OFFICIAL JOURNAL of the CONSTITUTIONAL CONVENTION of the STATE OF TEXAS

FIFTY-THIRD DAY (Monday, April 1, 1974)

AFTER RECESS

The Convention met at 2:00 o'clock $p_{\circ}m_{\bullet}$, pursuant to recess, and was called to order by the President.

The roll was called and the following were recorded present: 164 Present, 12 Absent-excused, 4 Absent. (Record 1, Appendix)

The Reverend Walter B. Knight, Hyde Park Baptist Church, Austin, Texas, offered the invocation as follows:

Our Heavenly Father:

Fill our hearts with gratitude as we recall Your numberless spiritual and material blessings. Give enabling grace to acknowledge Thee as the Giver of all good, for "Every good gift and every perfect gift is from above and cometh down from the Father of lights, with whom is no variableness, neither shadow of turning" (James 1:17). Save us from the base, soul—shrivelling sin of ingratitude.

Truly we can say with Thy servant of old: "The Lord is good; his mercy is everlasting, and his truth endureth to all generations" (Psalm 100:5).

Give us sufficient grace to acknowledge that "It is of the Lord's mercies that we are not consumed, because his compassions fail not. They are new every morning: great is thy faithfulness" (Lamentations 3:22, 23).

We are profoundly grateful for the One who, in the long ago, entered history's stream to be our Friend, Helper, Savior and confidant. How helpless we are without His help!

We plead: "When other helpers fail, And comforts flee, Help of the helpless, O abide with me!"

Guide unerringly this body in its deliberations and momentous decisions. Grant that our principle men shall be men of principle — neighbor-loving, example-setting men of character.

This is our prayer offered in the name of the One who, in the long ago, taught God's children to pray:

Our Father who art in heaven, Hallowed be thy name. Thy kingdom come, Thy will be done in earth, as it is in heaven. Give us this day our daily bread. And forgive us our debts, as we forgive our debtors. And lead us not into temptation, but deliver us from evil: For thine is the kingdom, and the power, and the glory, forever. Amen.

LEAVES OF ABSENCE

Delegate Canales was granted leave of absence for today on account of important business on motion of Delegate Atwell.

Delegate Blake was granted leave of absence for today on account of important business on motion of Delegate Hanna.

Delegate Bowers was granted leave of absence for today on account of important business on motion of Delegate Henderson.

Delegate Cole was granted leave of absence for today on account of important business on motion of Delegate Uher.

Delegate Evans was granted leave of absence for today on account of compassionate reasons on motion of Delegate Earle.

Delegate Craddick was granted leave of absence for today on account of illness on motion of Delegate Hilliard.

Delegate Parker of Jefferson was granted leave of absence for today on account of illness on motion of Delegate Bigham.

Delegate Jones of El Paso was granted leave of absence for today on account of important business on motion of Delegate Head.

Delegate Hall of Harris was granted leave of absence for today on account of important business on motion of Delegate McAlister.

Delegate Poerner was granted leave of absence for today on account of important business on motion of Delegate Doran.

Delegate Williamson was granted leave of absence for today on account of compassionate reasons on motion of Delegate Geiger.

Delegate Howard was granted leave of absence for today on account of important business on motion of Delegate Hilliard.

COMMUNICATION RELATIVE TO EXCUSED ABSENCES

March 29, 1974

Mr. Charles Schnabel Secretary of the Convention

Re: Absences on March 8, 19, 20, 21, 1974

Dear Charles:

This is to certify that my absences from the Convention on March 8, 19, 20, and 21, 1974, were all due to illness. The Journal correctly reflects an excused absence for illness on March 8, p. 588 of the Journal, and for March 20, p. 698 of the Journal. Due to a misunderstanding on the part of the delegates requesting excuses for me on March 19, p. 676 of the Journal and March 21, p. 725 of the Journal, I was incorrectly excused for important business instead of illness as it should have been.

Please make these corrections in the

permanent Journal and in any other pertinent places. Please verify these changes by return correspondence.

Thank you very much.

Sincerely,

Doyce R. Lee House of Representatives

CONSTITUTIONAL CONVENTION RESOLUTION REFERRED

The following resolution was referred to the Committee indicated:

CONSTITUTIONAL CONVENTION RESOLUTION 33

By Delegates Nabers and Adams of Jasper:

To Committee on Rules.

C.C.R. 33, BE IT RESOLVED by the Constitutional Convention of Texas, 1974, That the Convention be adjourned sine die at 11:59 p.m. o'clock on 31st May, 1974.

ARTICLE IX ON SECOND READING

The President laid before the Convention as unfinished business Article IX, with an amendment by Delegate Caldwell pending.

Question: Shall the amendment be adopted?

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

Delegate Hutchison explained Section 10 of Article IX.

Delegate Caldwell offered the following amendment to Article IX, Section 10:

Amend Article IX, Section 10 by striking the section and substituting the following:

The legislature shall prescribe by law the maximum annual ad valorem tax rates which may be levied by political subdivisions.

The amendment was read.

Delegate Hutchison moved to table the

The motion to table prevailed by the following vote: 113 Yeas, 43 Nays, 1 Present-Not Voting, 23 Not Voting. (Record 2, Appendix)

Delegate Finney offered the following amendment to Article IX, Section 10:

Amend Article IX, Section 10 (a), Section 10 (b) and Section 10 (c) by striking Section 10 (a), Section 10 (b) and Section 10 (c) and substituting in lieu thereof the following:

Section 10. TAX RATE AND DEBT LIMITATION. (a) The maximum annual ad valorem tax rate which may be established by

law or charter may not exceed \$2.50 on the \$100 of assessed valuation of taxable property in cities and towns, or \$1.30 on the \$100 in counties.

(b) No annual ad valorem tax may be levied for purposes other than debt service by school districts, junior or community college districts, or special districts or authorities, unless a maximum annual tax rate, not exceeding the maximum rate permitted by law, has been approved by a majority of the qualified voters of the district or authority voting on the question at an election held for that purpose.

(c) Political subdivisions other than cities, towns and counties may levy an additional annual ad valorem tax at a rate not greater than necessary to provide an annual amount sufficient to pay the interest on, and principal when due of, interest-bearing obligations payable from ad valorem taxes.

The amendment was read.

LEAVE OF ABSENCE

Delegate Lary was granted leave of absence for the remainder of today on account of death in family on motion of Delegate McDonald of Hidalgo.

DELEGATES PRESENT

Delegate Truan and Finney who had previously been recorded as "Absent" were announced "Present".

Delegate Hutchison moved to table the amendment.

The motion to table prevailed by the following vote: 115 Yeas, 40 Nays, 1 Present-Not Voting, 24 Not Voting. (Record 3, Appendix)

Delegate Hutchison offered the following amendment to Article IX, Section 10:

Amend Article IX, Subsection (h) to read as follows:

(h) Ad valorem taxes levied by special districts and authorities, school districts and junior and community college districts shall not be counted as part of the ad valorem tax limits imposed on counties, cities, and towns by this section.

The amendment was read and was adopted by a non-record vote.

Delegate Wallace explained Section 11 of Article IX.

Delegate Murray explained Section 12 of Article IX.

Delegate Murray offered the following amendment to Article IX, Section 12:

Amend Article IX, Section 12 as follows: Strike Section 12 and renumber the subsequent sections accordingly.

The amendment was read and was adopted by a non-record vote.

Delegate Kaster explained Section 13 of Article IX.

Delegate Olson explained the Separate Submission proposed by the Committee on Local Government.

Delegate Washington explained the Transition Schedule proposed by the Committee on Local Government.

DELEGATE PRESENT

Delegate Ogg who had previously been recorded as "Absent" was announced "Present".

Delegate Temple offered the following amendment to Article IX:

Amend Article IX by adding a new Section to read as follows:

Sec. ___. Local Initiative, Referendum and Recall. The legislature by general law shall grant to the voters of each political subdivision the powers of initiative, referendum and recall.

The amendment was read.

Delegate Olson moved to table the amendment.

The motion to table prevailed by the following vote: 109 Yeas, 50 Nays, 1 Present-Not Voting, 20 Not Voting. (Record 4, Appendix)

Delegate Temple offered the following amendment to Article IX:

Amend Article IX by adding a new section to read as follows and delete the proposal in the Local Government Committee report for a separate proposal on the question of county home rule:

Sec. _____. COUNTY HOME RULE AUTHORITY. Counties may, by a majority vote of the qualified voters voting on the question, adopt, amend, or repeal home rule charters as provided by law. No charter or ordinance shall be inconsistent with the constitution or general laws of the state, except that the requirements of Section 3 of this article do not limit changes in county offices under a charter.

TEMPLE REYNOLDS

The amendment was read.

DELEGATE PRESENT

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

LEAVE OF ABSENCE

Delegate Wolff was granted leave of absence for the remainder of today on account of important business on motion of Delegate Presnal.

Delegate Olson moved to table the

amendment.

The motion to table prevailed by the following vote: 125 Yeas, 31 Nays, 1 Present-Not Voting, 23 Not Voting. (Record 5, Appendix)

Delegate Reynolds offered the following amendment to Article IX:

Amend Article IX by adding a new section to read as follows and delete the proposal in the Local Government Committee report for a separate proposal on the question of county home rule:

Section ___. County Home Rule Authority.
Counties with over 50,000 inhabitants,
as determined by the last decenniel census,
may, by a majority vote of the qualified
voters voting on the question, adopt, amend,
or repeal home rule charters as provided by
law. No charter or ordinance shall be
inconsistent with the constitution or general
laws of the State, except that the
requirements of Section 3 of this article do
not limit changes in county offices under a
charter.

REYNOLDS TEMPLE

The amendment was read.

Delegate Washington moved to table the amendment.

The motion to table prevailed by a non-record vote.

(Delegate Kaster in Chair)

Delegate Clower offered the following amendment to Article IX:

Amend Article IX by adding a new section to read as follows:

Section ___. Single member district with a population of in excess of 50,000 inhabitants.

(a) All political subdivisions of the state shall be divided into single member districts for the election of representatives to the governing body of that subdivision.

(b) 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 representatives to the governing body. The districts shall be composed of contiguous territory and shall be as compact and nearly equal in population as practicable.

(c) No part of this section shall be construed to apply to the judicial branch of government in any political subdivision or river authorities.

CLOWER RAGSDALE

The amendment was read.

(President in Chair)

Delegate Hutchison moved to table the

amendment.

The amendment prevailed by the following vote: 93 Yeas, 66 Nays, 1 Present-Not Voting, 20 Not Voting. (Record 6, Appendix)

Delegate Blanchard offered the following amendment to Article IX, Section 3:

Amend Article IX, Sec. 3 (f) by striking said section and substituting the following language:

Sec. 3(f) Pursuant to methods and procedures established by general law, the qualified voters of a county by a majority vote of those voting may create additional offices, eliminate offices, or combine the duties and functions of offices, except this shall not apply to decreasing the county commission.

BLANCHARD NABERS HEATLY

The amendment was read.

Delegate Kaster moved to table the amendment.

The motion to table prevailed by the following vote: 87 Yeas, 71 Nays, 1 Present-Not Voting, 21 Not Voting, (Record 7, Appendix)

Delegate Rosson offered the following amendment to Article IX, Section 3:

Amend Subsection (f), Section 3, Article IX by inserting "three-fifths" between "by a" and "majority".

The amendment was read.

Delegate Kaster moved to table the amendment.

The motion to table prevailed by the following vote: 113 Yeas, 44 Nays, 1 Present-Not Voting, 22 Not Voting. (Record 8, Appendix)

Delegate Rosson offered the following amendment to Article IX, Section 3:

Amend Article IX, Section 3(f) by striking the words "reducing or".

The amendment was read.

LEAVE OF ABSENCE

Delegate Hernandez was granted leave of absence for the remainder of today on account of important business on motion of Delegate Miller.

Delegate Kaster moved to table the amendment.

The motion to table prevailed by the following vote: 90 Yeas, 70 Nays, 1 Present-Not Voting, 19 Not Voting. (Record 9, Appendix)

Delegate Clower offered the following amendment to Article IX:

Amend Article IX by adding a new section to read as follows:

(a) All single member districts of the state in excess of 50,000 inhabitants (Cities, Towns, Villages, Counties, School, Junior and Community College Districts) shall be divided into single member districts for the election of representatives to the governing body of that subdivision.

(b) 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 representatives to the governing body. The districts shall be composed of contiguous territory and shall be as compact and nearly equal in population as practicable.

CLOWER

The amendment was read.

Delegate Kaster moved to table the amendment,

The motion to table prevailed by the following vote: 83 Yeas, 75 Nays, 1 Present-Not Voting, 21 Not Voting. (Record 10, Appendix)

Question: Shall Article IX be adopted?

MOTION TO TAKE RECESS

Delegate Brooks moved that the Convention take recess until 9:30 o'clock a.m. tomorrow.

The motion to take recess was lost by the following vote: 71 Yeas, 84 Nays, 1 Present-Not Voting, 24 Not Voting. (Record 11, Appendix)

ARTICLE IX ON SECOND READING

The President laid before the Convention as unfinished business Article IX.

Question: Shall Article IX be adopted?

Delegate Finney offered the following amendment to Article IX, Section 10:

Be it proposed that the following be submitted as a separate proposal to the voters of Texas, which, if adopted by a majority of the electors voting on the question, shall amend Article IX, Section 10(a), Section 10(b), and Section 10(c) of the majority proposal to read as follows:

Section 10. TAX RATE AND DEBT LIMITATION. (a) The maximum annual ad valorem tax rate which may be established by law or charter may not exceed \$2.50 on the \$100 of assessed valuation of taxable property in cities and towns, or \$1.30 on the \$100 in counties.

(b) No annual ad valorem tax may be levied for purposes other than debt service by school districts, junior or community

college districts, or special districts or authorities, unless a maximum annual tax rate, not exceeding the maximum rate permitted by law, has been approved by a majority of the qualified voters of the district or authority voting on the question at an election held for that purpose.

(c) Political subdivisions other than cities, towns and counties may levy an additional annual ad valorem tax at a rate not greater than necessary to provide an annual amount sufficient to pay the interest on, and principal when due of, interest—bearing obligations payable from ad valorem taxes.

The amendment was read.

Delegate Garcia moved to table the amendment.

The motion to table prevailed by a non-record vote.

VOTE RECORDED

Delegate Uher requested to be recorded as voting "Nay" on motion to table Finney Amendment.

Delegate Olson offered the following amendment to Article IX:

Be it proposed that the following be submitted as the separate proposal in Appendix "A" to the voters of Texas, which, if adopted by a majority of the electors voting on the question, shall amend Article IX of the new constitution by adding a new section or if adopted by a majority of the electors voting on the question and the constitution proposed by the Constitutional Convention is not adopted, shall amend Article IX of the Constitution of 1876, as amended, by adding a new section and making such other conforming amendments as are necessary.

Section ___. COUNTY HOME RULE AUTHORITY. Counties may, by a majority vote of the qualified voters voting on the question, adopt, amend, or repeal home rule charters as provided by law. No charter or ordinance shall be inconsistent with the constitution or general laws of the state, except that changes in county offices are not limited by other provisions contained in this constitution.

OLSON TEMPLE

The amendment was read.

Delegate Washington moved to table the amendment.

The motion to table prevailed by the following vote: 123 Yeas, 37 Nays, 1 Present-Not Voting, 19 Not Voting. (Record 12, Appendix)

Delegate Lee moved to reconsider the vote by which the amendment by Delegate Washington to Section 5, Article IX was adopted on Friday (he having voted on the

prevailing side).

Delegate Massey moved to table the motion.

The motion to table prevailed by a non-record vote.

Question recurring on the adoption of Article IX, shall Article IX as amended be adopted?

DELEGATE PRESENT

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

Article IX as amended and Appendix A were then adopted by the following vote: 117 Yeas, 45 Nays, 1 Present-Not Voting, 17 Not Voting, (Record 13, Appendix)

ARTICLE IX AND APPENDIX A REFERRED

The President referred Article IX and Appendix A to the Committee on Style and Drafting.

UNANIMOUS CONSENT TO RECORD VOTE

The following delegates requested unanimous consent to be recorded as voting on the following record votes. There was no objection:

Delegate Allred requested to be recorded as voting "Nay" on Record Votes 3, 6 and 8.

Delegate Cates requested to be recorded as voting "Yea" on Record Vote $5 \, . \,$

Delegate Finney requested to be recorded as voting "Nay" on Record Vote 8.

Delegate Gammage requested to be recorded as voting "Nay" on Record Vote 2.

Delegate Hall of Webb requested to be recorded as voting "Yea" on Record Vote 2.

Delegate Hernandez requested to be recorded as voting "Nay" on Record Vote 2.

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

Delegate Hilliard requested to be recorded as voting "Yea" on Record Vote 5.

Delegate Hubenak requested to be recorded as voting "Nay" on Record Vote 9.

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

Delegate Lee requested to be recorded as voting "Nay" on Record Vote 7.

Delegate Meier requested to be recorded as voting "Yea" on Record Votes 4 and 6.

Delegate Murray requested to be recorded as voting "Nay" on Record Vote 11.

Delegate Presnal requested to be recorded as voting "Nay" on Record Vote 11.

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

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

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

Delegate Vecchio requested to be recorded as voting "Nay" on Record Vote 5.

On Record Vote 4 on April 1, 1974, I misunderstood the proposition. I voted "Yea" instead of "Nay". I submitted a request for a vote change but it was denied because of objection.

GARCIA

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RECESS

On motion of Delegate Maloney the Convention at 6:18 o'clock p.m. took recess until 10:30 o'clock a.m. tomorrow.

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HZ Motion to Table Caldwell Amendment to Art IX Sec 10.

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H 3 Motion to Table Finney Amendment to Art TK, Sec. 10.

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4 Motion to Table Temple Amendment
to Art TX

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H 5 Motion to Table Temple AMENDMENT to Art IX.

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6 Motion to Table Clower Amendment to Art IX.

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Adams, H. ____

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Allen, Joe
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H 7 Motion to Table Blanchard Amendment to Art TX

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8 Motion to Table Rosson
Amendment to Art TX

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H 9 Motion to Table Rosson Amendment to Art TX.

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H 10 Motion to Table Clower Amendment to Art TK

Yea- 83	TOTALS Nay-	75	AW-1	NU-21	ARTI	CLE	DATE: 1
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13 Motion to Adopt Art IX
as Anended.

Yea-117	TOTALS Nau	-45 PAV-1	NV-17 _ARTICLE	DATE: 1
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11 Motion to Recess until 9:30 AM
tomorrow, April 2.

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Yea-71	TOTALS Nay	84 ANU-1	NU- 24	ART	ICLE	DATE: 1
YEA	N-V	NAY	Comm.	10		JAN 2
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