

Q Nothing in sec 1 would prevent leg from maintaining status quo.

A. Yes - would depend on courts.

Q. you're not certain

A. yes

Q. Wealth of St as whole - how would court decide.

A. Don't know.

Prof Sherman - Tried not to make substantive changes
Final vote not taken - wants committee
in view.

Look at footnotes for better understanding

Will Davis will appear to Sa
Sat 2 PM

~~Monday 7 PM~~
Monday ~~6:30 PM~~ on ~~House~~ floor Old
Sergent Ct room

Serg Ct where you had good discussion
between funds going to children

elf system was across the board & local
funds would not violate.

3. nations Equitable support; eg ed exp, local lunch

This is very different from what we have now.
Do you want some amount of money
for each child in Texas

Ed Corn

6/7

Consider SA Report

Q. What's difference between "must offer" & "must furnish"

Calvert H. Could see no difference

Mr. Allister - What about "eg ed op" & end local enrichment

Calvert answer
eg ed op - Does not mean equal dollars.

Cannot give all persons eg ed op with same no. of dollars. Cost more dollars for handicapped. Costs more to educate student in physics than history.

Eg ed op is a goal, an ideal which the legislature could deal with & the courts, 2nd.

Could see that each student could develop to full extent of his talents

That this be made possible in as far as it is possible.

Q. Would expression "eg ed op" cause ^{more} litigation
Calvert - no Sooner or later the legislature must deal with the problem in Rodriguez

Q.

A. Taxes shall be eg & uniform but courts have allowed

same in solution. Still eq + surprise goal.
Same with eq + d + p.

Q How much leeway does leg have in dealing with this goal.

A I saw 1 note - goal; allowed reasonable leeway. Some applies eq + d + p. No way to provide eq + d + p to every student - could not expect it.

Q. The words are the goal - do not have to say it's a goal.

A yes.

Q. disturbed by no of changes made by S & D.
when will they be discussed

Rutwick A dealing with sec 1 today

Calvert - nothing as let class tighten up. - also a goal.

Rutwick Are you happy with language in sec 1

Calvert - language new not prepared to comment

Rutwick - local enrichment was added from
Flora. Does the language hurt eq + d + p

Calvert - not certain. not in C.R.C. Talked to
W. L. Lewis. Asked him if C.R.C. prohibited
local enrichment. - Lewis did not think so.

Then local enrichment is justified

McClure - if leg does not carry out goal it becomes
hypocritical

Note: Grace, Sen. Doggett isn't having Monday morning breakfasts now, but may have "one" later.

League of Women Voters of Texas
OBSERVER FORM

Style and Drafting
COMMITTEE

no further meeting of S & D until middle of next week

DATE

Susan Reid

OBSERVER

Max Sherman

Presiding Officer

all 9

Committee number present

Work on final draft of Education Article
Committee activity (public hearing, etc.)

RECORD OF ACTIVITY (record all votes, resolutions, who testified, major points made, etc. continue on back and additional sheets when necessary)

reviewed footnote 17 on p. 40 -

Doggett questioned Educ. Sec. 1 line 7 - "but" - wants two clear affirmative statements & doesn't want to imply that second command contradicts first.

Kaster - that's why there is use of "but" because there is an inconsistency - M. Sherman agrees that there is inconsistency.

Nugent - local enrichment is above the "equal standard" set by the state. "But" clearly shows that intention is to be inconsistent.

Braden - Making 2 affirmative statements would just hide inconsistency. - Left as is. Doggett lost out.

Sec. 2(d) - as stated, no appropriation by legislature would be necessary - The St. Bd. of Educ. would have direct access to available school fund. - would be a unique situation in Const. - In finance article - all state money spent only by a legislative appropriation. Braden interprets Style & Drafting language to mean that St. Bd. sets aside so much for textbooks from its appropriation.

TEA requests an amount for textbooks - it is presently a line item and legislature doesn't always give requested amount.

any change on Sec 2(d) would be substantive - Will be flagged

final vote on entire Educ. Art.
cincaughes - pass - all others yes

over

OBSERVER COMMENTS

Wish Brooks had been here!

Local govt. Sec. 12 - talked about contracting through intergovernmental cooperation; such as school dist. contracting with county to assess & collect tax or city contracting with county for jails. Contracts must be renewed every 2 years & contracting bodies have this check on whether system is working.

Great problem for cities straddling a county line.

see notes on separate sheet on Sec. 12.

Style & Drafting would love to delete Sec. 12.

Braden suggests deleting at least 2nd sentence of Sec. 12.

Separate submission item

B. Sherman wants someone to ask for an Atty Gen opinion on whether Convention has authority to make amendments to 1876 Const. - speaking to the separate submission items that would amend 1876 Const if new Const. fails. Will ask Submission & Transition Committee to deal with this.

Note on County-Home-Rule provision says it is meaningless in that County wouldn't have any greater power than they have through the ordinance making power granted them in the Local Govt. article.

Problem is in the separate submission language which says "No charter or ordinance may be inconsistent with the Constitution or laws of the State."

Kaster says reason for having "county-home rule" as a separate submission was because it was meant to be meaningful & be for counties what home rule is for cities. He suggests they confront the convention with material & suggest that they (1) rewrite separate submission to make it meaningful or (2) Drop the whole item since it is meaningless.

Ben Grant brought up Bill of Rights Sec 2 which guarantees citizens right to alter form of govt.

League of Women Voters of Texas
OBSERVER FORM

Style & Drafting
COMMITTEE

April 25 - a.m.
DATE

Susan Reid,
OBSERVER

Max Sherman
Presiding Officer

Present: Kaster, Nugent, Coody, Grant, B. Sherman, Doggett, Von Dahlen
Committee number present

Committee activity (public hearing, etc.)

RECORD OF ACTIVITY (record all votes, resolutions, who testified, major points made, etc. continue on back and additional sheets when necessary)

Schedule - meet Friday morning & adjourn until Tuesday morning at 10 a.m.

Sec. 7(a) - "2 million acres" taken out since a survey hasn't been done lately & it isn't a precise number.

Discussion on keeping footnotes (explanation) simple & maybe shortening them to keep floor debate from being so complicated. Talked about problem of suspicion most delegates will feel on changes. Suggested that before final vote in Style & Drafting they get the substantive committee to review the redrafted article & see if they won't agree that no substantive changes have been made.

Sec. 8(a) & 9(d) - "library books or materials" - decision is that materials does refer to library materials.

Sec. 9(a) - new footnote on DHEAF Bonds & notes. Will add note. Was deleted during a series of floor amendments & a D & D felt was inadvertently deleted. Executive dept. includes only Const. officers & not Railroad Commission. Executive branch includes Railroad Commission & agencies. Only those officers of the Executive dept. are definitely elected for 4 year terms. By the designation of an Executive ^{Dept.} Branch they, in effect, created a cabinet.

Discussion of "advice & consent" - only
1(b) - will redraft about the Senate accepting or rejecting the governor's reasons.

Question of whether appointments of governor that are not acted on at all by Senate are then automatically confirmed or rejected. Will bring an Atty. Gen. opinion on this

OBSERVER COMMENTS
tomorrow.

League of Women Voters of Texas
OBSERVER FORM

Style & Drafting
COMMITTEE

April 24, 1974
DATE

Jayne Dibrell
OBSERVER

Max Sherman
Presiding Officer

Von Doherty, Cody, Grant, Kaster, Doggett, B. Sherman, Nugent
Committee number present Braden. Also Dan Petty for U.T. Systems -

Ed. Art. Sec. 7-9
Committee activity (public hearing, etc.)

Jim Bishop for SHEAF-

RECORD OF ACTIVITY (record all votes, resolutions, who testified, major points made, etc. continue on back and additional sheets when necessary)

Sec. 7(a) More discussion on "two million acres) because actual amount of land is unclear. (U.T.) still undecided

Sec. 8(a) and Sec. 9(e) add aggregate principal amount (SHEAF #5)

Footnote 13 - explains why "self-enacting" is not needed (U.T. request #4.) However, ask A.G. opinion on how courts have interpreted this type of language.

Sec. 9 - SHEAF request #1 - adding "and notes" to correspond with PUF authority. Approved after Nugent explained reason for deletion. i.e. Atty. Gen. approval had not been in original draft. (Also assurance that interest from bonds follow same purpose as bonds)

Sec. 8(a), Sec. 9(d) - More discussion on "library books and materials" (SHEAF #3) Bishop said intent was all kinds of materials, not library alone. Will try reverse wording. "materials and library books." To discuss last sentence of Sec. 9-d, possible re-instatement.

Sec. 9(c) (SHEAF #2) - Committee draft unclear as to legis. power to allocate funds: legis. alone? for 2 years? only once? To be studied. Also to make sure there is no double allocation. Intent: Each system allocate to its schools depending on need. Also delete lines 6-14, p. 46 of Ed. draft. And define "public

OBSERVER COMMENTS

senior inst". SHEAF #6 rejected because, as affirmative Const., unless specifically prohibited, it can be done. Old Cons. was negative: unless specifically authorized, it couldn't be done. Silence in new Cons. means legis. can do it. — Braden.
Also - Footnotes will be expanded to cover rejected requests.

Style and Drafting
April 23, 1974 - a.m.
Susan Reid

Max Sherman, Presiding

Committee present: Kaster, Grant, Nugent, Doggett, B. Sherman, Vondra, Corder, Corder

Committee activity: Education Art. VII. Sec.

Talk of scheduling: Hard part of Executive article will be: Appointive power, gubernatorial succession, & loss of power of governor.

Talking about Sec. 1 - "each individual an equal educational opportunity." - whether this includes adults -- probably would & certainly would include married students & pregnant girls.

Talking about "library books & materials" - whether materials are materials in general or just library materials.

Sec. 7(a) last line. JSTA wanted to say that PUF be "held in perpetual trust" instead of saying that the PUF must be preserved. Staff recommended deleting whole sentence, since next sentence which is Sec. 7(b) it says PUF is held in trust.

Sec. 7(c) - draft has made substantive change from convention floor. On floor they made investment possibilities more restrictive for Bd. of Regents. Braden's draft just said that investments made according to "generally accepted fiduciary standards."

PUF structure was altered by Convention's 1876 Constitution made it an open fund that could be added to. The convention made the PUF a closed fund. - Discussion of whether this was intentional.

Holding up on decisions on points 2 & 3 in memorandum from UT Chancellor. Accepted the 2 million acres change in item #1

League of Women Voters of Texas
OBSERVER FORM

Style and Drafting
COMMITTEE

April 22, 1974
DATE

Jayne Dibrell
OBSERVER

Max Sherman
Presiding Officer

Doggett, Kastor, Grant, Von Dohlen, Nugent, Andofar, Cody,
Committee number present B. Sherman, Braden

Education, Art. VII - Sec. 1. - ?
Committee activity (public hearing, etc.)

RECORD OF ACTIVITY (record all votes, resolutions, who testified, major points made, etc. continue on back and additional sheets when necessary)

Draft footnotes on Sec. 1 concerning Forms of Expression (2)
and "by law" (3) accepted.

Sec. 1 - Redraft last sentence to incorporate last sentence of Sec. 5. (attached) with "educational opportunity" meaning degree of basics. accepted (of basics. and ed. program meaning other than basics. accepted)
Von Dohlen - delete "establish" since already in existence

Dogget - "Equal ed. opportunity not yet established - prevailed."

Sec. 2 (C) - Rossen amendment deletes "legislature shall provide" and adds comma after textbooks. St. Board of Ed. given huge power. Staff to look into this. Line 6: TSTA wants to add "free public schools."

Sec. 3 (b) Grant - Who decides where funds to be spent - county commissioners or school district. Footnote to show "them" is school dist. 1972 amendment apportioned funds on a "per scholastic" basis. Convention wording ("by law") could cause unequal apportionment. - To study

Sec. 5 - To be re-drafted

Sec. 7 (a) Many memos - U.T. system wants last deleted section reinstated.

(C) Many memos - (attached) study making language negative rather than permissive.

OBSERVER COMMENTS

League of Women Voters of Texas
OBSERVER FORM

Convention - Education

COMMITTEE Sec 3-4-5-6-7

20 Feb. 1974

DATE

Geraldine Cook

OBSERVER

Pace Daniel

Presiding Officer

Committee number present

Education - Article VII - Section 3-4-5-6-7

Committee activity (public hearing, etc.)

RECORD OF ACTIVITY (record all votes, resolutions, who testified, major points made, etc. continue on back and additional sheets when necessary)

Section - 3

Sen. Ron Clower - Dallas - Motion to table Snodson (midland) Amendment but was defeated 106-55 + Snodson Amendment passed; Centuries present "per scholastic" per student distribution of Available School Fund 106-55

Section - 4

Sen. Oscar Wauzy - Dallas - Motion to strike County Public School Fund language from Constitution. Funds administered by County Commissioners with no incentive to make funds produce. Suggestions That income may not be getting into school system were made but not pursued. Sen. Don Adams - Jasper - opposed motion and it was defeated 102-61. Adams County an example of low yield return and use of funds for County Capital Improvements.

Section - 5 No Debate

Section - 6 Extended discussion over proposed language for Amendment and postponed until 21 Feb.

Section - 7 Motion to Delete the words "First Class" from the section failed.

OBSERVER COMMENTS

Section - 4 County Funds caused some concern for the administration & use of these funds and I wonder if local leagues should do some research concerning these funds in their local areas?

Geraldine Cook

League of Women Voters of Texas
OBSERVER FORM

Executive
COMMITTEE

Feb. 12 + 13

DATE

L. Wacker

OBSERVER

Bill Muir

Presiding Officer

13

Committee number present

Committee activity (public hearing, etc.)

RECORD OF ACTIVITY (record all votes, resolutions, who testified, major points made, etc. continue on back and additional sheets when necessary)

Sec. 5 - Was adopted

Sec 6

Sec 7

Sec 8

Sec. 9

Sec. 10

Sec. 11

Sec. 12

Sec. 13

Sec. 15

Sec. 16

Sec. 17

Sec. 18 - same as CRC - action.

Sec. 20 - same as CRC note 15-0

Sec. 21

Sec. 22 same as CRC

Sec. 23

Sections as adopted
enclosed

this will likely get more

OBSERVER COMMENTS

Out of Form!

March 4, 1974

2:00

Full Convention

Art. 7

Sec. 11

Voc. Ed. - TSTI. Amendment

Voted 100 no

67 yes

Amendment by ~~Schwartz~~ Schwartz

Does not want church schools of any kind to receive
that money for its support.

against
Schwartz
amend.

Rep. Von Dahlen spoke for the amend.
Let leg. decide rather or not to give money to church school
Art. 1 - Sec. 7
Von Dahlen is a strong Catholic
Treasurer is for this amend also
Barcia " " " "
Menzies " " " "

therefore it is
not needed

Tabled Amend.

Daggett - yes
yes

133 Tabled
33

Amendment

Poffe - Add new sec. 11 - for voc. training

Caldwell - against

Not in the interest of Coll. Colleges

Not a matter of fundamental law

Wants to Tabled Amend.

Tabled 102 yes

68 no

Amendment - Sammage

Sec. 8

Residue of Available fund. for U.T. + P.M. at college ^{at Austin} _{State}

No money provided for recruitment - for scholarships

5% of the residue Avail. for scholarships as for need

Tabled Amend. 97 yes

70 no

Amendment - Swanson

Sec. 10

Provides equality for C school

92:

79

74

League of Women Voters of Texas
OBSERVER FORM

COMMITTEE

Mar 4
DATE

Wright continued

OBSERVER

Presiding Officer

Committee number present

Committee activity (public hearing, etc.)

RECORD OF ACTIVITY (record all votes, resolutions, who testified, major points made, etc. continue on back and additional sheets when necessary)

Kupiak- Question of per pupil allotment - ^{Wright} legislative should deal with it -

Hutchison -

Equal opportunity - ^{concerns that} ~~may~~ mandate to leg. "Every school district shall provide so many sq. ft per room" But cannot incur debt in other section. Do capital facilities operate in equal educ. opportunity?

Wright - thinks eq. educ opportunity means what leg. says, not courts

Is omitting reference to exec branch significant?
Answer: Somewhat.

If voters reject taxes, what happens?
Couldn't debt come on basis of equal educational opportunity?

OBSERVER COMMENTS

Sec 6 okay + strengthened by Caldwell
(for local enrichment)

refers to Yudof's opposition based on
fiscal neutrality

[Wright says "It doesn't have its view"
like Yudof does]

It will say Sec 6 is clear leg. recognition
that local enrichment is valid

What construction will give Sec 1?

Trouble - Intent clear; verbatim
transcripts of Convention available
to us -

Danger: "equal ed. opportunity"
will encourage litigation

Ex. - If Dipping Springs doesn't have
course in Greek will have suit
because others do -

Courts should leave definition to
legislature -

Commends Convention on flexibility of
Primary + Secondary Education

Fox questions: words "each individual" bothersome?
No says Wright.

Bailey question: If local program used, could Dallas
Complain under Sec 1? No

Hutchinson: Have we required state to get in school building
business? Example of closed circuit TV? Answer:
right to sue there but would be unsuccessful -

Rosson: - Sec 1 "each individual" equal ed. opportunity -
is limited to public school aid? Wright says
40 yr. old could go to 10th grade -

Interp. of Rodriguez: upheaval that would be
caused if principle of fiscal neutrality adopted -
Barnhart: Since local enrichment in part funded by
state could it be interp. that equal ed could
control local enrichment? Answer - possibly

League of Women Voters of Texas
OBSERVER FORM

Education

COMMITTEE

Mar. 4

DATE

Buggell

OBSERVER

Barnhart

Presiding Officer

Rep. of all delegates about 40

Committee number present

Testimony by Chas Alan Wright

Committee activity (public hearing, etc.)

RECORD OF ACTIVITY (record all votes, resolutions, who testified, major points made, etc. continue on back and additional sheets when necessary)

SECS 1 + 6 -

Phil - Every child regardless of race etc to

achieve education

does not agree

Example of Rodriguez - Educ on basis of wealth of state as whole

Unwise to impose Dist. Ct's decision; should be flexible to allow each State to deal experimentally

Thought lang. "based on state as whole" (b) of Sec. 1 was ambiguous; not

allow experimentation by future Legislature need special provision for disadvantaged

Against "1 kid 1 buck"

Constitution should not require "word games"

In agreement with Convention's striking Second H-

OBSERVER COMMENTS

League of Women Voters of Texas
OBSERVER FORM

COMMITTEE

16 Feb. 74

DATE

Bouldin Cook

OBSERVER

Presiding Officer

Convention

Education Article VII

Committee number present

Voting Qualifications VI

Committee activity (public hearing, etc.)

RECORD OF ACTIVITY (record all votes, resolutions, who testified, major points made, etc. continue on back and additional sheets when necessary)

ARTICLE VII - Adopted ⁸⁸⁻⁸¹ ~~98-71~~ 1 not voting
Weddington Absent

ARTICLE VI

Schwartz Amendment Offered

Grants right to vote to felons, not incarcerated, on parole or on probation except where legislature may make exception.

Mattox - submitted additional Amendment deleting the probation exception. This amendment was tabled - vote 98-71

BALES ~~AND~~ No Dossett

Earle
Foreman

Aye Weddington Absent

Vick, Larry - Harris City

Hoesten Vail, John - Ector City

Simmons, Wayland - Bexar City

Voted Strongly of position

Supports Majority Report

Time for Action !!
Contact these opponents?

OBSERVER COMMENTS

Jones Amend - Sec 3 line 17 strike words unsigned
Massey

Grant - in favor

Lee says table motion

Vote to table

90 - 89

in favor

Sec 4 - presented by Mrs Miller who did not seem well
informed. Mr Knowland filled in for her.

If legislators were required to keep their
seats until adjournment the business at hand
would be concluded in $\frac{1}{2}$ of the time it takes
now.

My God - they never listen!

① Maddy - substitution - (good) allows parole & prob to vote
tabled

②

JPM
Gave up ®

Section 2 - Property ^{qualification for} voting

Present - bonds, lending credit - require prop

Amend -

Juan + Coleman

↓

, would strike ^{sub sec 2 of} Sec 2

Knowland - against amend

Vote to table Juan -

tabled

Schwartz - amend - only changes language not effect
uses ^{some} present const lang
like Hutchinson wording

Wilson -

Hutchinson

Bailey -

Prop Schwartz Amend as subs passed
128 - 37

Amend 7 - corrective amendment

Holloway - delete sec 3 to make agree with m

Thurs. aft 1:30-5:10
March 7

Suffrage - general session Q. Lindsey

Maloney ^{Garcia} Amend - on parole - can't vote at all
Schwartz "

Mr. Washington speaks in favor of Maloney amend.
really not in favor - lesser of evils got applause
for speech opposing disenfranchising of felons
Mr. Simmons

Mr. McAllister - wants to encourage ex-con to vote

Madrox against Maloney sub. - wants it tabled
Poff " " " parole - rehabilitated
should vote "criminal" to take vote away from
reformed "criminals"

Michols - in favor of Amend.

Hostenbach -

Maloney - changes initiative - when person has
served his time he has the right to vote - legis
can change

Never on prob. parole or in jail may vote
adopted 84-77

Schwartz Amend 84-78 adopted
asked for verification - 83 ayes verified

Con off

March 5, 1974

President Price Daniel, Jr.
Texas Constitutional Convention
Austin, Texas

Dear Price,

The League of Women Voters of Texas is deeply disturbed by the move to alter the wording of sec. 1 of the Education Article by dropping the words "equal education opportunity". The League supports the concept of equal educational opportunity and opposes any further dilution of the present wording. We believe that provisions for permitting local enrichment and per pupil allotment of the Available School Fund have already seriously undermined the integrity of the concept.

We view any further encroachment as a step backwards in dealing with the current inequities in our educational system.

Cordially yours,

Veta Winick, President
League of Women Voters of Texas

®

Amendment

By W. Sherman

Amend the Report of the Committee on Education, Article VII,
by striking all below the proposing clause and substituting:

"That there be a new article on education to read:

ARTICLE VII

EDUCATION

SUPPORT OF FREE PUBLIC SCHOOLS: A general diffusion
of knowledge being essential to the preservation of the
liberties and rights of the people, the legislature shall pro-
vide for a system of free public schools through the secondary
level that will furnish each individual equal educational
opportunity."

League of Women Voters of Texas
OBSERVER FORM

Convention

COMMITTEE

Mar. 1, 1974 - 9 a.m.

DATE

Susan Reid

OBSERVER

Daniel predicts the Convention will meet
only in afternoons next week

Daniel
Presiding Officer

All Travis Co. delegates present
Committee number present

Committee activity (public hearing, etc.)

RECORD OF ACTIVITY (record all votes, resolutions, who testified,
major points made, etc. continue on back and additional sheets
when necessary)

Sec. 11 - Coordinating Board

Hale amendment - gives Coordinating Board the power to
grant or deny requests to create new senior colleges or universities.
Table Hale amendment - Vote: 80 yes 65 no - motion
to table prevailed

Sec. 2 - Washington & Thompson didn't show up. Barnhart
moved to consider other amendments + return to Sec. 2.

*majority
vote needed* Atwell asking reconsideration of Preston's amendment to Sec. 11,
which would delete Coordinating Bd. from constitution
Vote to reconsider: yes 81 no 80
Verification requested: yes 79 no 77
Motion to reconsider prevails

Preston amendment to delete Coordinating Bd. from Constitution.
Speaking against Preston Amendment: Agnich, Williamson
" in favor of " " Wyatt, Coleman

Vote on Preston Amendment yes: 83 no: 78
Verification yes 82 to 78

Therefore: Coordinating Bd is not in Constitution - Sec. 11 struck

Reconsideration of Sec. 3 - Re Powers motion
Amelsohn amendment: against speaking: Barnhart, Sherman of Amelsohn,
\$2.30 per student Amelsohn (pure corn)
speaking for reconsideration: Clower

Table Powers motion to reconsider yes 86 no 77
Foreman voted yes
Motion to table prevailed

Are 3 amendments which would add new sections.
Olson amendment State Technical Educ. Assistance Fund. - Would take

OBSERVER COMMENTS

Vick asked for strict interpretation of rules on record votes. In the
future, record votes will have to be requested on each
individual item and cannot be done as on the Educ.
article when there was a blanket request for record
votes on all matters. We may have to talk to
Austin delegates to be sure we get record votes on
important items + on motions to table them.

League of Women Voters of Texas
OBSERVER FORM

Plenary Session
COMMITTEE
Feb 21
DATE
Phyllis Manns
OBSERVER

Daniels
Presiding Officer

Committee number present

Education Article

Committee activity (public hearing, etc.)

RECORD OF ACTIVITY (record all votes, resolutions, who testified, major points made, etc. continue on back and additional sheets when necessary)

Section 6 - Caldwell's amendment - adds the provision of educational that local enrichment programs can be provided. (as provided by general law)
153 ayes & 4 no's.

Section 8 - Agnew? Inserted language in subsection specifying that investments must be placed in cos. listed on national stock exchange. (Insurance companies (being invested in, must have been established for 5 years, etc.) These restrictions exist in present constitution.

126 ayes - 36 no's.

Section 8 - Washington - would add ^{Prairie View} ~~College Station~~ and ~~Carleton State~~ to ~~the~~ ^{College Station} A&M share of available fund.
Motion to table 96 ayes - 65 no's

Section 8 - Mattox - would put ⁱⁿ provision that part of University Fund be used to recruit minority students.
Tabled. (Close vote but missed the #'s)

Section 9 - Williamson (Tyler) - Would make ^{funds} available to all institutions of higher learning. Tabled 121-42 (Provide money basis)

Section 9 - Denton - would put Un. funds in trust to be distributed among all colleges & universities. 126-38 (Tabled)

OBSERVER COMMENTS

Obvious that these legislators are intransigent on the Permanent University Fund.

Beckhill
Amendment — would have investments made
by Board of Regents subject to approval
of House Appropriations Committee &
Senate Finance Committee. 123-32 Dabbed

Hall — Similar amendment to Washington's —
but would limit appropriation to even
1 billion dollars.

Per Student Basis

School Funds Distribution Passed

By RICK FISH
Capitol Staff

Constitutional Convention delegates voted overwhelmingly Wednesday to continue the distribution of a \$4 million school fund on a per student basis, despite arguments that it would be given to schools on the basis of need.

The action came on an amendment by Sen. Pete Snelson of Midland to the report of the convention Education Committee. The convention has been working on that report for three days now.

Snelson and others, including Education Committee chairman Dan Kubiak, amended the Education Committee report to continue the present "per scholastic" per student distribution of part of the Available School Fund.

That fund, derived from income of state land dedicated to the Permanent School Fund, is first used to

buy textbooks and other instructional materials.

The \$4.4 million remaining, said Snelson and friends, should be distributed to schools on the basis of their scholastic population. Statewide, that amounts to some \$2.30 per student.

Sen. Ron Clower of Garland objected. "This will continue to appropriate the Available School Fund on the basis of a mechanical formula rather than on the basis of the needs of our school children."

"What we ought to do is send it where it's needed," said Clower.

Snelson told delegates that the fund "belongs to all the school children of the state" and ought to be distributed equally to them.

Convention delegates first defeated Clower's motion to table the amendment, then approved the amendment itself, 106 to 55.

Later in the Wednesday afternoon session, Sen. Oscar



SCHOOL FUND DEBATERS — State Sens. Don Adams (left) and Oscar Mauzy exchange opinions Wednesday over a proposal to exclude county school funding from the constitution. (Staff photos by Jim Dougherty)

Mauzy argued unsuccessfully that the language dealing with county school funds ought to be stricken from the constitution.



Mauzy said the funds, produced from county lands dedicated to local schools more than a hundred years ago, are administered by

county commissioners and not by school officials.

"They have no incentive to make the funds produce," said Mauzy, since the revenue from county school lands is dedicated from the state subsidy the county would get under the minimum foundation program.

In one county, said Mauzy, less than one-tenth of one per cent was returned on investment of school lands.

In Travis County, according to his figures, an investment of \$928,000 earned \$35,371 in the 1972-73 period.

Sen. Don Adams said that the rate of return on school fund investments is low because the fund may invest only in low-yield government bonds.

Delegates turned down Mauzy's move to strike the section, tabling his amendment 102 to 61.

Two sections of the education article stalled delegates Wednesday. They

voted 93 to 66 to give Houston Rep. Senfronia Thompson more time to re-draw an anti-discrimination article she is backing that was questioned by Attorney General John Hill.

They also decided to hold off until they reconvene at 1:30 p.m. Thursday to vote on a provision establishing school districts and community college districts.

Delegates got hung up Thursday on language granting authority to those districts to enrich their programs with local funds.

Bicentennial Talk Friday

Beverly Sheffield, Director of the City of Austin's Bi-Centennial Affairs Office, will speak to the Austin Society for Public Administration at their noon luncheon, Friday at the Villa Capri-Regency Room.

League of Women Voters of Texas
OBSERVER FORM

Convention - Education

COMMITTEE Sec 3-4-5-6-7

20 Feb. 1974

DATE

Gerabine Cook

OBSERVER

Price Daniel

Presiding Officer

Committee number present

Education - Article VII - Section 3-4-5-6-7

Committee activity (public hearing, etc.)

RECORD OF ACTIVITY (record all votes, resolutions, who testified, major points made, etc. continue on back and additional sheets when necessary)

Section - 3

Sen. Ron Clower - Dallas - Made motion to table Snelsen (Midland) Amendment but was defeated 106-55 + Snelsen Amendment passed; Centuries present "per scholastic" per student distribution of Available School Fund 106-55

Section - 4

Sen. Oscar Nungesser - Dallas - Motion to strike County Public School Fund language from Constitution. Funds administered by County Commissioners with no incentive to make funds produce. Suggestions That income may not be getting into school system were made but not pursued. Sen. Don Adams - Jasper - opposed motion and it was defeated 102-61. Harris County an example of low yield return and use of funds for County Capital Improvements.

Section - 5 No Debate

Section - 6 Extended discussion over proposed language for Amendment and postponed until 21 Feb.

Section - 7

Motion to Delete the words "First Class" from the section failed.

OBSERVER COMMENTS

Section 4 County Funds raised some concern for the administration & use of these funds and I wonder if local leagues should do some research concerning these funds in their local areas?

Gerabine Cook

Full Convention

COMMITTEE

Friday Feb 15 - 9 a.m.

DATE

Susan Reid

OBSERVER

Price Daniel

Presiding Officer

no more than 80 present after quorum established at 9:20 - Williamson
Committee number present questioned quorums at 11:05 but Daniel
wouldn't recount

Education Committee Rept.

Committee activity (public hearing, etc.)

RECORD OF ACTIVITY (record all votes, resolutions, who testified,
major points made, etc. continue on back and additional sheets
when necessary)

Dan Kubiak presented report. Art. 7 - deleted Sec. 3, 3b, 6a, 6b,
9, and 16 of 1876 Const.

Hightower Sec. 1. Truan asked about tuition equalization grants
and Kubiak listed statutes that would be voided if CRC
sec. 3 had been retained

Longoria Sec. 2 - would it eliminate programs for bi-lingual
educ. + minority recruitment. Kubiak said it wasn't Committee's
intent to eliminate these. Att. Gen. opinion pending.

Finney - more worry over Sec. 2 being violation
Jim Clark - is intent of Sec. 1 to come in line with Rodriguez?

Von Dohlen - sec. 2 is it conflicting with Bill of Rts. Art I Sec. 3, 7?

Budget-balanced district has enough wealth so that it
gets only textbook money + \$140 per student - are 37 of them

Hightower, Sec. 1 (a) preamble (b) statement of principle (c) mandate
to Legis. to provide equitable support of free public schools. Said it
doesn't prohibit local enrichment.

Poerner - was member of educ. Committee + doubts that local enrichment
would be allowed if second paragraph of Sec. 1. Poerner would
like to leave out 2nd part of Sec. 1.

Sullivan - worries about phrase "made available" limiting
local enrichment
Von Dohlen - explain "wealth of state as a whole" - Hightower -
has to do only with distribution of state money.

Have Denton -
Pentony explain Sec. 2 - want to know from att. gen. how much
Comment will be used in determining legislative intent

Madha Sec. 3 - acceptable to St. Bd of Educ. + TSTA
Changes (1) permits leg. to determine distribution of available school
fund (2) add instructional materials

OBSERVER COMMENTS

Members very attentive + many asked some questions

Poerner explains Sec. 4 - County public school fund -

Agnich - wants definition of fund in Constitution. Poerner said they had amendments to clarify this section.

Bracklein Sec. 5 - St. Bd of Educ. - all members elected.

Truman wondered if current makeup of Bd. had been considered.

Presnal Sec. 8 - PUF

Pentony - wanted recognition of his.

~~Grant Jones~~

Truman - wondered about large power of Bd of Regents to control contracts for buildings. Would like Legis to have more control.

Hightower to explain Sec. 10 - no more state ad valorem tax

COMMITTEE

Ed Ant.

Feb 7, 1974

DATE

Sally Scott

OBSERVER

all Committees
This meeting adjourned to meet
again next Thurs at 1:30 -
Judiciary Committee

D. Hale
Presiding Officer

16
Committee number present

work session
Committee Activity (public Hearing, etc.)

RECORD OF ACTIVITY FOR DATE _____
(record all votes, resolutions,
who testified, etc. continue _____
on back and additional sheets
when necessary)

Judge Peter Curry from San Antonio testify on chapt. 5
of the Constitution. District Judge. Agrees primarily w/ League stands
single unified Ct. against equal pay work load harder on urban
judges, entitles them to greater pay. Heavily asked how many administrative
Coleman disagreed likes equal pay. discussed backload of cases.
districts 4 & 9. believes in central docket. Hale brought up District Judge supervising Comm. Ct. & being subject
to that court for their pay. Curry agreed - "Tale wagging the dog" conflict
of interest is clear. Hale anti supplemental pay bills. Jones asked for
instances of Control by Judge of C. Ct. - done by auditor not in Texas Co.
Nabers asked Jury Fee. A \$4 a day. Not in favor of 6 man jury in criminal case.
Favors the election of the judiciary.
Rep. Renolds testifying on proposition 241. deletes ABC & most of D. of C.R.C. section
references to judicial nominating committee wants lawyers to choose
Judges. for ballot. nonpartisan ballot. Coleman Questioned majority or 2/3 vote confid.
Pro dual judicial system questioned by Grant. likes J.P. courts. Ogg came out anti.
Veech had a proposal for prosecution took it to local Gov.
Proposal 311. retirement a statutory law. mandatory retirement age. Lt Gov.
Denson proposed merit selection of Judges w/ vacancies appt by Gov. & Speaker
(from Houston) does this give Legislative branch undo weight?
Apurlock Heavily suggested atty general instead of speaker.

(OVER)

OBSERVERS COMMENTS:

Ogg asked is there any appointive commission anyone knows of from some other state - none.

Grant - venue proposal discussed this morning, provides for jury trials ^{for} #214. Chair called for questions - no response & right of appeal.

Mr Ogg proposal #181. "other^{cts.} as provided by law" leeway to create special courts at some future time ex. tax court. an environmental court. eliminates unnecessary future amendments. Spurlock mentioned separation of powers if legislature has power to create the courts. Heatly wants a Tax Ct of last resort for the people appeal from the right to tax. goes along with Ogg. Powers wanted it limited to $\frac{2}{3}$ vote.

Ogg for redistricting - Article 4 language of CRC acceptable. Justice Cts - he would personally like them abolished but doesn't hope for it. Compensation same. Supplementation must be voted personally for it. He's against men on the bench after age 70. statutory provision - retirement should be statutory. Heatly likes retirement at 70. removal of judges should be constitutional same as CRC juries - ^{grand juries} shall constitute forum. qualifications of jurors determined by law. $\frac{3}{4}$ concur in civil cases or unanimous in criminal Ct of appeal by accused. Partisan election of Judges.

Jones presented proposal 175. - changes of CRC. sec. 4. doesn't like "geographical judicial district" favors redistricting sec. 8. likes merit selection ^{wants} alternative ~~to~~ nonpartisan elections with 6 year terms for appellate judges. sec. 9. wants supplementation spelled out adds basic salary Spurlock feels were "messing up constitution" with language about collecting fines etc. Jones doesn't care if it's left out. Heatly wants pecking order of judges maintained financially. Hale disagreed as did most of committee. "Suspension of sentence" in probation to give courts power to suspend & reimpose sentence of probationers & set aside convictions & modify sentence subject to law"

Baker doesn't like language of CRC of Sec 8. feels it most unclear.

Ct of Criminal appeals & Supreme Ct one body. & by normal attrition - dividing into divisions or sections of not less than 5. to merge slowly.

League of Women Voters of Texas
OBSERVER FORM

Education

COMMITTEE

January 31, 1974

DATE

Lindsey

OBSERVER

Kubick

Presiding Officer

13

Committee number present

Public hearing

Committee activity (public hearing, etc.)

RECORD OF ACTIVITY (record all votes, resolutions, who testified, major points made, etc. continue on back and additional sheets when necessary)

Coordinating Board wants to be in Const.
Dr. Reese? Reed?

Richard Stowall, TSTA Dist 19 Francoecos
Sec I ART 7 wants detail for achieving "equal edu".
Sec II - wants reimbursement for ^{support} salaries, bldgs, cafeterias, voca prog, non acad prog. (art, music etc.)
Sec III - pub fund. not used for any non public sch
elect Bd Ed. (state)

Grane - Sec II retirement should be in Const keeping teacher retirement separate & inviolate

Jack Richer - In Counc. to St Teachers - favors wording "equal" -
elect St Bd.

Wilson Aubrey - St. Asso. UT & Pao -
Sec 8 - against Perm. Fund. except for expansion of it

remove spec ment of all campuses
continuity of support of all programs

OBSERVER COMMENTS

Fox - why enroll fluctuate

Dr. McDonald - Supd Sch Ruben ²

opposes change in diet from Fund
149.05 per ch. (A.O.A.)

Budget Balance diet get nothing beyond basic

Sam Flores

Barlingen

San Antonio

League of Women Voters of Texas
OBSERVER FORM

Education

COMMITTEE

January 31 '74

DATE

Phyllis Manns

OBSERVER

Sen. Braecklein

Presiding Officer

12

Committee number present

Public Hearing

Committee activity (public hearing, etc.)

RECORD OF ACTIVITY (record all votes, resolutions, who testified, major points made, etc. continue on back and additional sheets when necessary)

Dr. William Texas Business Education Association
Senator Passerwerk ? spoke for adding a

provision under equality^{of} education to guarantee "economic self-sufficiency" to every student. Point was made that this doesn't belong in the constitution. Another point was made that equal educational opportunity does not deal with curriculum — but that economic self-sufficiency would.

Mrs. Shea — Spoke against use of public money for parochial schools.

OBSERVER COMMENTS

League of Women Voters of Texas
OBSERVER FORM

Education

COMMITTEE

January 25

DATE

Susan Reid

OBSERVER

Kubiak

Presiding Officer

26 ~~Those present:~~ Kubiak, Braecklein, Barnhart,
Total is 23 Committee number present All finally came except Willis.
Foreman made speech to have every-
one summoned before vote taken.
Work Section Willis arrived at 11:15

Committee activity (public hearing, etc.)

RECORD OF ACTIVITY (record all votes, resolutions, who testified, major points made, etc. continue on back and additional sheets when necessary)

Discussion Sec. 1: Changing wording to Equality of educational opportunity is guaranteed to each person in this state. - In lieu of last phrase of (a).
Vote on Sec. 1 of CRC draft! didn't want to make any decision so tabled motion and went on to Sec. 3.
Vale: explains amendment of his to delete Sec. 3. Said it might be in conflict with present Bill of Rights. 27 current laws might be in trouble if Sec. 3 passed.
Presnal offered motion to strike Sec. 3 and insert a guarantee to a right to attend a non-public school if they desire. ??
Vale moved to strike Presnal's motion as not germane - chair sustained Vale's point. 17 yes - 2 no
Willis absent but will be allowed to vote. 2 not voting. Sec. 3 now deleted.

Snelson moved to postpone consideration of Sec. 4. All Yes.
* Vale ^{Hightower} moved to make St. Bd. of Educ. ^{elected} a Constitutional Bd., but leave its composition, ^{tenure,} and ^{duties} selection to statute.

Mattox spoke in favor of removing as many elective offices as possible. St. Bd. hasn't been responsive and he likes CRC draft which leaves decision on Bd to be elected or appointed.

Vote on Vale-Hightower amendment: Yes 12 No 9 - 2 absent.
Braecklein amendment to Sec. 5 - Bd. of Educ. - one from each Senatorial Dist. (increases membership to 31) for 4 year terms.
Foreman amendment is to have St. Bd. elected from Congressional Dist. - Vote Yes: 17 No: 3 to table
This vote. Tabled.

OBSERVER COMMENTS

Motion to take
Vote on a Braecklin amendment: 15 Yes 5 No
Motion to table wins.

~~Preston amendment.~~

Adjourned until 2p.m. Monday

Nancy ^{Holmes} Seton on Legislative today.

League of Women Voters of Texas
Observer Form

Education

COMMITTEE

23 Jan 74
DATE

Gertrude Cook
OBSERVER

Dan Kubick
Resident Officer

14

Committee number present

Committee activity (public hearing, etc.)

RECORD OF ACTIVITY (record all votes, resolutions, who testified, major points made, etc. continue on back and additional sheets when necessary)

- ① Delegate "Bud" Sherman, Tarrant County
Testified as a ~~witness~~ witness.
He supported Section 1-(a) Article VII
He stated the remainder of the Total
Article including (b) Section 1 was all
statutory and should not be in the
Constitution. Final statement to the Delegates.
"If you have the guts to go through with it.
Let's Do It" !!!
Testified in support of Section 1.
- ② LWW - Agency
① Delegate questions - Questioned mode of League arrival
at support. Was it a board decision or representative
of total membership?
② Another suggested (not specifying education)
that ~~league~~ league membership did not do
sufficient research for many support positions
taken.

OBSERVER COMMENTS:

Witness Opinions Vary On Private School Aid

By JANE FRIES

Staff Writer

Just what should be prohibited under separation of church and state, regarding aid to non-public schools, is being considered by the Education Committee of the Constitutional Convention.

Some witnesses have requested that state aid to religious and proprietary schools be prohibited below the college level, but that it be allowed under certain circumstances at the college

level. Under the present Constitution, legislators have approved Tuition Equalization Grants which are given to needy students to use at the school of their choice.

This money, some witnesses have said, is the lifeblood of the religious and private colleges and would mean great financial losses. Others have pointed out that the grants are only \$600 a year, whereas it takes about \$1,400 a year from the state to educate a student in public

colleges and universities. Therefore, it has been said, the grants actually save state money.

However, other witnesses, including representatives of the Texas State Teachers Association who spoke Tuesday, have asked that "all" state aid to religious schools, both at the public school and college level be prohibited.

Such a provision, according to committee members, probably would mean abolishing at least 29

existing laws and would prohibit school districts from contracting with private firms for services such as special teaching for deaf, blind, mentally retarded and emotionally disturbed children.

A number of Education Committee members are considering deleting the section entirely from the Constitution and relying on the federal Constitution and the Texas Bill of Rights for direction.

Other members are concerned that such things as the tuition grants and the school contracts be maintained. Rep. Doyle Willis of Fort Worth explains the tuition grants as a sort of G.I. Bill which give aid to the students, not the schools.

"A lot of public colleges are now full. If we do away with these grants, the students would have to go to state schools and we would be forced to build new buildings," he said.

"The purpose of these provisions are to prohibit indoctrination of children with religious ideas before they've had a chance to make up their minds. But when a child is in college, he has already decided. These grants help the student become a better producer which eventually brings money back to the state," according to Rep. T.H. McDonald of Mesquite.

Rep. Frank Madla of San Antonio has proposed that the phrase "except for public purposes" be added to the section to allow elasticity to future legislatures.

Tax Plan May Stir Dispute

Capitol Staff

A proposed design plan for estimating market value of Texas school district property is expected to stir controversy at a legislative property tax committee meeting Monday.

Jim McGrew of the Texas Research League will present the plan at an 8:30 a.m. session of the committee on the highway department first floor conference room.

Rep. Luther Jones of El Paso said he plans to criticize the plan and the Research League's "relationship with state government."



Commission, 'Super Board'

1/20/74

Education Committee Studying 2 Proposals

By JANE FRIES

Staff Writer

Two proposals — one advocating a "super board" to govern all education and the other an educational review commission — are being prepared by two members of the Education Committee of the Constitutional Convention.

The "super board" idea, which already has drawn strong opposition from one member of the Texas Association of School Boards, is being proposed by Rep. George Preston of Paris.

Rep. R.B. McAlister of Lubbock is proposing the formation of an educational review commission, which among other things would be mandated to do a comprehensive study every 10 years of education.

The "super board," according to Preston, is needed to bring together all the various types of education — public schools, higher education, vocational training, technical training, and so on.

"At present there are too many little fiefdoms which nobody can get to," he said. "The delegate proposes a secretary of Education who would report to an elected board. The board, he said, would have control of all educational programs in the state, including barber and cosmetology.

An important area of concern which could be corrected with such a board, according to Rep. Preston, is the area of teacher training. Through such a board, he said, the training could be coordinated to the benefit of all concerned.

Preston admitted thus far he has little support on the



Staff Photos

GEORGE PRESTON

Proposes "super board"

committee for such a proposal, but he is hopeful that as the convention progresses, his support will grow.

During testimony before the committee this week, Will Davis, president of the Austin School Board and vice president of the Texas Association of School Boards, said he felt the association would be very opposed to the idea.

He said he would hate to have to fight to get problems of kindergarten children

Austinite's Son Takes Grant

Dr. Robert Laibovitz, son of Louis Laibovitz of 4614 Madrona, has received an appointment through the Wilmer Institute for a one-year fellowship in Retinal Vascular Service at Johns Hopkins Hospital.

Dr. Laibovitz, who now is serving his residency at Case Western Reserve in Cleveland, Ohio,



R.B. McALISTER

Wants review commission

placed on an agenda with Texas colleges and university problems.

Rep. McAlister proposes that the delegates make it constitutionally mandatory that a group be appointed every 10 years to do a complete study of Texas education.

"We're having a revolution in our teaching methods," he said. "No one group since Gov. John Connally has taken a good look at our educational process."

He proposes that the group — to be made up of a cross-section of the population — do a complete study, do an evaluation and finally make recommendations to the legislature and governor.

McAlister said there are new teaching methods being tried all over the state and the country. If Texans want to be on top in education, they have to know what is going on, what are the problems and what can be done, he said.

League of Women Voters of Texas
Observer Form

Education -
COMMITTEE

1-23-74 morning
DATE

Jayne Dibrell
OBSERVER

Kubiak -
residing officer

Committee number present

Public Hearing -
Committee activity (public hearing, etc.)

RECORD OF ACTIVITY (record all votes, resolutions, who testified, major points made, etc. continue on back and additional sheets when necessary)

Former representative - Tax base has been reduced due to loss of farmers from land - partial reversal in some areas due to developments and recreation. But energy scarcity may ~~may~~ reverse trends. Wants this considered in uniform tax proposal. Also wants safe-guards against forced consolidation of rural school districts -

Lannie Sinkin - Urban Coalition of San Antonio
All 12 school superintendents ^{in San Antonio} support Sedit because it would force needed change in financing.

Dr. Davidson - Austin - Feels "equal educational opportunities" would cause legal problems, retard development of innovative programs -

Joe Hyden - Dallas - opposes any state support of public schools at any level.

OBSERVER COMMENTS:

Education
COMMITTEE

1-21-74 afternoon -
DATE

Jayne Dibrell
OBSERVER

Kobrick
Residing Officer

Committee number present

Public Hearing
Committee activity (public hearing, etc.)

RECORD OF ACTIVITY (record all votes, resolutions, who testified, major points made, etc. continue on back and additional sheets when necessary)

Ralph Yarborough - CRC member - "Equal educational opportunity" doesn't mean merely equal dollars spent. Const. must not be specific. Gilmer - Aiken - good in many ways but it perpetuates and increases inequities in poor districts. In San Antonio Alamo Hts. gets more state money and has lower tax rate than Edgewood.

W.C. Andrews - Tex Assoc. School Administrators - ① Wants to eliminate "provide equal educational opportunities altogether. If phrase must used, "provide fair and equitable"

② Retiree - Very long involved proposal to be added to Const.

③ Debate "below college level" in Sec. 3.

Nolan Estes - Super - Dallas schools - wants to substitute "equally effective" for "equal educational opportunities". Meaning that unequal is important for providing for some children - as 5 times as much spent for disadvantaged.

Mesquite delegate - Then average and superior get \$1 while disadvantaged gets \$5. Estes - Rodriguez case decided that Legislature had not provided for what old 1876 Const. allows.