable to which all delegates will strive to adhere in order to carry out and perform their duty and responsibility in the most efficient and expeditious manner possible, at the least possible cost to the taxpayers of this state, and that such schedule shall at all times be flexible and extendable to insure that all Texans are given ample opportunity to express their views and opinions as to how the new constitution should be written and provide adequate time for full and open debate of all matters pertaining to the new constitution on the floor of the Constitutional Convention.

To Committee on Rules.

CONSTITUTIONAL CONVENTION RESOLUTION 11

By Delegate Hightower:

C.C.R. 11, WHEREAS, Section 2 of Article XVII of the Constitution of Texas provides that compensation, mileage, and per diem for Delegates to the convention shall be in such amounts as are determined by a five member committee composed of the Governor, the Lieutenant Governor, the Speaker of the House, the Chief Justice of the Supreme Court, and the Presiding Judge of the Court of Criminal Appeals; and

WHEREAS, the Compensation Committee has adopted the following:

1. Compensation for each delegate to the Constitutional Convention in the amount of \$37.00 for each calendar day in attendance at the Convention or at a meeting of the committee on which the delegate serves, except that no delegate shall receive compensation for days he or she was absent from the Convention or a committee unless such absence was due to illness, death in the family or other compassionate reasons certified in writing to the Secretary of the Convention by the delegate;

2. A per diem of \$35.00 per day for every day during the period of the Constitutional Convention; provided however that in the event the Convention shall recess or adjourn for a period of 10 days or more, this per diem shall cease until the Convention shall reconvene, except that said per diem may be paid for any day during such recess, recesses, or adjournments that the delegate is in attendance at a meeting of a committee of the Convention on which he or she serves; and

3. Mileage and transportation expenses shall be paid at the same rates as provided in the Appropriation Act of the Sixty-third Texas Legislature, Regular Session, for

authorized travel reasonably necessary to conduct the business of the Convention and for no more than one trip per week to and from the delegate's home district to attend a meeting of the Convention or a committee thereof; now, therefore, be it

RESOLVED by the Constitutional Convention of Texas, That the compensation plan adopted by the Compensation Committee be adopted by the Convention; and, be it further

RESOLVED, That certification in writing by the Secretary of the Convention of attendance and participation in a plenary session of the Convention shall automatically entitle a Delegate to full compensation for that particular day. For those days in which the Convention is not in plenary session, certification in writing to the Secretary of the Convention by the chairman of the appropriate committee of attendance and participation in a meeting of a committee on which a Delegate serves shall entitle the Delegate to full compensation and per diem for each day's activities covered by such certification; and, be it further

RESOLVED, That certification in writing to the Secretary of the Convention by a Delegate that an absence was due to illness, death in the family, or other compassionate reason shall entitle the Delegate to full compensation for each day covered by the certification; and, be it further

RESOLVED, That the Secretary of the Convention shall certify in writing to the appropriate pay officer those days for which each Delegate is entitled to compensation and, in the event the Convention is in recess or adjournment for a period of 10 days or more, those days for which each Delegate is entitled to per diem during the extended period of recess or adjournment. Certifications by Delegates, committee chairmen, and the Secretary of the Convention shall be maintained as permanent records of the Convention; and, be it further

RESOLVED, That each Delegate shall file requests for mileage and transportation expenses with the Secretary of the Convention, who shall forward the requests to the appropriate pay officer; and, be it further

RESOLVED, That compensation shall be paid monthly and per diem and mileage and transportation expenses shall be paid every other week on alternate weeks.

To Committee on Administration.

ADJOURNMENT

On motion of Delegate Meier the Convention at 1:30 o'clock p.m. adjourned until 1:30 o'clock p.m. Friday, January 18.

1974

TEXAS CONSTITUTIONAL CONVENTION

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 _____
 ● Brooks _____ X
 ● Bynum _____
 ● Caldwell _____
 ● Calhoun _____
 ● Canales _____ X
 ● Cates _____
 ● Clark _____
 ● Clayton _____
 ● Clower _____
 ● Cobb _____
 ● Cole _____
 ● Coleman _____
 ● Coody _____
 ● Cooke _____
 ● Craddick _____
 ● Creightor _____
 ● Daniel _____
 ● Davis _____
 ● Denson _____
 ● Denton _____
 ● Doggett _____
 ● Donaldson _____
 ● Doran _____

YEA N-V NAY

● Doyle _____
 ● Dramberger _____
 ● Earle _____
 ● Edwards _____
 ● Evans _____
 ● Finnell _____
 ● Finney _____
 ● Foreman _____
 ● Fox _____
 ● Gammage _____
 ● 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 _____
 ● Hoestentach _____
 ● Hollowell _____
 ● Howard _____
 ● Hubenak _____
 ● Hudson _____
 ● Hutchison _____
 ● Johnson _____
 ● Jones, Gene _____
 ● Jones, Grant _____
 ● Jones, L. _____
 ● Kaster _____
 ● Koriath _____
 ● Kothmann _____
 ● Kubiak _____
 ● Laney _____ X
 ● Lary _____

YEA N-V NAY

● Lee _____
 ● Leland _____
 ● Lewis _____
 ● Lombardino _____
 ● Longoria _____
 ● McAlister _____
 ● McDonald, F. _____
 ● McDonald, T. _____
 ● McKinnon _____
 ● McKnight _____
 ● Madla _____
 ● Maloney _____
 ● Martin _____
 ● Massey _____
 ● Mattox _____
 ● Mauzy _____
 ● Meier _____
 ● Menefee _____
 ● Mengder _____
 ● 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 _____

YEA N-V NAY

● Russell _____
 ● Sage _____
 ● Salem _____
 ● Sanchez _____
 ● Santiesteban _____
 ● Schieffer _____
 ● Schwartz _____
 ● Scoggins _____ X
 ● Semos _____
 ● Sherman, M. _____
 ● Sherman, W. _____
 ● Short _____
 ● Simmons _____
 ● Slack _____
 ● Snelson _____
 ● Spurlock _____
 ● Sullivan _____
 ● Sutton _____
 ● Tarbox _____
 ● Temple _____
 ● Thompson _____
 ● Traeger _____
 ● Truan _____
 ● Tupper _____
 ● Uher _____
 ● Vale _____
 ● Vecchio _____
 ● Vick _____
 ● Von Dohlen _____
 ● Wallace _____
 ● Washington _____
 ● Waters _____
 ● Watson _____
 ● Weddington _____
 ● Whitehead _____
 ● Whitmire _____
 ● Wieting _____
 ● Williams _____
 ● Williams, Jr. _____
 ● Willis _____
 ● Wilson _____
 ● Wolff _____
 ● Wyatt _____ X

Roll Call Record #1

Yea- 167 Nays- 0

NV- 13

TOTALS		
YEA	N-V	NAY
100-200	100-200	100-200
0 0	0 0	0 0
1 1	1 1	1 1
2 2	2 2	2 2
3 3	3 3	3 3
4 4	4 4	4 4
5 5	5 5	5 5
6 6	6 6	6 6
7 7	7 7	7 7
8 8	8 8	8 8
9 9	9 9	9 9

ARTICLE		
Comm.	10	SECTION
Rep.	20	
Subs.	1	10 1
Amm.	2	20 2
Quo.	3	30 3
3 R	4	40 4
Subm.	5	50 5
Mino.	6	60 6
Mot.	7	70 7
Alt.	8	80 8
Sep.	9	90 9
2 R	0	00 0

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	

1974

TEXAS CONSTITUTIONAL CONVENTION

YEA N-V NAY

Mr. Pres. Jent
 ● 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
 ● Brooks X
 ● Bynum
 ● Caldwell ●
 ● Calhoun
 ● Canales X
 ● Cates
 ● Clark
 ● Clayton ●
 ● Clower
 ● Cobb ●
 ● Cole ●
 ● Coleman
 ● Coody
 ● Cooke ●
 ● Craddick
 ● Creighton
 ● Daniel
 ● Davis ●
 ● Denson
 ● Denton
 ● Doggett
 ● Donaldson ●
 ● Doran

YEA N-V NAY

Doyle ●
 ● Dramberger
 ● Earle
 ● Edwards
 ● Evans
 ● Finnell
 ● Finney ●
 ● Foreman
 ● Fox
 ● Gammage
 ● 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
 ● Koriath
 ● Kothmann
 ● Kubiak
 ● Laney X
 ● Lary ●

YEA N-V NAY

● Lee
 ● Leland
 ● Lewis ●
 ● Lombardino
 ● Longoria
 ● McAlister
 ● McDonald, F. ●
 ● McDonald, T. ●
 ● McKinnon ●
 ● McKnight ●
 ● Madla
 ● Maloney
 ● Martin
 ● Massey ●
 ● Mattox
 ● Mauzy
 ● Meier
 ● Menefee
 ● 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
 ● Rodrigue ●
 ● Rosson ●

YEA N-V NAY

● Russell
 ● Sage ●
 ● Sailem
 ● Sanchez
 ● Santiesteban
 ● Schieffer
 ● Schwartz
 ● Scoggins X
 ● Semos
 ● Sherman, M.
 ● Sherman, W.
 ● Short ●
 ● Simmons ●
 ● Slack ●
 ● Snelson
 ● Spurlock
 ● Sullivant
 ● Sutton
 ● Tarbox
 ● 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 X

Record #2 Adoption of Aikin Motion,
 To Meet this weekend in committees

Yea- 140

Nay- 14

NV-26

YEA	TOTALS		NAY
	N-V	100-200	
0 0	0 0 ●	0 0	
1 1	1 1	1 1	
2 2	2 2	2 2	
3 3	3 3	3 3	
4 4	4 4	4 4	
5 5	5 5	5 5	
6 6 ●	6 6	6 6	
7 7	7 7	7 7	
8 8	8 8	8 8	
9 9	9 9	9 9	

ARTICLE			SECTION
Comm.	10		
Rep.	20		
Subs.	1	10 1	
Amm.	2	20 2	
Quo.	3	30 3	
3 R	4	40 4	
Subm.	5	50 5	
Mino.	6	60 6	
Mot.	7	70 7	
Alt.	8	80 8	
Sep.	9	90 9	
2 R	0	00 0	

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