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

FORTY-SEVENTH DAY (Monday, March 25, 1974)

AFTER RECESS

The Convention met at 2:00 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: 168 Present, Absent-excused, 4 Absent. (Record Appendix)

The Reverend Hubert C. Palmer, Rector, Episcopal Church of the Holy Spirit, Houston, Texas, offered the invocation as follows:

Eternal God, who watches over the destiny of men and nations, we come before you in this moment of worship to recognize your presence in every area of our life and to express to you our thankfulness for being a part of such a great state and dynamic nation which our fathers founded. Thus we recognize in the stillness of this moment that the ground on which we stand is really holy ground, hallowed by the blood, sweat and tears of men and women of this and previous generations who have sacrificed much for the life that we enjoy today. Help us not to squander the opportunities which have been so dearly bought, or relinquish the ideals for which sacrifice has been so costly made.
Grant, O Lord, that the members of this

Constitutional Convention as well as other citizens of the State of Texas, not obscure your presence in life but rather to make you more plainly visible to the eyes of our fellowmen. May we all stand today for whatever is pure, true, just and good, for the advancement of science and education, for the redemption of daily business from the blight of self-seeking, for the rights of the weak and oppressed, for industrial cooperation and mutual help, for the conservation of the rich tradition of the past, for the recognition of God working in and through our day, for the hope of more

glorious days to come.

And guide, our Father, the members of the Constitutional Convention in committees or as a corporate group. May they never be too busy, too timid, or simply too unconcerned to weave through this emerging Constitution a fabric that can spell a fuller life for the people of Texas. And so bless each of us, and all like us, who seek companionship with you every day. In Christ's Name we pray. Amen.

LEAVES OF ABSENCE

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

Delegate Green of Navarro was granted leave of absence for today on account of inclement weather on motion of Delegate Blake.

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

Delegate Wolff was granted leave of absence for today on account of important business on motion of Delegate Traeger.

Delegate Newton was granted leave of absence for today on account of illness on motion of Delegate Calhoun,

Delegate Whitmire was granted leave of absence for today on account of illness on motion of Delegate Adams of Hardin.

Delegate Reynolds was granted leave of absence for today on account of important business on motion of Delegate Korioth.

Delegate Sanchez was granted leave of absence for today on account of inclement weather on motion of Delegate Atwell.

#### CONSTITUTIONAL CONVENTION RESOLUTION REFERRED

The following Constitutional Convention Resolution was referred to the Committee

CONSTITUTIONAL CONVENTION RESOLUTION 31

By Delegate Korioth:

To Committee on Rules.

C.C.R. 31, BE IT RESOLVED by the itutional Convention of Texas, 1974, Constitutional Convention of Texas, That this convention is hereby declared to be in recess in observance of the Easter Season from the close of business on Thursday, April 11, 1974, until 2:00 p.m. on Monday, April 22, 1974.

ARTICLE VIII ON SECOND READING

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

Shall Article VIII be Question: adopted?

Delegate Agnich explained Section 7.

The President laid before the Convention Finance Committee Minority Report Number 3.

BE IT PROPOSED,
That the following be substituted for

Section 7(b) of the majority proposal:
(b) 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 from tax revenues or general student tuition. State debt shall not include bonds or other evidences of indebtedness authorized by law which are to

#### March 25, 1974

J. F. H. M. 40

Delegate Parker of Denton explained the Minority Committee Report.

Agnich moved to table the Delegate Minority Committee Report.

The motion to table prevailed by the following vote: 96 Yeas, 65 Nays, 1 Present-Not Voting, 18 Not Voting. (Record 2, Appendix)

Delegate Hall of Harris offered the following amendment to Article VIII, Section

Amend Section 7, State Debt, Subsection (b) by adding after the word "financed" the following language "or charges for the use of buildings at State Colleges and Universities."

> HALL OF HARRIS PARKER OF DENTON

The amendment was read.

#### DELEGATE PRESENT

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

Delegate Agnich moved to table amendment.

The motion to table prevailed by the following vote: 90 Yeas, 69 Nays, 1 69 Nays, 1 Present-Not Voting, 20 Not Voting. (Record 3, Appendix)

#### (Delegate Caldwell in Chair)

Delegate Harris of Dallas offered the following amendment to Article VIII, Section

Amend Article VIII, Section 7b, by inserting after the word "university" and before the words, "or a state agency" the following:

"a public community junior college, a state technical institute."

The amendment was read.

#### DELEGATE PRESENT

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

#### (President in Chair)

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

Delegate Clayton offered the following amendment to Article VIII, Section 7:

Amend Article VIII, Section 7, by adding

a new subsection (e) to read as follows:

be payable solely from the revenues to be provide for the promotion of industrial generated by the charges of the project to be development, employment, public health and research by political subdivisions of the state and the financing thereof by revenue bonds which shall be repaid solely by revenues from such projects.

Pending further action under Article 5190.1 Legislature the provision of Chapter 840, Acts of the 62nd Legislature, regular session, 1971, are hereby validated and shall be in full force and effect.

The amendment was read.

#### DELEGATES PRESENT

Delegates Evans and Hudson who had previously been recorded as "Absent" were announced "Present".

Delegate Agnich moved to table the amendment.

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

Delegate Lary explained Section 8.

Delegate Finney offered the following amendment to Article VIII, Section 8:

Amend Proposal No. 1 by striking Article VIII, Section 8, and substituting the following:

Section 8. APPROPRIATIONS. (a) Money may not be drawn from the State Treasury except in accordance with specific appropriations made by law.

(b) It shall be the duty of the Comptroller of Public Accounts in advance of each Regular Session of the Legislature to prepare and submit to the Governor and to the Legislature upon its convening a statement under oath showing fully the financial condition of the State Treasury at the close of the last fiscal period and an estimate of the probable receipts and disbursements for the then current fiscal year. There shall also be contained in the statement itemized estimate of the anticipated revenue based on the laws then in effect that will be received by and for the State from all sources showing the fund accounts to be credited during the succeeding year and an estimate of the Total Personal Income in the State of Texas during the succeeding year. The statement shall contain such other information as may be required by law. Supplemental statements shall be submitted at any Special Session of the Legislature and at such other times as may be necessary to show probable changes.

(c) 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.

(d) No bill shall be passed which would have the effect of increasing total revenue from state taxes to more than 6.75 percent of the estimated total personal income for the State unless by a two-thirds vote of the total membership of each House of the

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Legislature, For the purpose of this Section, "state taxes" means all receipts to the State government of Texas, except the following: intergovernmental transfers, any funds received from other including levels of government as reimbursements performance of general governmental functions and specific services in lieu of taxes; all receipts from contributions required of employers (including the State of Texas) and employees for funds (and earning on assets held by such funds) for retirement and social insurance purposes; all receipts required to become a part of the Permanent School Fund or the Permanent University Fund (and earnings on assets held by such funds); user fees, including all receipts imposed, collected, or received where the fee is based on the receipt of a specific service or privilege or where the fee is collected to regulate a noncommercial or nonprofessional activity; and any taxes collected for, or on behalf of, a unit of local government.

(e) No bill containing an appropriation shall be considered as passed or be sent to the Governor for consideration until and unless the Comptroller of Public Accounts endorses his certificate thereon showing that the amount appropriated is within the amount estimated to be available in the affected funds. When the Comptroller finds an appropriation bill exceeds the estimated revenue, he shall endorse such finding thereon and return it to the House in which it originated. Such information shall be immediately made known to both the House of Representatives and the Senate and the necessary steps shall be taken to bring such appropriation to within the revenue, either by providing additional revenue or by reducing the appropriation.

FINNEY MENGDEN BLYTHE

The amendment was read.

#### LEAVE OF ABSENCE

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

Delegate Doyle moved to table the amendment.

The motion to table was lost by the following vote: 78 Yeas, 80 Nays, 1 Present-Not Voting, 21 Not Voting. (Record 4, Appendix)

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

The amendment failed of adoption by the following vote: 80 Yeas, 85 Nays, 1 Present-Not Voting, 16 Not Voting. (Record 5, Appendix)

Delegate Mengden requested a verification of Record 5. The verification was ordered and reflected the following: 79

Yeas, 84 Nays.

Delegate Hale offered the following amendment to Article VIII, Section 8:

Amend Article VIII, Section 8(a) by adding thereto a new sentence to read as follows:

No appropriation of money from the state treasury shall be made unless authorized by pre-existing law.

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

Delegate Brooks explained Section 9.

Delegate Short offered the following amendment to Article VIII, Section 9:

Amend Section 9 of Article VIII by adding a new sentence to read as follows:

No state appropriated public money or public credit shall be used to influence the outcome of any election of a public official or legislative matter.

SHORT PRESTON MENGDEN BLYTHE

The amendment was read.

Delegate Brooks moved to table the amendment.

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

Delegate Brooks explained Section 10. There were no amendments to Section 10.

Delegate Brooks explained Section 11. There were no amendments to Section 11.

Question: Shall Article VIII be adopted?

#### 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 Vote 3.

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

Delegate Clayton requested to be recorded as voting "Nay" on Record Vote 4.

Delegate Cole requested to be recorded as voting "Nay" on Record Votes 2 and 3.

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

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

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

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

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

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

#### RECESS

On motion of Delegate Semos the Convention at 5:40 o'clock p.m. took recess in memory of Judge Julian C. Hyer until 9:30 o'clock a.m. tomorrow.

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### TEXAS CONSTITUTIONAL CONVENTION

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# 2 Motion to Table Minority Report 3 to Art VIII, Sec 7.

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# #3 Motion to Table Hall of Harris Amenament to Art VIII, Sec 7.

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# 4 Motion to Table Finney
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#### TEXAS CONSTITUTIONAL CONVENTION

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## #5 ADOPTION OF THE FINNEY AMENDMENT TO ART. VIII, SEC. 8

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