

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

THIRTEENTH DAY
(Tuesday, January 29, 1974)

CONSTITUTIONAL CONVENTION PROPOSALS REFERRED

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

CONSTITUTIONAL CONVENTION PROPOSAL 153

By Delegate Meier:

To Committee on the Executive.

C.C.P. 153, A PROPOSAL FOR INCORPORATION IN THE CONSTITUTION OF TEXAS

Relating to Governor's power of veto concerning appropriation bills.

BE IT PROPOSED BY THE CONSTITUTIONAL CONVENTION OF TEXAS:

That Article IV, Section 13 read as follows:

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

(b) The Governor may veto any item of appropriation in a bill. Portions of a bill not vetoed shall become law. Items vetoed 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).

CONSTITUTIONAL CONVENTION PROPOSAL 154

By Delegate Meier:

To Committee on the Executive.

C.C.P. 154, A PROPOSAL FOR INCORPORATION IN THE CONSTITUTION OF TEXAS

Relating to retaining the Commissioner of the General Land Office as a Constitutionally designated elective office.

BE IT PROPOSED BY THE CONSTITUTIONAL CONVENTION OF TEXAS:

That Article IV, Section 2 read as follows:

Section 2. SELECTION, TERMS, AND RESIDENCE OF OFFICERS OF EXECUTIVE DEPARTMENT. The Governor, Lieutenant Governor, Attorney General, Commissioner of the General Land Office, and Comptroller of Public Accounts shall be elected by the qualified voters of the State at alternate 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 the advice and consent of the Senate and shall serve at the pleasure of the Governor. Elected officers of the Executive Department shall serve four-year terms. All officers of the Executive Department shall reside at the seat of government.

CONSTITUTIONAL CONVENTION PROPOSAL 155

By Delegate Meier:

To Committee on the Executive.

C.C.P. 155, A PROPOSAL FOR INCORPORATION IN THE CONSTITUTION OF TEXAS

Relating to the succession to the office of Governor.

BE IT PROPOSED BY THE CONSTITUTIONAL CONVENTION OF TEXAS:

That Article IV, Section 5 read as follows:

Section 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

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CONSTITUTIONAL CONVENTION PROPOSAL 157

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 after a vacancy occurs in the office of Governor and the Lieutenant Governor becomes Governor and thereafter dies, resigns, becomes disabled, or is removed from office, before the vacancy in the office of the Lieutenant Governor is filled by appointment with the advice and consent of the Senate, the President Pro Tempore of the Senate, if qualified, shall become Governor under the same conditions and for the same term as provided for the Lieutenant Governor.

(d) If the Governor is absent from the State, the Lieutenant Governor shall act as Governor until the Governor returns. If both the Governor and Lieutenant Governor are absent from the State, the President Pro Tempore of the Senate shall act as Governor during such absences.

(e) While serving or acting as Governor, the Lieutenant Governor or President Pro Tempore of the Senate shall receive only the compensation payable to a Governor.

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

CONSTITUTIONAL CONVENTION PROPOSAL 156

By Delegate Clower:

To Committee on General Provisions.

C.C.P. 156, A PROPOSAL FOR INCORPORATION IN THE CONSTITUTION OF TEXAS

Relating to the licensing of church affiliated institutions.

BE IT PROPOSED BY THE CONSTITUTIONAL CONVENTION OF TEXAS:

That following Section 3 of Article VII there be inserted a section to read as follows, and that all subsequent sections of that article be renumbered accordingly:

Section 4. PROHIBITION AGAINST LICENSING OF RELIGIOUS OR CHURCH AFFILIATED INSTITUTIONS

Religious or church affiliated institutions, regardless of whether their main function is educational or otherwise, shall not be required to be licensed by the state, nor subject to the rule-making authority of any state agency; provided, however, that such institutions shall be subject to the general laws of the State of Texas or any of its subdivisions concerning health, safety and welfare.

By Delegate Hernandez:

To Committee on the Judiciary.

C.C.P. 157, A PROPOSAL FOR INCORPORATION IN THE CONSTITUTION OF TEXAS

Providing a Section 9 in Article V on the Judicial Department relating to the salaries to be paid by the State to justices and judges of the unified judicial system.

BE IT PROPOSED BY THE CONSTITUTIONAL CONVENTION OF TEXAS:

That Section 9 of Article V read as follows:

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

CONSTITUTIONAL CONVENTION PROPOSAL 158

By Delegate Clower:

To Committee on Education.

C.C.P. 158, A PROPOSAL FOR INCORPORATION IN THE CONSTITUTION OF TEXAS

Relating to state support of free public libraries.

BE IT PROPOSED BY THE CONSTITUTIONAL CONVENTION OF TEXAS:

That Article VII, Section 11, read as follows:

Section 11. STATE SUPPORT OF FREE PUBLIC LIBRARIES

It shall be the policy of the state to promote the establishment and development of free public libraries and to accept the obligation of their support by the state and its political subdivisions in such a matter as may be provided by law. When any such political subdivision supports a free public library, the legislature shall grant aid to such public library in such manner and in such amounts as may be provided by law.

CONSTITUTIONAL CONVENTION PROPOSAL 159

By Delegate Harris of Dallas:

To Committee on Finance.

C.C.P. 159, A PROPOSAL FOR INCORPORATION IN THE CONSTITUTION OF TEXAS

Relating to property tax exemptions.

BE IT PROPOSED BY THE CONSTITUTIONAL CONVENTION OF TEXAS:

That Article VIII, Section 2 read as follows:

Section 2. Property Tax Exemptions

(a) There shall be exempt from all ad valorem taxation:

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

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

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

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

(1) Three thousand dollars of the assessed value of all residence homesteads; and

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

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

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

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

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

(4) Actual places of religious worship;

(5) Any property owned by a church or by a strictly religious society for the exclusive use as a dwelling place for the ministry of such church or religious society if the property yields no revenue to the church or religious society, but such exemption shall not extend to more property than is reasonably necessary for a dwelling place and in no event more than one acre of land; and

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

(d) The governing body of any political subdivision may exempt from ad valorem taxes up to three thousand dollars of the assessed value of a residence homestead of persons sixty-five years of age or over. If no exemption has been granted, the governing body, upon a petition signed by qualified voters equal in number to at least twenty percent of those voting in the last preceding general election held in the political subdivision, shall call an election to determine by majority vote whether to grant such an exemption in the amount, up to three thousand dollars, specified in the petition.

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

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

By Delegates Harris of Dallas, Bird:

To Committee on Finance.

C.C.P. 160, A PROPOSAL FOR INCORPORATION IN THE CONSTITUTION OF TEXAS

Relating to property tax exemptions.

BE IT PROPOSED BY THE CONSTITUTIONAL CONVENTION OF TEXAS:

That Article VIII, Section 2 read as follows:

Section 2. Property Tax Exemptions

(a) There shall be exempt from all ad valorem taxation:

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

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

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

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

(1) Three thousand dollars of the assessed value of all residence homesteads; and

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

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

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

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

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

(4) Actual places of religious worship;

(5) Any property owned by a church or by a strictly religious society for the exclusive use as a dwelling place for the ministry of such church or religious society if the property yields no revenue to the church or religious society, but such exemption shall not extend to more property than is reasonably necessary for a dwelling place and in no event more than one acre of land; and

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

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

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majority vote whether to grant such an exemption in the amount, not less than three thousand dollars, specified in the petition.

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

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

CONSTITUTIONAL CONVENTION PROPOSAL 161

By Delegate Harris of Dallas:

To Committee on Finance.

C.C.P. 161, A PROPOSAL FOR INCORPORATION
IN THE CONSTITUTION OF TEXAS

Relating to highway user-revenues.

BE IT PROPOSED BY THE CONSTITUTIONAL
CONVENTION OF TEXAS:

That Article VIII, Section 3 read as follows:

Section 3. HIGHWAY-USER REVENUES. Subject to legislative appropriation, allocation and direction, all net revenues remaining after payment of all refunds allowed by law and expenses of collection derived from motor vehicle registration fees, and all taxes, except gross production and ad valorem taxes, on motor fuels and lubricants used to propel motor vehicles over public roadways, shall be used for the sole purpose of acquiring rights-of-way, constructing, maintaining, and policing such public roadways, and for the administration of such laws as may be prescribed by the Legislature pertaining to the supervision of traffic and safety on such roads; and for the payment of the principal and interest on county and road district bonds or warrants voted or issued prior to January 2, 1939, and declared eligible prior to January 2, 1945, for payment out of the County and Road District Highway Fund under existing law; provided, however, that one-fourth (1/4) of such net revenue from the motor fuel tax shall be allocated to the Available School Fund; and, provided, however, that the net revenue derived by counties from motor vehicle registration fees shall never be less than the maximum amounts allowed to be retained by each County and the percentage allowed to be retained by each County under the laws in effect on January 1, 1945. Nothing contained herein shall be construed as authorizing the pledging of the State's credit for any purpose.

CONSTITUTIONAL CONVENTION PROPOSAL 162

By Delegates Kubiak, Clark, Wieting,
Harrington, Wilson, and Hubenak:

To Committee on General Provisions.

C.C.P. 162, A PROPOSAL FOR INCORPORATION

IN THE CONSTITUTION OF TEXAS

Relating to pension and retirement systems.

BE IT PROPOSED BY THE CONSTITUTIONAL
CONVENTION OF TEXAS:

That the section on pension and retirement systems read as follows:

Section _____. RETIREMENT BENEFITS FOR PUBLIC EMPLOYEES. (a) GENERAL PROVISIONS.

(1) The Legislature may enact general laws establishing systems of retirement, disability, and death benefits for public employees and officials. Benefits shall be reasonably related to the participant's tenure and contributions, and financing of such benefits shall be based on sound actuarial principles.

(2) No person for the same service shall receive benefits from more than one of such systems; but the Legislature may provide that a person who has service in several employments covered by more than one such system shall be entitled to a fractional benefit from each system in which he has service, based on service rendered in that system, and calculated as to amount upon the benefit formula used in that system. Transfer of service credit between the Employees Retirement System of Texas and the Teacher Retirement System of Texas may also be authorized by the Legislature.

(3) Each statewide benefit system shall have a board of trustees which shall be responsible for the general administration of such system and may invest the funds and assets of such system in such securities as the Board may deem prudent investments. In making each and all of such investments, the boards of trustees shall exercise the judgment and care under the circumstances then prevailing that men of ordinary prudence, discretion, and intelligence exercise in the management of their own affairs, not in regard to speculation, but in regard to the permanent disposition of their funds, considering the probable income therefrom as well as the probable safety of their capital.

(b) STATE-SUPPORTED RETIREMENT SYSTEMS. The Legislature shall provide for the following:

(1) a Teacher Retirement System of Texas to provide benefits for persons employed in the public schools, colleges and universities supported wholly or partly by the State, and such other employees as the Legislature may include; and

(2) an Employees Retirement System of Texas to provide benefits for officers and employees of the State and, as deemed advisable by the Legislature, officers and employees of judicial districts of the State who are or have been compensated in whole or in part directly or indirectly by the State. The amount to be contributed by persons participating in the Employees Retirement System of Texas and the Teachers Retirement System shall be established by the Legislature and shall be not less than six percent of current compensation; and the amount contributed by the State shall be at least equal to the aggregate contributions paid by the individuals participating in the system; but the Legislature may appropriate

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additional sums as may be actuarially determined to be required to fund benefits authorized by law.

(c) LOCAL RETIREMENT SYSTEMS. The Legislature shall provide for the creation of the following:

(1) by any city or county, subject to the approval of the voters thereof, of a system of benefits for its officers and employees;

(2) of a system of benefits for the officers and employees of counties or other political subdivisions of the State to operate statewide in which counties or other political subdivisions may participate on a voluntary basis; and

(3) of a system of benefits for officers and employees of cities to operate statewide in which cities may participate on a voluntary basis. The Legislature shall never make an appropriation to pay the costs of benefits for any system created for the benefit of employees or officers of cities, counties or other political subdivisions of the State.

CONSTITUTIONAL CONVENTION PROPOSAL 163

By Delegates Hightower and Hubenak:

To Committee on Finance.

C.C.P. 163, A PROPOSAL FOR INCORPORATION IN THE CONSTITUTION OF TEXAS

Relating to the methods of assessment for certain land, including commercial agricultural land, public recreation areas, scenic resources, nature preserves, and greenbelt areas, and for historic sites.

BE IT PROPOSED BY THE CONSTITUTIONAL CONVENTION OF TEXAS:

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

Section _____. ASSESSMENT OF CERTAIN LAND. The Legislature may provide methods of assessment that will promote the preservation of existing uses of land devoted to commercial agricultural purposes or which should be preserved as public recreation areas, scenic resources, nature preserves, or greenbelt areas or that will promote the preservation of historic sites.

CONSTITUTIONAL CONVENTION PROPOSAL 164

By Delegate Olson:

To Committee on General Provisions.

C.C.P. 164, A PROPOSAL FOR INCORPORATION IN THE CONSTITUTION OF TEXAS

Relating to homesteads.

BE IT PROPOSED BY THE CONSTITUTIONAL CONVENTION OF TEXAS:

That the section on homesteads read as follows:

Section _____. HOMESTEADS. (a) The homestead of a family and of such other persons as may be designated by law is

protected from forced sale for the payment of all debts, except for purchase money therefor, taxes due thereon, and work and material used in constructing improvements thereon when the work and material are contracted for in writing by the owner but, in the case of married persons, only if both spouses consent to the contract in the manner required when a homestead is sold. A homestead of married persons may be sold only with the consent of both spouses, except in unusual circumstances as provided by law. No mortgage, trust deed, or other lien on a residential homestead shall be valid except for the purchase money therefor or for improvements made thereon, as provided above. Liens may be created on non-residential homesteads but only in the manner required for a conveyance thereof. All pretended sales of the homestead involving any condition of defeasance shall be void.

(b) The homestead not in a city, town, or village shall consist of not more than two hundred acres of land, which may be in one or more parcels with the improvements thereon. Of the two hundred acres, only fifty acres on which the home is located shall be classified as residential and the remainder shall be classified as non-residential. The homestead in a city, town, or village shall consist of land valued at the time of establishment thereof, and without reference to the value of any improvements thereon, at not more than ten thousand dollars or any larger sum as may be provided by law. A homestead in a city, town, or village is a residential homestead if used as a home and is non-residential if used as a place for the exercise of the calling or business of the head of a family or such other person as may be designated by law. A home remains a homestead while temporarily rented only so long as no other homestead is acquired.

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

CONSTITUTIONAL CONVENTION PROPOSAL 165

By Delegate Hernandez:

To Committee on Local Government.

C.C.P. 165, A PROPOSAL FOR INCORPORATION IN THE CONSTITUTION OF TEXAS

Relating to local redistricting.

BE IT PROPOSED BY THE CONSTITUTIONAL CONVENTION OF TEXAS:

That Article IX, Section 10, read as follows:

Section 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 shall divide its geographical area into districts for the election of those representatives to the governing body. The districts shall be composed of contiguous territory and shall be

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as compact and as nearly equal in population as practicable.

CONSTITUTIONAL CONVENTION PROPOSAL 166

By Delegate Hernandez:

To Committee on Education.

C.C.P. 166, 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 that provide education below the college level; however, the Legislature may provide direct assistance to students for partial payment of expenses incurred by attending such schools.

CONSTITUTIONAL CONVENTION PROPOSAL 167

By Delegate Menefee:

To Committee on General Provisions.

C.C.P. 167, A PROPOSAL FOR INCORPORATION IN THE CONSTITUTION OF TEXAS:

Usurious Interest Prohibited.

BE IT PROPOSED BY THE CONSTITUTIONAL CONVENTION OF TEXAS

That Section ____ of Article X read as follows:

Section _____. USURIOUS INTEREST PROHIBITED. All contracts for a greater rate of interest than thirty-six per centum (36%) per annum shall be deemed usurious, and the Legislature shall provide appropriate pains and penalties to prevent the same. In the absence of legislation fixing maximum rates of interest, all contracts for a greater rate of interest than ten per centum (10%) per annum shall be deemed usurious. In contracts where no rate of interest is agreed upon, the rate shall not exceed six per centum (6%) per annum.

CONSTITUTIONAL CONVENTION PROPOSAL 168

By Delegate Sullivant:

To Committee on Finance.

C.C.P. 168, A PROPOSAL FOR INCORPORATION IN THE CONSTITUTION OF TEXAS

Relating to the assessment of agricultural land.

BE IT PROPOSED BY THE CONSTITUTIONAL CONVENTION OF TEXAS:

That ARTICLE VIII, Section 1, read as

follows:

Section 1. TAXATION. (a) Taxation shall be equal and uniform on all real property and tangible personal property in this state and such property shall be taxed in proportion to its value.

(b) Pursuant to the objectives of enforcement of the equal and uniform provisions of this Constitution, a State Board of Assessment Appeals is hereby established as a division of the Comptroller of Public Accounts; the powers and duties of such Board shall be the expedited enforcement of the equal and uniform requirements of this Constitution, and such Board shall hear and decide complaints concerning tax valuations and assessments and shall adjust those valuations and assessments where deemed necessary and shall take further action to assure all individual taxpayers that the property of such taxpayers is taxed on an equal and uniform basis and in proportion to its true value in the several taxing authorities of this State, and the procedure for such actions shall be established by law.

(c) All other taxes shall be levied and collected by general law.

(d) The legislature by general law shall prescribe formulas for the valuation for tax purposes of land to promote the preservation of open space lands devoted to farm or ranch purposes or used as nature preserves, greenbelt areas or historical sites.

(e) Movable tangible personal property having characteristics which render it difficult to determine situs thereof may be assessed in gross in the county where the principal office of the ownership of such property is located and the county tax paid upon it shall be apportioned by the comptroller, in proportion to the distance such operation of said property may be conducted through any such county among the several counties through which such operation is conducted, as a part of their tax assets.