OFFICIAL JOURNAL of the CONSTITUTIONAL CONVENTION of the STATE OF TEXAS

TWENTY-SIXTH DAY (February 22, 1974)

The Convention met at 9:00 o'clock a.m., pursuant to recess, and was called to order by the President.

The roll was called and the following were recorded present: 156 Present, 10 Absent-excused, 15 Absent. (Record 1, Appendix)

Reverend Harold G., Zink, Rector, St. Mary's Cathedral, Austin, Texas, offered the invocation as follows:

O Almighty Father, again we beseech You for divine guidance in the deliberations with which we are faced this day. As President Dwight Eisenhower once said, "To be a good American is the most important job that will ever confront you." It is our task to help our fellow Texans be better citizens of our country by making such decisions that will help them be good members of their own community. O Almighty Father, direct our judgments to this end. When we disagree, may we do so amicably and sympathetically, so that each day's session may result in a little better job than that which preceded it. May we always be mindful of the common good which we are pledged to uphold. May the rights of the fellow members of this state be uppermost in our minds as we remain aware of the dignity that those rights guarantee. May, then, the dignity as well as the rights of our fellow Texans guide our deliberations, so that by helping others to be good Texans we may likewise help them to be good Americans—all of which we ask for in the Spirit. Amen.

LEAVES OF ABSENCE

Delegate Schwartz was granted leave of absence for today on account of illness on motion of Delegate Mauzy.

Delegate Semos was granted leave of absence for today on account of important business on motion of Delegate Cates.

Delegate Johnson was granted leave of absence for today on account of illness on motion of Delegate Washington.

Delegate Leland was granted leave of absence for today on account of illness on motion of Delegate Nichols.

Delegate Hall of Harris was granted leave of absence for today on account of illness on motion of Delegate Washington.

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

Delegate Poff was granted leave of absence for today on account of important business on motion of Delegate blake.

Delegate Garcia was granted leave of absence for today on account of commassionate reasons on motion of Delegate Hernandez.

Delegate Creighton was granted leave of absence for today on account of important business on motion of Delegate Harris of Dallas.

Delegate Cobb was granted leave of absence for today on account of important business on motion of Delegate marris of Dallas.

ARTICLE VII ON SECOND READILG

The President laid before the Convention as unfinished business Article VII, Section 8

Question: Shall Article VII be adopted?

Delegate Pentony offered the following amendment to Article VII, Section 8:

Amend Section 8 of Article VII to read as follows:

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

(b) The Permanent University Fund shall be held in trust for the people of Texas and for the use of higher education. In pursuance of such trust, the Coordinating Board shall have authority to sell, lease, exchange and otherwise manage the assets of the fund as provided by law.

(c) The Coordinating Board may invest the Permanent University Fund in securities, bonds, or other obligations issued, insured, or guaranteed in any manner by the United States government, or any of its agencies, in bonds issued by the State of Texas or any political subdivision thereof, and in such bonds, debentures, obligations, preferred stocks, or common stocks issued by corporations, associations, or other institutions as the Coordinating Board may deem to be proper investments for the Permanent University Fund. However, not more than one percent of the fund shall be invested in the securities of any one corporation nor shall more than five percent of the voting stock of any one corporation be owned by the fund.

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Stock is not eligible for purchase unless it is issued by a company incorporated in the United States which has paid dividends on its common stock, or whose predecessor companies have paid dividends on their common stock, for at least five years preceding the date of purchase and, except for stock issued by a bank or stock issued by an insurance company with capital and surplus of not less than the Five Million Dollars (\$5,000,000) and admitted assets of not less than Fifty Million Dollars (\$50,000,000), is listed on an exchange registered with the Securities and Exchange Commission or its successors. In making each and all investments, the Coordinating Board shall exercise the judgment and care under the circumstances then prevailing that men of ordinary prudence, discretion, and intelligence prudence, discretion, and intelligence exercise in the management of their own affairs, not in regard to speculation, but in regard to the premanent disposition of their funds, considering the probable income therefrom as well as the probable safety of their capital. The Coordinating Board shall make full disclosure of all investments as provided by law.

(d) The net income (that is, dividends, interest, and other income less administrative expense) of the Permanent University Fund, exclusive of net income attributable to grazing leases of Permanent University Fund land, shall constitute the Available University Fund.

The amendment was read.

LEAVES OF ABSENCE

Delegate Cooke was granted leave of absence for today on account of important business on motion of Delegate Coody.

Delegate Baker was granted leave of absence for today on account of illness in the family on motion of Delegate Watson.

Delegate Doggett moved to table the amendment.

The motion to table prevailed by the following vote: 117 Yeas, 26 Nays, 38 Not Voting. (Record 2, Appendix)

PAIRED VOTES

Delegate Bynum (present), who would vote "Yea", with Delegate Hall (absent), who would vote "Nay".

Delegate Kubiak (present), who would vote "Yea", with Delegate Leland (absent), who would vote "Nay".

Delegate Pentony offered the following amendment to Article VII, Section 8:

Amend Article VII by striking Subsection (d) of Section 8 and substituting new subsection as follows:

(d) The net income (that is, dividends, interest, and other income less administrative expense) of the Permanent University Fund, exclusive of net income attributable to grazing leases of Permanent

University Fund land, shall constitute the Available University Fund. Out of one-third of the Available University Fund, the Legislature shall appropriate an annual sum sufficient to pay the principal and interest due on Permanent University Fund bonds or notes issued pursuant to the next section or its predecessor sections of prior constitutions, and the remainder of such one-third of the Available University Fund may be appropriated by the Legislature to each component institution within the Texas A&M University System. Out of the other two-thirds of the Available University Fund, the Legislature shall appropriate an annual sum sufficient to pay the principal and interest due on Permanent University Fund bonds or notes issued pursuant to the next section or its predecessor sections of prior constitutions, and the remainder of such two-thirds of the Available University Fund, plus the net income (that is, income less administrative expense) from grazing leases of Permanent University Fund land, shall be appropriated by the Legislature to each component institution within the University of Texas System.

The amendment was read.

DELEGATES PRESENT

Delegates Schieffer, Menefee, Lary, Harris of Dallas, Reyes, Hernandez and Adams of Hardin who had previously been recorded as "Absent" were announced "Present".

(Delegate Davis in the Chair)

DELEGATE PRESENT

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

Delegate Foreman moved to table the amendment.

The motion to table prevailed by the following vote: 124 Yeas, 29 Nays, 28 Not Voting. (Record 3, Appendix)

PAIRED VOTE

Delegate Bynum (present), who would vote "Yea", with Delegate Hall (absent), who would vote "Nay".

(President in the Chair)

DELEGATES PRESENT

Delegates Vecchio and Brooks who had previously been recorded as "Absent" were announced "Present".

Delegate Pentony offered the following amendment to Article VII, Section 8:

Amend Section 8 of Article VII to submit an alternative to read as follows:

Sec. 8. PERMANENT UNIVERSITY FUND, ITS ADMINISTRATION, ITS INVESTMENTS: AVAILABLE UNIVERSITY FUND AND ITS EXPENDITURE. (a) The Permanent University Fund consists of the two million acres of land set apart and appropriated for the establishment and

maintenance of the University of Texas by the Constitution of 1876 and the Legislative Act of April 10, 1883, together with the proceeds of the sale of such land, including the sale of oil, gas, and other minerals from such land, and the securities and other assets purchased with the proceeds. All proceeds shall be invested, and only the income from the Permanent University Fund may be appropriated and expended.

(b) The Permanent University Fund shall be held in trust for the people of Texas and for the use of higher education. In pursuance of such trust, the Coordinating Board shall have authority to sell, lease, exchange and otherwise manage the assets of

the fund as provided by law.

(c) The Coordinating Board may invest the Permanent University Fund in securities, bonds, or other obligations issued, insured, or quaranteed in any manner by the United States government, or any of its agencies, in bonds issued by the State of Texas or any political subdivision thereof, and in such bonds, debentures, obligations, preferred stocks, or common stocks issued by corporations, associations, or other corporations, associations, or institutions as the Coordinating Board may deem to be proper investments for the Permanent University Fund. However, not more than one percent of the fund shall be invested in the securities of any corporation nor shall more than five percent of the voting stock of any one corporation be owned by the fund. In making each and all investments, the Coordinating Board shall exercise the judgment and care under the circumstances then prevailing that men of ordinary prudence, discretion, and intelligence exercise in the management of their own affairs, not in regard to speculation, but in regard to the permanent disposition of their funds, considering the probable income therefrom as well as the probable safety of their capital. The Coordinating Board shall make full disclosure of all investments as provided by law.

(d) The net income (that is, dividends, interest, and other income less administrative expense) of the Permanent University Fund, exclusive of net income attributable to grazing leases of Permanent University Fund land, shall constitute the Available University Fund.

The amendment was read.

Delegate Jones of Harris moved to table the amendment.

The motion to table prevailed by the following vote: 127 Yeas, 27 Nays, 27 Not Voting. (Record 4, Appendix)

Delegate Williamson offered the following amendment to Article VII, Section 8:

Amend the Committee Report on Article VII by submitting the following as an alternative to Section 8:

Sec. 8. PERMANENT UNIVERSITY FUND, ITS ADMINISTRATION, ITS INVESTMENTS: AVAILABLE UNIVERSITY FUND AND ITS EXPENDITURE. (a) The Permanent University Fund consists of the

two million acres of land set apart and appropriated for the establishment and maintenance of The University of Texas by the Constitution of 1876 and the Legislative Act of April 10, 1883, together with the proceeds of the sale of such land, including the sale of oil, gas, and other minerals from such land, and the securities and other assets purchased with the proceeds. All proceeds shall be invested, and only the income from the Permanent University Fund may be appropriated and expended.

(b) The Permanent University Fund shall be held in trust for the people of Texas and the income from the fund shall be used to furnish each individual an equal educational opportunity at the college level. In pursuance of such trust, the Board of Regents or other trustees as designated by law shall have the authority to sell, lease, exchange, and otherwise manage the assets of the fund as provided by law. The income from the Permanent University Fund shall be distributed to the public institutions of higher education in the state according to their scholastic population by an agency designated by law.

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

The amendment was read.

DELEGATES PRESENT

Delegates Doyle and Wolff who had previously been recorded as "Absent" were announced "Present".

LEAVE OF ABSENCE

Delegate Finnell was granted leave of absence for today on account of important business on motion of Delegate Nichols.

Delegate Bynum moved to table the amendment.

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The motion to table prevailed by the following vote: 109 Yeas, 42 Nays, 30 Not Voting. (Record 5, Appendix)

PAIRED VOTES

Delegate Nichols (present), who would vote "Yea", with Delegate Finnell (absent), who would vote "Nay".

Delegate Kubiak (present), who would vote "Yea", with Delegate Leland (absent), who would vote "Nay".

Delegate Bales offered the following amendment to Article VII, Section 8:

Amend Article VII, Section 8(d) as follows:

(1) Between "County of Brazos" and the period, insert "including 5% per annum for the establishment and maintenance of a scholarship fund to be awarded to students on the basis of need and for support of recruitment of racial minorities".

(2) Between "Austin" and the period, insert "including 5% per annum for the establishment and maintenance of a scholarship fund to be awarded to students on the basis of need and for support of recruitment of racial minorities".

The amendment was read.

Delegate Presnal moved to table the amendment.

The motion to table prevailed by the following vote: 117 Yeas, 37 Nays, 27 Not Voting. (Record 6, Appendix)

PAIRED VOTES

Delegate Bynum (present), who would vote "Yea", with Delegate Hall (absent), who would vote "Nay".

Delegate Nichols (present), who would vote "Nay", with Delegate Finnell (absent), who would vote "Yea".

Delegate Gammage offered the following amendment to Article VII, Section 8:

Amend Section 8(d) as follows:

(1) Between "County of Brazos" and the period, insert "including 5% per annum for the establishment and maintenance of a scholarship fund to be awarded to students on the basis of need and for support of recruitment of economically deprived students of Texas".

(2) Between "Austin" and the period, insert "including 5% per annum for the establishment and maintenance of a scholarship fund to be awarded to students on the basis of need and for support of recruitment of economically deprived students of Texas".

The amendment was read.

Delegate Coleman offered the following substitute to the amendment to Article VII, Section 8:

Amend Section 8(d) as follows:

(1) Between "County of Brazos" and the period, insert "including 5% per annum for the establishment and maintenance of a scholarship fund to be awarded to students on the basis of need and for support of recruitment of ethnic minorities". And after the word "University" delete the words "in the County of Brazos" and add the word "System".

(2) Between "Austin" and the period, insert "including 5% per annum for the establishment and maintenance of a scholarship fund to be awarded to students on the basis of need and for support of recruitment of ethnic minorities". And after the word "Texas", delete the words "at Austin" and add the word "System".

The substitute for the amendment was read and was adopted.

Question recurring on the adoption of the amendment as substituted, shall the amendment as substituted be adopted?

Delegate Presnal moved to table the amendment as substituted.

The motion to table prevailed by the following vote: 100 Yeas, 55 Nays, 26 Not Voting. (Record 7, Appendix)

PAIRED VOTES

Delegate Bynum (present), who would vote "Yea", with Delegate Hall (absent), who would vote "Nay".

Delegate Nichols (present), who would vote "Nay", with Delegate Finnell (absent), who would vote "Yea".

The President laid before the Convention Article VII, Section 9.

Delegate Snelson explained Section 9.

Delegate Reynolds offered the following amendment to Article VII, Section 9:

Amend Article VII by striking Section 9 and substituting the following:

Sec. 9. PERMANENT UNIVERSITY FUND BONDS OR NOTES. Bonds or notes secured by the permanent university fund or income from the fund shall be issued and administered as provided by law.

The amendment was read.

(Vice President in the Chair)

Delegate Snelson moved to table the amendment.

(President in the Chair)

The motion to table prevailed by the following vote: 105 Yeas, 50 Nays, 26 Not Voting. (Record 8, Appendix)

PAIRED VOTE

Delegate Nichols (present), who would vote "Nay", with Delegate Finnell (absent), who would vote "Yea".

Delegate Pentony offered the following amendment to Article VII, Section 9:

Amend Article VII by striking Subsection (a) of Section 9 and substituting new subsection as follows:

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

The amendment was read.

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

Delegate Pentony offered the following amendment to Article VII, Section 9:

Amend Article VII by striking Subsections (a) and (c) of Section 9 and substituting new Subsections (a) and (c) to read as follows:

(a) The Board of Directors of the Texas A&M University System and the Board of Regents of The University of Texas System for the benefit of all the institutions now or hereafter included in their respective systems are each hereby authorized to issue in amounts not to exceed for the Texas A&M System ten percent, and for The University of Texas System twenty percent, of the value of the Permanent University Fund exclusive of real estate at the time of any issuance, negotiable bonds and notes for the following purposes: (1) acquiring land either with or permanent improvements; (2) constructing new buildings or other permanent improvements; (3) repairing and rehabilitating existing buildings or other permanent improvements; (4) acquiring library books and materials; (5) acquiring capital equipment; and (6) refunding any bonds heretofore or hereafter issued.

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

February 22, 1974 Legislature from general revenue funds.

The amendment was read.

Delegate Presnal moved to table the amendment.

The motion to table prevailed by the following vote: 122 Yeas, 35 Nays, 24 Not Voting. (Record 9, Appendix)

PAIRED VOTES

Delegate Weddington (present), who would vote "Yea", with Delegate Leland (absent), who would vote "Nay".

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

Delegate Nichols (present), who would vote "Nay", with Delegate Finnell (absent), who would vote "Yea".

DELEGATE PRESENT

Delegate Rodriguez who was previously recorded as "Absent" was announced "Present".

Question: Shall Article VII be adopted?

UNANIMOUS CONSENT GRANTED TO RECORD VOTES

The following Delegates requested unanimous consent to be recorded as voting on the following Record Votes. There was no

Delegate Allen of Gregg requested to be recorded as voting "Yea" on Record Vote 4.

Delegate Allred requested to be recorded as voting "Yea" on Record Vote 4.

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

Delegate Cole requested to be recorded as voting "Yea" on Record Votes 5 and 6.

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

Delegate Rodriguez requested to be recorded as voting "Nay" on Record Votes 2, 3, 4, 5, 6, 7 and 8.

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

Simmons requested to be Delegate recorded as voting "Yea" on Record Vote 3.

Delegate Wolff requested to be recorded as voting "Yea" on Record Votes 2, 3 and 4.

RECESS

On motion of Delegates Schieffer, Finney, Coody, Willis, Spurlock, Meier, Evans, Sherman of Tarrant, Miller, Lewis, Andujar and Hilliard, the Convention at 11:50 o'clock a.m. took recess in memory of Carla Walker until 1:30 o'clock p.m. on Monday, February 25.

TEXAS CONSTITUTIONAL CONVENTION

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#2 Motion to table Pentony
amendment to Art VII, Sec. 8

Yea-117 TO	TALS Nay - 26 NAY	PNV-3 NV	-35 _ARTICLE		DATE: 1
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amendment to ALT VII Sec 8

Yea-124	TOTALS NAU	NAY 100-200	NV-26 ART	ICLE	DATE: 1
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4 Motion to table Pentony
amendment to Art VII, Sec 8.

Yca-127	TOTALS NAY	-27 PNV-1	NV-26		CLE	DATE: 1
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• Wolff
_Wyatt

· Bry ANT K-Excused Absence

Motion to table Williamson anenament to ALT VII, Sec 8.

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• F	Poerner		-Wieting	
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_F	Ragsdale	-	1110/4/	
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#6 Motion to table Bales amendment to Att III Sec 8

Yea	-117	TOT.	ALSNA	14-37 N	PNV-	NV-	A4 ARTI	ICLE		DATE: 1_
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 Geiger Grant Green, F Green, R.
Hale
Hall, A. Hall, W. Hanna

 Harrington Harris, E.Harris, C Head · Heatly Henderson

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 Howard Hubenak Hudson Hutchison Johnson Jones, Gene Jones, Grant

Jones, L. Kaster Korioth Kothmann

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N-V NAY YEA

• Lee X Leland Lewis Lombardino Longoria • McAlister McDonald, F McDonald, T. McKinno

· McKnight Madla Maloney · Martin Massey

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Miller Montoya Moore

Munson · Murray Nabers Newton Nichols .

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Parker, C. Parker, W. Patman Pentony · Peveto

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Motion to table Gammage amenament as substituted to Aut VII Sec 8.

Yea-100	TOTALS WAY	-55 PNV-3	NV-	23 ARTI	CLE	DATE: 1
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#18 Motion to table Reynolds
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X-EXCUSED ABSENCE

RECORD # 9 MOTION TO TABLE PENTONY AMENDMENT

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Presnal
Preston
Ragsdale
Reyes
Reynolds
Rodrigue
Rosson

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