

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

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FOURTEENTH DAY  
(Wednesday, January 30, 1974)

CONSTITUTIONAL CONVENTION PROPOSALS REFERRED

The following Constitutional Convention Proposals were referred to the Committee indicated:

CONSTITUTIONAL CONVENTION PROPOSAL 169

By Delegate Salem:

To Committees on the Executive and Submission and Transition.

C.C.P. 169, A PROPOSAL FOR INCORPORATION  
IN THE CONSTITUTION OF TEXAS

Relating to the role of the Attorney General of Texas in the period of transition after the adoption of the constitution.

BE IT PROPOSED BY THE CONSTITUTIONAL  
CONVENTION OF TEXAS:

That the following section be included in the transition schedule:

Section \_\_\_\_ DUTIES AND RESPONSIBILITIES OF ATTORNEY GENERAL DURING TRANSITION PERIOD. (a) Until the provisions of this transition schedule have all been executed, the Attorney General shall:

(1) conduct a study of the existing statute law of this State, ascertain which statutes, if any, have been rendered invalid by this Constitution, and report this information to the Legislature;

(2) ascertain which, if any, provisions of the Constitution of 1876 remain in effect as statute law and should be reenacted as statute law, and report this information to the Legislature;

(3) interpret this transition schedule or any part of it at the request of any person to whom the Attorney General may address written opinions.

(b) This Section does not affect the jurisdiction of the courts of this State to adjudicate controversies arising under this transition schedule or any provision of this Constitution.

(c) This Section shall be certified by the Attorney General as fully executed concurrently with the certification of the last provision of this transition schedule other than this Section and shall thereafter no longer be published as part of this Constitution.

CONSTITUTIONAL CONVENTION PROPOSAL 170

By Delegate Reynolds:

To Committee on Education.

C.C.P. 170, A PROPOSAL FOR INCORPORATION  
IN THE CONSTITUTION OF TEXAS

Relating to aid to nonpublic schools.

BE IT PROPOSED BY THE CONSTITUTIONAL  
CONVENTION OF TEXAS:

That the following section be included in Article VII:

Section \_\_\_\_ PROHIBITION OF AID TO NONPUBLIC SCHOOLS. Public funds shall not be used for support of religious, church-affiliated, or proprietary schools, nor shall public funds be provided to any students for payment of expenses incurred by attending such schools.

CONSTITUTIONAL CONVENTION PROPOSAL 171

By Delegate Reynolds:

To Committee on General Provisions.

C.C.P. 171, A PROPOSAL FOR INCORPORATION  
IN THE CONSTITUTION OF TEXAS

Relating to alcoholic beverages.

BE IT PROPOSED BY THE CONSTITUTIONAL  
CONVENTION OF TEXAS:

That Subsection (a), Section 17, Article X, read as follows:

(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, including an incorporated town or city located in more than one county, to exercise local option by election to legalize or to prohibit the sale of alcoholic beverages of various types and various alcoholic content.

CONSTITUTIONAL CONVENTION PROPOSAL 172

By Delegate Reynolds:

To Committee on Local Government.

C.C.P. 172, A PROPOSAL FOR INCORPORATION  
IN THE CONSTITUTION OF TEXAS

Relating to county and municipal charters and ordinances.

BE IT PROPOSED BY THE CONSTITUTIONAL  
CONVENTION OF TEXAS:

That Subsection (c), Section 4, Article IX, read as follows:

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

CONSTITUTIONAL CONVENTION PROPOSAL 173

By Delegate Bales:

To Committee on the Legislature.

C.C.P. 173, A PROPOSAL FOR INCORPORATION



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IN THE CONSTITUTION OF TEXAS

Relating to the advice and consent of the Senate to appointments.

BE IT PROPOSED BY THE CONSTITUTIONAL CONVENTION OF TEXAS:

That the following section be included in Article III:

Section \_\_\_\_\_. ADVICE AND CONSENT OF THE SENATE. A majority of the members present and voting shall constitute consent to any appointment that 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.

CONSTITUTIONAL CONVENTION PROPOSAL 174

By Delegate Meneffee:

To Committee on Education.

C.C.P. 174, A PROPOSAL FOR INCORPORATION IN THE CONSTITUTION OF TEXAS

Creating the Texas Higher Education Fund.

BE IT PROPOSED BY THE CONSTITUTIONAL CONVENTION OF TEXAS:

That Section 10 of Article VII read as follows:

Sec. 10. TEXAS HIGHER EDUCATION FUND. (a) The legislature shall levy a surtax on the occupation of producing oil, gas, and other minerals in addition to the tax otherwise levied by the legislature on the occupation of producing each of these minerals. The revenue raised by the surtax shall be at least \$50 million per fiscal year and shall be credited to a special fund in the state treasury to be designated the Texas Higher Education Fund.

(b) One-fourth of the Texas Higher Education Fund shall be appropriated to the state institutions of higher education other than the institutions included in the University of Texas System, the Texas A&M University System, community colleges, and technical institutes, in proportion to the number of students enrolled at each, to be determined as provided by law. The remainder of the fund shall be appropriated to the same institutions according to a formula prescribed by law.

(c) An institution's share of the fund shall be expended for purposes provided by law, which may include acquisition of real property and construction of improvements; and it may be pledged, to the extent provided by law, to pay principal and interest on bonds issued to finance capital improvements.

(d) An institution receiving a share of the fund shall not receive any general revenue funds for acquisition of real property or for construction or capital outlay, except that in case of fire or natural disaster the legislature may appropriate from the general revenue fund an amount sufficient to replace the uninsured loss.

CONSTITUTIONAL CONVENTION PROPOSAL 175

By Delegate Jones of Harris:

To Committee on the Judiciary.

C.C.P. 175, A PROPOSAL FOR INCORPORATION IN THE CONSTITUTION OF TEXAS

Providing an article on the Judicial Department.

BE IT PROPOSED BY THE CONSTITUTIONAL CONVENTION OF TEXAS:

That Article V read as follows:

ARTICLE V. JUDICIAL DEPARTMENT

Section 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 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 as many geographical judicial districts as now or hereafter provided by law. 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



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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 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 basic 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 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 private reprimand or 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



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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 the imposition or execution of 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.

Sec. 18. TRANSITION SCHEDULE. (a) On the effective date of this Article, the Chief Justice of the Supreme Court shall become the Chief Justice of Texas. The Presiding Judge and other judges of the Court of Criminal

Appeals and associate justices of the Supreme Court shall become justices of the Supreme Court. Each commissioner of the Court of Criminal Appeals shall become a commissioner of the Supreme Court, but when he ceases to hold that position, it shall cease to exist. The offices of the first five justices, other than Chief Justice, and the office formerly occupied by the Presiding Judge, who cease to be members of the Supreme Court by reason of death, removal, resignation, or retirement, after the effective date of this Article shall cease to exist.

(b) After the effective date of this Article and before the date upon which the total membership of the Supreme Court is reduced to nine, the Court may sit in civil and criminal divisions of no less than five members in a division. Notwithstanding the provisions of Section 2(a) of this Article, a majority of a division is necessary to decide a case.

(c) Chief Justices of the courts of civil appeals shall become chief judges of the courts of appeals; justices of the courts of civil appeals shall become judges of the courts of appeals.

(d) Each district judge or judge of a criminal district court, domestic relations court, special juvenile court, or special designated probate court shall become a judge of a district court.

(e) Each judge of a county court at law, county civil court at law, county court for criminal cases, county criminal court, or county court of criminal appeals shall become a judge of a county court.

(f) Judges of the county court elected pursuant to Article V, Section 15 of the Constitution of 1876 shall remain as presiding officers of the County Commission as provided by Article IX, Section 3(a) of this Constitution. Any judge of the county court who is licensed to practice law may elect to preside over the County Commission or may, by written notice to the Governor filed with the Secretary of State within thirty days after the effective date of this Constitution, elect to become a judge of the county court provided by Article V, Section 5 of this Constitution. In the latter event, the office of county judge shall be vacant and shall be filled by the County Commission until the next general election.

(g) No judicial office shall be abolished by the adoption of this Constitution until the expiration of the term of the person who held the office on the effective date of this Constitution or until that person ceases to hold the office, whichever occurs first.

(h) The members of the Judicial Nominating Commission first selected under the provisions of Section 7 of Article V shall serve for the following terms of years: four for two years, four for four years, and three for six years. The holders of the foregoing respective terms shall be determined by lot.

(i) If the merit plan is adopted for selection of appellate judges, the Chief Justice, each justice of the Supreme Court, and each judge of the courts of appeals now in office shall be subject, in the manner provided by law, to approval or rejection at the general election preceding the expiration of the term for which each was elected.



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Until the total membership of the Supreme Court is reduced to nine, the justices of the Supreme Court in office upon the effective date of this Article shall be subject, in the manner provided by law, to approval or rejection at the general election preceding the expiration of the term for which each was elected.

(j) The terms of all district judges in office on the effective date of this Constitution are hereby extended two years.

(k) The following provision shall be submitted for adoption at the same time as the remainder of this Article and, if adopted, shall replace the provisions of Section 8(a)-(d) concerning the selection and tenure of members of the Supreme Court and courts of appeals:

(1) The Chief Justice of Texas and justices of the Supreme Court shall be elected by the qualified voters of this State every six years in the manner provided by law. Judges of the courts of appeals shall be elected by the qualified voters of their respective districts every six years in the manner provided by law.

(2) Vacancies in the offices of justices and judges of the Supreme Court and the courts of appeals shall be filled until the next succeeding election by the Governor with the advice and consent of the Senate.

(1) Members of the Judicial Qualifications Commission on the effective date of this Constitution shall continue in office and serve as a commission under Section 11(c) of Article V until a commission is established by law pursuant to that Section.

(m) Except to the extent inconsistent with the provisions of Article V, all laws and rules of court in force on the effective date of this Constitution shall continue in effect until superseded as authorized by law.

(n) In the event a transfer or transition has not been provided for by this Section or by law, the Supreme Court shall provide by rule for the required orderly transfer or transition.

#### CONSTITUTIONAL CONVENTION PROPOSAL 176

By Delegates Heatly, Blanchard and Nabers:

To Committees on Local Government and the Judiciary.

C.C.P. 176, A PROPOSAL FOR INCORPORATION IN THE CONSTITUTION OF TEXAS

Relating to District and County Attorneys.

BE IT PROPOSED BY THE CONSTITUTIONAL CONVENTION OF TEXAS:

That Art. V be amended to include the following section:

Section 21. COUNTY AND DISTRICT ATTORNEYS

A County Attorney for counties in which there is not a resident Criminal District Attorney, shall be elected by the qualified voters of each county, who shall be commissioned by the Governor, and hold his office for the term of four years. In case

of vacancy, the Commissioners Court of the county shall have the power to appoint a County Attorney until the next general election. The County Attorneys shall represent the State in all cases in the District and inferior courts in their respective counties; but if any county shall be included in a district in which there shall be a District Attorney, the respective duties of District Attorneys and County Attorneys shall in such counties be regulated by the Legislature. The Legislature may provide for the election of District Attorneys in such districts, as may be deemed necessary, and make provision for the compensation of District Attorneys and County Attorneys. District Attorneys shall hold office for a term of four years, and until their successors have qualified.

#### CONSTITUTIONAL CONVENTION PROPOSAL 177

By Delegate Ogg:

To Committee on Rights and Suffrage.

C.C.P. 177, A PROPOSAL FOR INCORPORATION IN THE CONSTITUTION OF TEXAS

Providing an article on the Bill of Rights.

BE IT PROPOSED BY THE CONSTITUTIONAL CONVENTION OF TEXAS:

That Article I read as follows:

#### ARTICLE I

##### BILL OF RIGHTS

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

Section 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.

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



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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 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.

**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.

**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



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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.

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.

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, 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; 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 INVIOULATE

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.

CONSTITUTIONAL CONVENTION PROPOSAL 178

By Delegate Ogg:

To Committee on Rights and Suffrage.

C.C.P. 178, A PROPOSAL FOR INCORPORATION IN THE CONSTITUTION OF TEXAS

Providing an article on the Separation of Powers.

BE IT PROPOSED BY THE CONSTITUTIONAL CONVENTION OF TEXAS:

That Article II read as follows:

ARTICLE II

SEPARATION OF POWERS

Section 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.

CONSTITUTIONAL CONVENTION PROPOSAL 179

By Delegate Ogg:



Wednesday, January 30, 1974

To Committee on the Legislature.

C.C.P. 179, A PROPOSAL FOR INCORPORATION  
IN THE CONSTITUTION OF TEXAS

Providing an article on the Legislature.

BE IT PROPOSED BY THE CONSTITUTIONAL  
CONVENTION OF TEXAS:

That Article III read as follows:

ARTICLE III  
THE LEGISLATURE

Section 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 more than thirty-one members, and the House of Representatives shall consist of not more than 150 members.

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, eighteen 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.

(e) No judge of any court, Secretary of State, Attorney General, clerk of any court of record, or any person holding a lucrative office under the United States, or the State, or any foreign government shall during the term for which he is elected or appointed, be eligible to the Legislature.

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 senatorial districts and into representative districts.

(b) All senatorial districts shall contain as nearly as practicable an equal number of inhabitants. All representative districts 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 the Commissioner of the General Land Office. 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. 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, except the Senate when in executive session.



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(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) 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.

(f) 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.

(g) 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 or 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 session in which the office was created or the salary increased.

(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.

#### Sec. 11. TIME OF TAKING EFFECT OF LAWS

No law except the general appropriations act and redistricting acts shall take effect until after it becomes a law or ninety days after adjournment of the session at which it was enacted, whichever is earlier. The

Legislature, by two-thirds record vote of the membership of each house, may authorize an earlier effective date.

#### Sec. 12. BILLS

The Legislature shall create no bill except by law.

#### 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 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 charged 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. PRIVILEGED FROM ARREST

Senators and Representatives shall, except in cases of treason, felony, or breach of the peace, be privileged from arrest during the session of the Legislature, and in going to and returning from the same, allowing one day for every two-hundred miles such member may reside from the place at which the Legislature is convened.

#### Sec. 15. 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 made 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.

#### CONSTITUTIONAL CONVENTION PROPOSAL 180

By Delegate Ogg:

To Committee on the Executive.

C.C.P. 180, A PROPOSAL FOR INCORPORATION IN THE CONSTITUTION OF TEXAS

Providing an article on the Executive.

BE IT PROPOSED BY THE CONSTITUTIONAL CONVENTION OF TEXAS:

That ARTICLE IV read as follows:

#### ARTICLE IV

#### THE EXECUTIVE

Section 1. OFFICERS CONSTITUTING THE EXECUTIVE DEPARTMENT



Wednesday, January 30, 1974

To Committee on the Legislature.

C.C.P. 179, A PROPOSAL FOR INCORPORATION  
IN THE CONSTITUTION OF TEXAS

Providing an article on the Legislature.

BE IT PROPOSED BY THE CONSTITUTIONAL  
CONVENTION OF TEXAS:

That Article III read as follows:

ARTICLE III  
THE LEGISLATURE

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(b) A person shall be eligible for election to the House of Representatives if a citizen of the United States, a qualified voter, eighteen 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.

(e) No judge of any court, Secretary of State, Attorney General, clerk of any court of record, or any person holding a lucrative office under the United States, or the State, or any foreign government shall during the term for which he is elected or appointed, be eligible to the Legislature.

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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.

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(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.

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(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 the Commissioner of the General Land Office. 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.

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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, except the Senate when in executive session.



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(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) 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.

(f) 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.

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(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.

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(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 charged 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. PRIVILEGED FROM ARREST

Senators and Representatives shall, except in cases of treason, felony, or breach of the peace, be privileged from arrest during the session of the Legislature, and in going to and returning from the same, allowing one day for every two-hundred miles such member may reside from the place at which the Legislature is convened.

#### Sec. 15. 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 made 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.

#### CONSTITUTIONAL CONVENTION PROPOSAL 180

By Delegate Ogg:

To Committee on the Executive.

C.C.P. 180, A PROPOSAL FOR INCORPORATION IN THE CONSTITUTION OF TEXAS

Providing an article on the Executive.

BE IT PROPOSED BY THE CONSTITUTIONAL CONVENTION OF TEXAS:

That ARTICLE IV read as follows:

#### ARTICLE IV

##### THE EXECUTIVE

Section 1. OFFICERS CONSTITUTING THE EXECUTIVE DEPARTMENT



Wednesday, January 30, 1974

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, Treasurer, 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, Commissioner of the General Land Office, Comptroller of Public Accounts, and Treasurer 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. Appointive officers of the Executive Department shall be appointed by the Governor with 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: CONTESTS.

Election returns for executive officers shall be tabulated and certified in a manner provided by law.

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 Governor shall be inaugurated the day following the organization of the Legislature, or as soon thereafter as possible.

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 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 the Governor is absent from the State, the Lieutenant Governor shall act as Governor until the Governor returns.

(d) While serving or acting as Governor, the Lieutenant Governor shall receive only the compensation payable to a Governor.

(e) 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. 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 law 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 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



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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 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. TREASURER

The Treasurer shall perform the duties that shall be provided by law.

#### Sec. 25. 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. 26. STATE AGENCIES

(a) The length of the term of members appointed by the Governor to State governmental agencies created by statute and



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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. 27. 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. 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.

#### CONSTITUTIONAL CONVENTION PROPOSAL 181

By Delegate Ogg:

To Committee on the Judiciary.

C.C.P. 181, A PROPOSAL FOR INCORPORATION  
IN THE CONSTITUTION OF TEXAS

Providing an article on the Judiciary.

BE IT PROPOSED BY THE CONSTITUTIONAL  
CONVENTION OF TEXAS:

That Article V read as follows:

#### ARTICLE V THE JUDICIARY

##### Section 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, and others as may be provided by law, but jurisdiction of courts of the same 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. It shall have such jurisdiction, administrative, and rulemaking authority as shall be 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. ELECTION OF JUDGES

(a) Chief Justice and justices of the Supreme Court shall be elected by the qualified voters of this state every 6 years in the manner provided by law. Judges of the Courts of Appeals shall be elected by the qualified voters of their respective districts every 6 years in the manner provided by law.

(b) Vacancies in the office of justices and judges of the Supreme Court and the Courts of Appeals shall be filled until the next succeeding election by the Governor with advice and consent of the Senate.

##### 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. 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 reached the age of seventy-five 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



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the office if the disability is, or is likely to become, permanent.

Sec. 12. JURIES

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

(b) The various classifications and types of Criminal Court juries and qualifications and numbers of Criminal Court jurors shall be determined by law or the Supreme Court pursuant to their rulemaking power. Notwithstanding, the guarantee of a unanimous jury verdict shall remain inviolate in criminal cases.

(c) The various classifications and types of Civil Court juries and qualifications and numbers of Civil Court jurors shall be determined by law or by the Supreme Court pursuant to their rulemaking power. Notwithstanding, a verdict may be rendered in civil cases when not less than three-fourths of their number shall concur in and sign the verdict.

(d) The qualifications of Grand Jurors shall be as provided by law.

Sec. 13. APPEAL BY STATE

The State shall have no right of appeal in criminal cases.

Sec. 14. 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.

CONSTITUTIONAL CONVENTION PROPOSAL 182

By Delegate Ogg:

To Committee on Rights and Suffrage.

C.C.P. 182, A PROPOSAL FOR INCORPORATION IN THE CONSTITUTION OF TEXAS

Providing an article on Suffrage.

BE IT PROPOSED BY THE CONSTITUTIONAL CONVENTION OF TEXAS:

That Article VI read as follows:

ARTICLE VI  
SUFFRAGE

Section 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 has not been convicted of any felony, and who is not of unsound mind as determined by a court of competent jurisdiction, shall be a qualified voter.

Sec. 2. FORFEITURE OF RESIDENCE BY ABSENCE ON PUBLIC BUSINESS

No person shall forfeit the right of suffrage because of absence from the State or a political subdivision on business of the United States, this State, or a political subdivision.

Sec. 3. 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. 4. GENERAL ELECTIONS

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

CONSTITUTIONAL CONVENTION PROPOSAL 183

By Delegate Ogg:

To Committee on Education.

C.C.P. 183, A PROPOSAL FOR INCORPORATION IN THE CONSTITUTION OF TEXAS

Providing an article on Education.

BE IT PROPOSED BY THE CONSTITUTIONAL CONVENTION OF TEXAS:

That Article VII read as follows:

ARTICLE VII  
EDUCATION

Section 1. SUPPORT AND MAINTENANCE OF SYSTEM OF FREE PUBLIC SCHOOLS

A general diffusion of knowledge being essential to the preservation of the liberties and rights of the people, it shall be the duty of the Legislature to establish and make suitable provision for the support and maintenance of an efficient system of free public schools.

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.

Sec. 3. 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. 4. FIRST CLASS COLLEGES AND UNIVERSITIES

The Legislature shall provide for a system of higher education of the first class consisting of first class institutions or systems as may be provided by law.

Sec. 5. STATE BOARD OF EDUCATION

There shall be a State Board of Education whose members shall be elected in such manner and for such terms as shall be provided by law, provided that the terms shall not exceed six years. The board shall perform such duties as shall be provided by law.

CONSTITUTIONAL CONVENTION PROPOSAL 184

By Delegate Ogg:

To Committee on Finance.

C.C.P. 184, A PROPOSAL FOR INCORPORATION IN THE CONSTITUTION OF TEXAS

Providing an article on Finance.

BE IT PROPOSED BY THE CONSTITUTIONAL



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CONVENTION OF TEXAS:

That Article VIII read as follows:

ARTICLE VIII  
FINANCE

Section 1. TAXATION

Taxes shall be levied and collected by general law. Taxation shall be equal and uniform, except that the Legislature may, by general law, provide for tax exemptions.

Sec. 2. 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. 3. 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. 4. PUBLIC FUNDS

Public money and public credit shall be used for public purposes only.

Sec. 5. 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 the Constitution.

CONSTITUTIONAL CONVENTION PROPOSAL 185

By Delegate Ogg:

To Committee on Local Government.

C.C.P. 185, A PROPOSAL FOR INCORPORATION  
IN THE CONSTITUTION OF TEXAS

Providing an article on Local  
Government.

BE IT PROPOSED BY THE CONSTITUTIONAL  
CONVENTION OF TEXAS:

That Article IX read as follows:

ARTICLE IX  
LOCAL GOVERNMENT

Section 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 the question in each county affected.

Sec. 2. POWERS OF LOCAL GOVERNMENT

The powers of counties, cities, towns, villages and special districts and authorities, including taxing powers, shall be those granted by this Constitution and by 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, the combination of duties and functions of county officials and the creation of additional county offices shall be determined by law.

(f) The terms of office, the grounds and procedure for the disqualification, suspension and removal of county officials, the alteration of the governing body, the elimination of county offices, the combination of county offices and any change in the method of selection of one or more of the county officials enumerated in the foregoing subsections shall be determined by law. Any law passed by the Legislature relating to the foregoing provisions of this subsection must be ratified by two-thirds vote of the qualified voters of the county voting on that provision at that election.

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

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



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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. The Legislature shall establish by law maximum tax rates for political subdivisions.

#### Sec. 12. INTERGOVERNMENTAL COOPERATION

Subject to legislative regulation, 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.

### CONSTITUTIONAL CONVENTION PROPOSAL 186

By Delegate Ogg:

To Committee on General Provisions.

C.C.P. 186, A PROPOSAL FOR INCORPORATION IN THE CONSTITUTION OF TEXAS

Providing an article on General Provisions.

BE IT PROPOSED BY THE CONSTITUTIONAL CONVENTION OF TEXAS:

That Article X read as follows:

#### ARTICLE X

##### GENERAL PROVISIONS

##### Section 1. OFFICIAL OATH

All State and local officials shall take the following oath before they enter upon the duties of their office:

"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," (or if applicable, "I do so affirm").

##### 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. 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. 5. 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. 6. 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. 7. GAMBLING ENTERPRISES

Neither the State nor any political subdivision thereof shall sponsor or operate lotteries or any other gambling enterprises.

#### Sec. 8. RIGHTS OF HANDICAPPED

All persons with a physical or mental handicap shall be free from discrimination in obtaining housing and in access to public facilities, and in securing treatment and educational opportunities; and they shall be free from discrimination not directly related to ability in all employment practices of any employer.

#### Sec. 9. PENSION AND RETIREMENT SYSTEMS

Any pension or retirement system of this State, or 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.

### CONSTITUTIONAL CONVENTION PROPOSAL 187

By Delegate Ogg:

To Committee on Rights and Suffrage.

C.C.P. 187, A PROPOSAL FOR INCORPORATION IN THE CONSTITUTION OF TEXAS

Providing an article on the Mode of Amending the Constitution of the State.

BE IT PROPOSED BY THE CONSTITUTIONAL CONVENTION OF TEXAS:

That Article XI read as follows:

#### 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



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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 the delegates.

(d) The membership at such convention shall be elected and have such qualifications as determined by law.

(e) The constitutional convention may, 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.

#### CONSTITUTIONAL CONVENTION PROPOSAL 188

By Delegate Jones of El Paso:

To Committee on General Provisions.

C.C.P. 188, A PROPOSAL FOR INCORPORATION IN THE CONSTITUTION OF TEXAS

Relating to the public's right to know.

BE IT PROPOSED BY THE CONSTITUTIONAL CONVENTION OF TEXAS:

No person shall be deprived of the right

to examine documents or to observe the deliberations of all public bodies or agencies of state government and its subdivisions, except in cases in which the demands of individual privacy, fiscal prudence, or public safety clearly exceed the merits of public disclosure.

#### CONSTITUTIONAL CONVENTION PROPOSAL 189

By Delegate Reynolds:

To Committee on Finance.

C.C.P. 189, A PROPOSAL FOR INCORPORATION IN THE CONSTITUTION OF TEXAS

Relating to requiring that all state revenue be deposited in the state treasury.

BE IT PROPOSED BY THE CONSTITUTIONAL CONVENTION OF TEXAS:

That the following provision be included in Article VIII on finance:

Section \_\_\_\_\_. STATE TREASURY DEPOSITS. Unless a different disposition is provided in this Constitution, all receipts of money by the State or an agency of the State, including all occupational licensing boards, shall be deposited in the State Treasury.

#### CONSTITUTIONAL CONVENTION PROPOSAL 190

By Delegate Reynolds:

To Committee on Finance.

C.C.P. 190, A PROPOSAL FOR INCORPORATION IN THE CONSTITUTION OF TEXAS

Relating to authorizing state debt to supply casual deficiencies of revenue in an amount not to exceed five hundred thousand dollars.

BE IT PROPOSED BY THE CONSTITUTIONAL CONVENTION OF TEXAS:

That the following provision be included in Article VIII on finance:

( ) State and other debt may be created to supply casual deficiencies of revenue in an aggregate amount not to exceed five hundred thousand dollars at any one time.

#### CONSTITUTIONAL CONVENTION PROPOSAL 191

By Delegate Reynolds:

To Committee on Finance.

C.C.P. 191, A PROPOSAL FOR INCORPORATION IN THE CONSTITUTION OF TEXAS

Relating to requiring that balances of certain unappropriated funds revert to the general revenue fund.

BE IT PROPOSED BY THE CONSTITUTIONAL CONVENTION OF TEXAS:

That a new Subsection (e) be added to Section 6, Article VIII, C.C.P. No. 1, to read as follows:

(e) The balance of all unappropriated revenue derived from statutory funds shall



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revert to the General Revenue Fund at the end of each fiscal year.

#### CONSTITUTIONAL CONVENTION PROPOSAL 192

By Delegate Reynolds:

To Committee on Finance.

#### C.C.P. 192, A PROPOSAL FOR INCORPORATION IN THE CONSTITUTION OF TEXAS

Relating to requiring a two-thirds vote of the membership of each house to authorize debts other than state debts.

BE IT PROPOSED BY THE CONSTITUTIONAL CONVENTION OF TEXAS:

That a new Subsection (e) be added to Section 5 of Article VIII to read as follows:

(e) No debt of the State or of an agency of the State, including an institution of higher education, other than those defined in Subsection (a), may be authorized except by General Law approved by a two-thirds vote of the membership of each house.

#### CONSTITUTIONAL CONVENTION PROPOSAL 193

By Delegates Mengden and Blythe:

To Committee on Local Government.

#### C.C.P. 193, A PROPOSAL FOR INCORPORATION IN THE CONSTITUTION OF TEXAS

Relating to county and district officials.

BE IT PROPOSED BY THE CONSTITUTIONAL CONVENTION OF TEXAS:

That Article IX, Section 3, read as follows:

Section 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 other than constitutional offices, and combine the duties and functions of offices. 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.

#### CONSTITUTIONAL CONVENTION PROPOSAL 194

By Delegates Temple, Head, Whitehead, Waters, Blythe, Mengden, Jones of El Paso, Spurlock, McDonald of Dallas, Hoestenbach, Wilson, Bigham, Miller, Salem and Munson:

To Committee on Local Government.

#### C.C.P. 194, A PROPOSAL FOR INCORPORATION IN THE CONSTITUTION OF TEXAS

Relating to referendum and initiative with respect to political subdivisions.

BE IT PROPOSED BY THE CONSTITUTIONAL CONVENTION OF TEXAS:

Section 1. That the following section be included in Article IX:

"Section \_\_\_\_\_. REFERENDUM AND INITIATIVE. The powers of referendum and initiative are reserved to the people in all political subdivisions that have legislative powers. In no case shall the number of signatures of qualified voters required for a valid petition exceed twenty percent of the total vote cast in the last election at which any officer of that political subdivision was elected. The Legislature may enact laws regulating the procedure by which the powers of referendum and initiative are exercised."

Sec. 2. That the following section be included in the transition schedule:

"Section \_\_\_\_\_. CHARTER PROVISIONS ON INITIATIVE AND REFERENDUM. Provisions in municipal charters relating to initiative and referendum are not affected by the adoption of this Constitution except that a charter provision that requires a greater number of signatures than that permitted to be required under this Constitution shall be construed as requiring the greatest number of signatures permitted to be required under this constitution."

#### CONSTITUTIONAL CONVENTION PROPOSAL 195

By Delegates Denton, Reyes and Sutton:

To Committee on the Legislature.

#### C.C.P. 195, A PROPOSAL FOR INCORPORATION IN THE CONSTITUTION OF TEXAS

Relating to a mono-dicameral legislature.

BE IT PROPOSED BY THE CONSTITUTIONAL CONVENTION OF TEXAS:

That the following sections be included in Article III:

Section \_\_\_\_\_. LEGISLATIVE POWER. The



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legislative power of the State of Texas shall be vested in "The Legislature of the State of Texas."

Section \_\_\_\_ COMPOSITION. The Legislature of the State of Texas shall be composed of two hundred legislators. The legislators shall decide at the beginning of each session, by lot, as provided by law, which shall serve in the Senate and which shall serve in the House of Representatives.

Section \_\_\_\_ QUALIFICATION OF MEMBERS. (a) A person shall be eligible for election to the Legislature if a citizen of the United States, a qualified voter, and a resident of this State for two years and of the representative district for one year immediately preceding the election.

(b) 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.

(c) 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.

Section \_\_\_\_ ELECTION AND TERMS OF MEMBERS. (a) Legislators shall be elected at a general election.

(b) Each legislator 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. No legislator may succeed himself for more than three consecutive terms.

(c) Vacancies in the Legislature shall be filled by special election as provided by law.

Section \_\_\_\_ REDISTRICTING. (a) Before August 15 following publication of each federal decennial census, the Legislature shall by law divide the State into two hundred representative districts.

(b) All representative districts shall contain, within a five percent deviation, an equal number of inhabitants. All districts shall be composed of compact and contiguous territory.

(c) A county entitled to more than one legislator 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) 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 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.

#### CONSTITUTIONAL CONVENTION PROPOSAL 196

By Delegate Denton:

To Committee on Finance.

#### C.C.P. 196, A PROPOSAL FOR INCORPORATION IN THE CONSTITUTION OF TEXAS

Relating to taxation, equality and uniformity of taxation, and taxation of agricultural land.

BE IT PROPOSED BY THE CONSTITUTIONAL CONVENTION OF TEXAS:

That Section 1 of Article VIII, on finance, read as follows:

Section 1. TAXATION. (a) Taxes shall be levied and collected by general law, and shall be equal and uniform.

(b) The Legislature shall have the authority to tax agricultural land by setting guidelines based on productivity factors.

#### CONSTITUTIONAL CONVENTION PROPOSAL 197

By Delegate Denton:

To Committee on the Legislature.

#### C.C.P. 197, A PROPOSAL FOR INCORPORATION IN THE CONSTITUTION OF TEXAS

Relating to the composition of the Legislature.

BE IT PROPOSED BY THE CONSTITUTIONAL CONVENTION OF TEXAS:

That the following section be included in Article III:



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Section \_\_\_\_\_. 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.

#### CONSTITUTIONAL CONVENTION PROPOSAL 198

By Delegate Denton:

To Committee on the Legislature.

C.C.P. 198, A PROPOSAL FOR INCORPORATION IN THE CONSTITUTION OF TEXAS

Relating to the legislative powers of impeachment.

BE IT PROPOSED BY THE CONSTITUTIONAL CONVENTION OF TEXAS:

That the following section be included in Article III:

Section \_\_\_\_\_. 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 a majority 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.

#### CONSTITUTIONAL CONVENTION PROPOSAL 199

By Delegates Poerner and Snelson:

To Committee on Education.

C.C.P. 199, A PROPOSAL FOR INCORPORATION IN THE CONSTITUTION OF TEXAS

Relating to the county school funds.

BE IT PROPOSED BY THE CONSTITUTIONAL CONVENTION OF TEXAS:

That the following section be included in Article VII:

Section \_\_\_\_\_. COUNTY PUBLIC SCHOOL FUND.

(a) The County Public School Fund of each county consists of all property (the income it produces and the proceeds from its sale) transferred to the county for support of the public free schools in that county. Title to the property is in the county and may not be divested by limitation.

(b) The County Public School Fund of each county is divided into permanent and available funds. The Permanent Fund, which may not be disposed of except as authorized by Subsection (d), consists of all property in the Fund; and the Available Fund, which may be spent by the commissioners court for support of the county's public free schools, consists of income from the property.

(c) The commissioners court may invest the Permanent Fund, in the manner prescribed by law, in such securities as are specified by law. Before land belonging to the Permanent Fund may be sold, the commissioners court must offer actual settlers on the land an option to purchase not to exceed one hundred sixty acres at a price fixed by the commissioners court that does not include the value of any improvements on the land.

(d) The commissioners court may transfer part of the property in the Permanent Fund to school districts of the county, apportioned among them on the basis of their scholastic populations, for use by the districts to reduce their bonded indebtedness or make permanent improvements or both. The commissioners court shall retain sufficient property in the Permanent Fund to produce income in the Available Fund to pay ad valorem taxes and royalty interests encumbering the property.

#### CONSTITUTIONAL CONVENTION PROPOSAL 200

By Delegate Reyes:

To Committee on the Legislature.

C.C.P. 200, A PROPOSAL FOR INCORPORATION IN THE CONSTITUTION OF TEXAS

Relating to the qualification of members.

BE IT PROPOSED BY THE CONSTITUTIONAL CONVENTION OF TEXAS:

That the following section be included in Article III:

Section \_\_\_\_\_. QUALIFICATION OF MEMBERS.

(a) A person shall be eligible for election to the Legislature if a qualified voter.

(b) 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.

(c) 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



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a notary public.

CONSTITUTIONAL CONVENTION PROPOSAL 201

By Delegate Reyes:

To Committee on the Legislature.

C.C.P. 201, A PROPOSAL FOR INCORPORATION  
IN THE CONSTITUTION OF TEXAS

Relating to the redistricting of the  
legislature.

BE IT PROPOSED BY THE CONSTITUTIONAL  
CONVENTION OF TEXAS:

That the following section be included  
in Article III:

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

(b) All senatorial districts shall  
contain as nearly as practicable an equal  
number of inhabitants. All representative  
districts shall contain as nearly as  
practicable an equal number of inhabitants.  
In determining the districts no deviation  
greater than five percent shall occur. 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 population variance of  
greater than five percent between districts.

(e) A Legislative Redistricting Board  
shall be constituted within twenty days after  
August 15. The board shall consist of the  
Lieutenant Governor, Speaker of the House of  
Representatives, Attorney General, the  
Comptroller, and the Commissioner of the  
General Land Office.

(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 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.

CONSTITUTIONAL CONVENTION PROPOSAL 202

By Delegate Geiger:

To Committee on General Provisions.

C.C.P. 202, A PROPOSAL FOR INCORPORATION  
IN THE CONSTITUTION OF TEXAS

Relating to bribery involving public  
officials.

BE IT PROPOSED BY THE CONSTITUTIONAL  
CONVENTION OF TEXAS:

That the following section be included  
in the appropriate article:

Section \_\_\_\_\_. BRIBERY. The Legislature  
shall pass laws defining and prohibiting the  
bribery of public officials. In addition to  
other punishments provided by law, an  
executive or judicial officer or member of  
the Legislature convicted of bribery forfeits  
the office held and is ineligible to hold  
thereafter any office of profit or trust  
under this State.

CONSTITUTIONAL CONVENTION PROPOSAL 203

By Delegate Hernandez:

To Committee on Local Government.

C.C.P. 203, A PROPOSAL FOR INCORPORATION  
IN THE CONSTITUTION OF TEXAS

Relating to the election of officials of  
political subdivisions.

BE IT PROPOSED BY THE CONSTITUTIONAL  
CONVENTION OF TEXAS:

That Article IX, Section 8, read as  
follows:

Section 8. TERMS OF OFFICE AND  
DISTRICTS. (a) The terms of office for all  
elected officials of political subdivisions  
shall be as provided by law or charter.

(b) Each political subdivision shall be  
divided into districts and the election of  
representatives to the governing body shall  
be by district. A municipal charter or  
general law may provide for the mayor of a  
city or town to be elected at large by the  
voters or to be elected by the members of the  
governing body from its membership. This  
subsection does not apply to counties.

CONSTITUTIONAL CONVENTION PROPOSAL 204

By Delegate Hernandez:

To Committee on Rights and Suffrage.

C.C.P. 204, A PROPOSAL FOR INCORPORATION  
IN THE CONSTITUTION OF TEXAS

Relating to the qualifications for  
voting.

BE IT PROPOSED BY THE CONSTITUTIONAL  
CONVENTION OF TEXAS:

That Article VI, Section 1, read as  
follows:

Section 1. QUALIFIED VOTER. Any  
citizen of the United States eighteen years



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of age or older who meets the registration and residence requirements provided by law, and who is not of unsound mind as determined by a court, shall be a qualified voter.

CONSTITUTIONAL CONVENTION PROPOSAL 205

By Delegates Blythe and Schwartz:

To Committee on the Legislature.

C.C.P. 205, A PROPOSAL FOR INCORPORATION  
IN THE CONSTITUTION OF TEXAS

Relating to enactment of laws creating water districts.

BE IT PROPOSED BY THE CONSTITUTIONAL  
CONVENTION OF TEXAS:

That the following section be included  
in Article \_\_\_\_:

Section \_\_\_\_\_. LAWS CREATING WATER  
DISTRICTS. No law creating a water district  
shall be passed unless, at least thirty days  
before the bill proposing the law is  
introduced in the Legislature, a copy of the  
proposed bill is delivered to the  
commissioners court of each county in which  
the district or any part of the district is  
or will be located and to the governing body  
of each incorporated city or town in whose  
jurisdiction said district or any part of the  
district is or will be located. Each  
commissioners court and governing body may  
file its written consent or opposition to the  
creation of the proposed district with the  
Governor, Lieutenant Governor, and Speaker of  
the House of Representatives. Each law  
creating a water district shall comply with  
the provisions of the general laws then in  
effect relating to consent by political  
subdivisions to the creation of water  
districts and to the inclusion of land within  
the district.

CONSTITUTIONAL CONVENTION PROPOSAL 206

By Delegates Thompson and Sutton:

To Committee on Education.

C.C.P. 206, A PROPOSAL FOR INCORPORATION  
IN THE CONSTITUTION OF TEXAS

Relating to removal of a member of a  
governing board of an institution of higher  
education.

BE IT PROPOSED BY THE CONSTITUTIONAL  
CONVENTION OF TEXAS:

That the following section be included  
in Article IV:

Section \_\_\_\_\_. REMOVAL OF A MEMBER OF A  
GOVERNING BOARD OF AN INSTITUTION OF HIGHER  
EDUCATION. The Legislature may remove a  
member of a governing board of an institution  
of higher education for cause stated in a  
concurrent resolution passed by a simple  
majority vote in both houses.