

**OFFICIAL JOURNAL**  
**of the**  
**CONSTITUTIONAL CONVENTION**  
**of the**  
**STATE OF TEXAS**  
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SIXTIETH DAY  
(Monday, May 6, 1974)

AFTER RECESS

The Convention met at 2:30 o'clock p.m., pursuant to recess, and was called to order by the President.

The roll was called and the following were recorded present: 151 Present, 10 Absent-excused, 19 Absent. (Record 1, Appendix)

Dr. Ralph M. Smith, Chaplain, offered the invocation as follows:

Our Gracious Heavenly Father:  
We thank you and praise you for this day. New are thy mercies in the morning and sweet is thy love in the evening hour. We rejoice that you have not forgotten us in those self-centered moments when we forget Thee.

As our Convention begins to labor at the task of forging a new constitution for Texas, grant to us divine guidance. Help us to be cooperative, kind, truthful, open, and willing to listen to others. Give us the strength to do God's will in this monumental task before us.

In Jesus' name, Amen.

LEAVES OF ABSENCE

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

Delegate Hernandez was granted leave of absence for today on account of important business on motion of Delegate Garcia.

Delegate Truan was granted leave of absence for today on account of car trouble on motion of Delegate Garcia.

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

Delegate Donaldson was granted leave of absence for today on account of important business on motion of Delegate Bird.

Delegate Longoria was granted leave of absence for today on account of important business on motion of Delegate Murray.

Delegate McKinnon was granted leave of absence for today on account of important business on motion of Delegate Santiesteban.

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

Delegate Ogg was granted leave of absence for today on account of illness on motion of Delegate Green of Navarro.

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

ATTORNEY'S OATH OF OFFICE ADMINISTERED  
TO DELEGATE BIRD

The President introduced The Honorable Joe Greenhill, Chief Justice of the Supreme Court of Texas, who administered the Attorney's Oath of Office to The Honorable Ron Bird, Delegate from Bexar County.

REPORTS BY CHAIRMEN OF SUBSTANTIVE  
AND PROCEDURAL COMMITTEES

The President recognized Delegate Hale for a progress report for the Committee on the Judiciary.

Delegate Hale, Chairman, reported for the Committee on the Judiciary.

The President recognized Delegate Gammage for a progress report for the Committee on General Provisions.

Delegate Gammage, Chairman, reported for the Committee on General Provisions.

The President recognized Delegate Sherman of Potter for a progress report for the Committee on Style and Drafting.

Delegate Sherman of Potter, Chairman, reported for the Committee on Style and Drafting.

ARTICLE III ON SECOND READING

The President laid before the Convention as unfinished business Article III on second reading.

Question: Shall Article III be adopted?

Delegate Maloney reviewed the progress made on Article III.

Delegate Clayton explained Section 8 of Article III.

Delegate Patman offered the following amendment to Section 8 of Article III:

Amend Subsection b of Section 8 of Article III by striking the first sentence thereof and substituting the following:

At the beginning of the first session of each odd numbered year each house may by majority vote adopt or amend its rules of procedure.

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

LEAVES OF ABSENCE

Delegate Leland was granted leave of



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absence for the remainder of today on account of automobile trouble on motion of Delegate Johnson.

Delegate Washington was granted leave of absence for the remainder of today on account of automobile trouble on motion of Delegate Johnson.

#### DELEGATES PRESENT

Delegates Whitehead, Powers, Clark, Reynolds, Martin and Sutton who had previously been recorded as "Absent" were announced "Present".

Delegate Bynum offered the following amendment to Section 8 of Article III:

Amend Article III, Sec. 8(b) by deleting the third sentence thereof and substituting the following:

Rules of procedure and joint rules, once adopted, remain in effect until amended, repealed, or otherwise changed by the same or succeeding legislatures.

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

Delegate Newton offered the following amendment to Section 8 of Article III:

Amend the committee report to Article III, Section 8 by adding a new Subsection (c) to read as follows:

(c) The legislature may provide by law for assembling prior to the convening of a regular session for the purpose of organizing either or both houses, and renumbering all subsequent subsections.

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

Delegate Newton offered the following amendment to Section 8 of Article III:

Amend the committee report to Article III, Section 8(c) by adding the following language before the word "at":

"Unless previously accomplished in an organizational assembly".

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

(Vice-President in Chair)

Delegate Newton offered the following amendment to Section 8, Article III:

Amend the committee report to Article III, Section 8(d) by adding the following language before the word "when":

"unless previously accomplished in an organizational assembly".

The amendment was read and was adopted.

(President in Chair)

Delegate Clower offered the following amendment to Section 8, Article III:

Amend Article III, Section 8 by renumbering Subsection (g) as Subsection (h) and inserting a new Subsection (g) to read as follows:

(g) Each house shall prepare a verbatim transcript of its proceedings while in session. At least one copy of the transcript, adequately indexed, shall be made available to the public at a convenient place in the state capitol.

The amendment was read.

Delegate Maloney moved to table the amendment.

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

#### DELEGATES PRESENT

Delegates Truan and Leland who had previously been recorded as "Absent-excused" were announced "Present".

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

#### LEAVES OF ABSENCE

Delegate Blanchard was granted leave of absence for the remainder of today on account of illness on motion of Delegate Snelson.

Delegate Thompson was granted leave of absence for the balance of the week on account of illness on motion of Delegate Sutton.

Delegate Tupper explained Section 9 of Article III.

Delegate Sherman of Tarrant offered the following amendment to Section 9, of Article III:

Amend committee report to Proposal 1, Article III, by deleting Section 9(b).

The amendment was read.

Delegate Tupper moved to table the amendment.

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

Delegate Clower explained Section 10 of Article III.

#### DELEGATES PRESENT

Delegates Waters, Mengden and Bryant who had previously been recorded as "Absent" were announced "Present".

Delegate Caldwell offered the following amendment to Section 10 of Article III:

Amend Article III, Section 10(d) to read as follows:

(d) No member may enter into a contract with the state during a term for which the member was elected to the legislature unless the contract is a renewal of an existing state program.



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

Delegate Brooks offered the following amendment to Section 10 of Article III:

Amend Section 10 of Article III by striking Subsection (e).

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

VOTES RECORDED

Delegates Doggett, Hutchison, Bailey, Reynolds, Fox, Gaston and Koriath requested to be recorded as voting "Nay" on Brooks amendment to Section 10, Article III.

Delegate Parker of Jefferson explained Section 11 of Article III.

Delegate Hale offered the following amendment to Section 11 of Article III:

Amend Article III, Section 11, by adding thereto a new Subsection (d) immediately following Subsection (c) and by re-designating all subsequent subsections accordingly, such new Subsection (d) to read as follows:

(d) No bill shall be considered and no law shall be enacted which limits or defines the area to which it applies by the use of population figures or other statistical data, except that official population figures of counties may be so used under the following circumstances and none other, to wit:

(1) If the bill or law has statewide application, to make a reasonable classification of counties in recognition of differing application of the law to counties of differing population; or

(2) If the bill or law has less than statewide application:

(a) to limit the area of coverage only to a select group of counties, not less than five, because of similar problems resulting from the population of such counties, or

(b) to limit the area of coverage only to counties above or only to counties below a certain population figure.

The amendment was read.

(Delegate Geiger in Chair)

Delegate Parker of Jefferson moved to table the amendment.

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

Delegate Vecchio offered the following amendment to Section 11 of Article III.

Amend Article III, Section 11 of the Committee Report by adding a new Subsection (j) to read as follows:

If a bill introduced during the 140 day session is not reached for consideration due to the expiration of the session, said bill shall be carried over for consideration by the legislature at the subsequent shorter session without the necessity of having to

refile said bill, and shall be taken up for consideration at the same stage of the legislative process it had reached when the prior session expired.

If not reached for consideration at the subsequent shorter session before said session expires, said bill would no longer be pending before the legislature.

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

(President in Chair)

Question: Shall Article III be adopted?

RECESS

On motion of Delegate Maloney the Convention at 4:38 o'clock p.m. took recess until 9:30 o'clock a.m. tomorrow.

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TEXAS CONSTITUTIONAL CONVENTION



YEA N-V NAY

YEA N-V NAY

YEA N-V NAY

YEA N-V NAY

- Mr. President
- Adams, D.
- Adams, H.
- Agnich
- Aikin
- Allen, Joe
- Allen, John
- Allred
- Andujar
- Atwell
- Bailey
- Baker
- Bales
- Barnhart
- Bigham
- Bird
- Blake
- Blanchard
- Blythe
- Bock
- Boone
- Bowers X
- Braecklein
- Brooks
- Bynum
- Caldwell
- Calhoun
- Canales
- Cates
- Clark
- Clayton
- Clower
- Cobb
- Cole
- Coleman
- Coody
- Cooke
- Craddick
- Creighton
- Daniel
- Davis
- Denson
- Denton
- Doggett
- Donaldson X
- Doran

- Doyle
- Dramberger
- Earle
- Edwards
- Evans
- Fennell
- Finney
- Foreman
- Fox
- Gammage
- Garcia
- Gaston
- Geiger
- Grant
- Green, F.
- Green, R.
- Hale
- Hall, A.
- Hall, W.
- Hanna
- Harrington
- Harris, E.
- Harris, O.
- Head
- Heatly
- Henderson
- Hendricks
- Hernandez X
- Hightower
- Hilliard
- Hoestenbach
- Hollowell
- Howard X
- Hubenak
- Hudson
- Hutchison
- Johnson
- Jones, Gene
- Jones, Grant
- Jones, L.
- Kaster
- Koriath
- Kothmann
- Kubiak
- Laney
- Lary

- Lee
- Leland
- Lewis
- Lombardino
- Longoria X
- McAlister
- McDonald, F.
- McDonald, T.
- McKinnon X
- McKnight
- Madla
- Maloney
- Martin
- Massey
- Mattox
- Mauzy
- Meier
- Menefee
- Mengden
- Miller
- Montoya
- Moore
- Munson
- Murray
- Nabers
- Newton
- Nichols
- Nowlin
- Nugent
- Ogg X
- Olson
- Parker, C.
- Parker, W.
- Patman
- Pentony
- Peveto
- Poerner
- Poff
- Powers
- Presnal
- Preston
- Ragsdale
- Reyes
- Reynolds
- Rodriguez
- Rosson

- Russell
- Sage
- Salem
- Sanchez
- Santiesteban
- Schieffer
- Schwartz
- Scoggins
- Semos X
- Sherman, M.
- Sherman, W.
- Short
- Simmons
- Slack
- Snelson
- Spurlock
- Sullivan
- Sutton
- Tarbox
- Temple
- Thompson
- Traeger X
- Truan
- Tupper
- Uher X
- Vale
- Vecchio
- Vick
- Von Dohlen
- Wallace
- Washington
- Waters
- Watson
- Weddington
- Whitehead
- Whitmire
- Wieting
- Williams
- Williamson
- Willis
- Wilson
- Wolff
- Wyatt
- BRYANT

X- EXCUSED  
ABSENCES

RECORD # 1 - ROLL CALL

YEA - 151

TOTALS NAY - 0

NV - 29

YEA	N-V	NAY
100-200	100-200	100-200
0 0	0 0	0 0
1 1	1 1	1 1
2 2	2 2	2 2
3 3	3 3	3 3
4 4	4 4	4 4
5 5	5 5	5 5
6 6	6 6	6 6
7 7	7 7	7 7
8 8	8 8	8 8
9 9	9 9	9 9

Comm.	ARTICLE	SECTION
10	20	
Rep.		
Subs.	1	10 1
Amm.	2	20 2
Quo.	3	30 3
3 R	4	40 4
Subm.	5	50 5
Mino.	6	60 6
Mot.	7	70 7
Alt.	8	80 8
Sep.	9	90 9
2 R	0	00 0

DATE: 1
JAN 2
FEB 3
MAR 1
APR 2
MAY 3
JUN 4
JUL 5
AUG 6
SEP 7
OCT 8
NOV 9
DEC 0