

**OFFICIAL JOURNAL**  
**of the**  
**CONSTITUTIONAL CONVENTION**  
**of the**  
**STATE OF TEXAS**  
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SEVENTH DAY  
(Friday, January 18, 1974)

The Convention met at 1:30 o'clock p.m., pursuant to adjournment, and was called to order by the President.

The roll was called and the following were recorded present: 161 Present, 9 Absent-excused, 10 Absent. (Record 1, Appendix)

The Reverend Jimmy Phillips, University Hills Baptist Church, Austin, offered the invocation as follows:

Holy God, we pause to ask your guidance during this Constitutional Convention. The many problems and difficulties we face require a degree of strength and understanding far beyond our human capacities. So we ask, Oh God, for you to forgive our petty differences, heal our selfish hearts, and direct our frail hands. Most of all we pray that you will grant us the serenity to accept the things we cannot change, courage to change the things we can, and wisdom to know the difference.

In Christ's Name, Amen.

LEAVES OF ABSENCE

Delegate Cates was granted leave of absence for Friday, January 18, and Saturday, January 19, on account of illness on motion of Delegate Allred.

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

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

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

Delegate Snelson was granted leave of absence for today on account of illness on motion of Delegate Sherman of Potter.

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

Delegate Rosson was granted leave of absence for today on account of important business on motion of Delegate Evans.

Delegate Doyle was granted leave of absence for today on account of death in the family on motion of Delegate Parker of Denton.

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

Delegate McDonald of Hidalgo was granted leave of absence for today on account of important business on motion of Delegate Earle.

Delegate Bock was granted leave of absence for today on account of important business on motion of Delegate Wieting.

REPORT OF PROCEDURAL COMMITTEE

Delegate Hightower submitted the following report for the Committee on Administration:

C.C.R. 11

CONSTITUTIONAL CONVENTION RESOLUTION 11

The President laid before the Convention the following Resolution:

C.C.R. 11, Providing procedures for compensation of Delegates.

Delegate Hightower offered the following amendment to the resolution:

Amend C.C.R. 11 in the second Whereas clause paragraph 3 by striking paragraph 3 and substituting the following:

"3. Mileage and transportation expenses shall be paid at the same rates as



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provided in the Appropriation Act of the Sixty-third Texas Legislature, Regular Session, for authorized travel reasonably necessary to conduct the business of the Convention and for no more than one round trip per week to Austin and return from the delegates home district to attend a meeting of the Convention or committee thereof."

The amendment was read and was adopted.

Delegate Hightower offered the following amendment to the resolution:

Amend C.C.R. 11 in the second Resolving clause by striking the following words in the second sentence, "For those days in which the Convention is not in plenary session."

The amendment was read and was adopted.

The resolution as amended was then adopted.

#### RECORDS OF VOTE

Delegates Salem, Adams of Jasper, Adams of Hardin, Nabers, Wilson, Craddick, Howard, Semos, Hoestenbach, Fox, and Bailey asked to be recorded as voting "Nay" on the adoption of the resolution.

#### CONSTITUTIONAL CONVENTION PROPOSAL 23

By Delegate Clayton:

C.C.P. 23, A PROPOSAL FOR INCORPORATION IN THE CONSTITUTION OF TEXAS

Proposing an amendment to the Texas Constitution by adding a complete new constitution and repealing all conflicting articles and sections to the extent of their conflict and keeping the 1876 Constitution in effect as law until amended or repealed by four-fifths affirmative vote of each House of the Legislature.

BE IT PROPOSED BY THE CONSTITUTIONAL CONVENTION OF TEXAS:

That the Constitution of Texas be as follows:

PREAMBLE  
Humbly invoking the blessings of

Almighty God, the people of the State of Texas, do ordain and establish this Constitution.

#### ARTICLE I. BILL OF RIGHTS

To Committee on Rights and Suffrage.

That the general, great and essential principles of liberty and free government may be recognized and established, we declare:

Section 1. FREEDOM AND SOVEREIGNTY OF STATE. Texas is a free and independent State, subject only to the Constitution of the United States, and the maintenance of our free institutions and the perpetuity of the Union depend upon the preservation of the right of local self-government, unimpaired to all the States.

Section 2. INHERENT POLITICAL POWER; REPUBLICAN FORM OF GOVERNMENT. All political power is inherent in the people, and all free governments are founded on their authority, and instituted for their benefit. The faith of the people of Texas stands pledged to the preservation of a republican form of government, and, subject to this limitation only, they have at all times the inalienable right to alter, reform or abolish their government in such manner as they may think expedient.

Section 3. EQUAL RIGHTS AND EQUALITY UNDER THE LAW. All free men, when they form a social compact, have equal rights, and no man, or set of men, is entitled to exclusive separate public emoluments, or privileges, but in consideration of public services. Equality under the law shall not be denied or abridged because of sex, race, color, creed, religion, or national origin.

Section 4. RELIGIOUS TESTS. No religious test shall ever be required as a qualification to any office, or public trust, in this State; nor shall any one be excluded from holding office on account of his religious sentiments, provided he acknowledge the existence of a Supreme Being.

Section 5. WITNESSES NOT DISQUALIFIED BY RELIGIOUS BELIEFS; OATHS AND AFFIRMATIONS. No person shall be disqualified to give evidence in any of the Courts of this State on account of his religious opinions, or for the want of any religious belief, but all oaths or affirmations shall be administered in the mode most binding upon the conscience, and shall be taken subject to the pains and penalties of perjury.

Section 6. FREEDOM OF WORSHIP. All



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men have a natural and inalienable right to worship Almighty God according to the dictates of their own consciences. No man shall be compelled to attend, erect or support any place of worship, or to maintain any ministry against his consent. No human authority ought, in any case whatever, to control or interfere with the rights of conscience in matters of religion, and no preference shall ever be given by law to any religious society or mode of worship. But it shall be the duty of the Legislature to pass such laws as may be necessary to protect equally every religious denomination in the peaceable enjoyment of its own mode of public worship.

Section 7. APPROPRIATIONS FOR SECTARIAN PURPOSES. No money shall be appropriated, or drawn from the Treasury for the benefit of any sect, or religious society, theological or religious seminary; nor shall property belonging to the State be appropriated for any such purposes.

Section 8. FREEDOM OF SPEECH AND PRESS; LIBEL. Every person shall be at liberty to speak, write or publish his opinions on any subject, being responsible for the abuse of that privilege; and no law shall ever be passed curtailing the liberty of speech or of the press. In prosecutions for the publication of papers, investigating the conduct of officers, or men in public capacity, or when the matter published is proper for public information, the truth thereof may be given in evidence. And in all indictments for libels, the jury shall have the right to determine the law and the facts, under the direction of the court, as in other cases.

Section 9. SEARCHES AND SEIZURES. The people shall be secure in their persons, houses, papers and possessions, from all unreasonable seizures or searches, and no warrant to search any place, or to seize any person or thing, shall issue without describing them as near as may be, nor without probable cause, supported by oath or affirmation.

Section 10. RIGHTS OF ACCUSED IN CRIMINAL PROSECUTIONS. In all criminal prosecutions the accused shall have a speedy public trial by an impartial jury. He shall have the right to demand the nature and cause of the accusation against him, and to have a copy thereof. He shall not be compelled to give evidence against himself, and shall have the right of being

heard by himself or counsel, or both, shall be confronted by the witnesses against him and shall have compulsory process for obtaining witnesses in his favor, except that when the witness resides out of the State and the offense charged is a violation of any of the anti-trust laws of this State, the defendant and the State shall have the right to produce and have the evidence admitted by deposition, under such rules and laws as the Legislature may hereafter provide; and no person shall be held to answer for a criminal offense, unless on an indictment of a grand jury, except in cases in which the punishment is by fine or imprisonment, otherwise than in the penitentiary, in cases of impeachment, and in cases arising in the army or navy, or in the militia, when in actual service in time of war or public danger.

Section 11. BAIL; MULTIPLE CONVICTIONS; DENIAL OF BAIL. All prisoners shall be bailable by sufficient sureties, unless for capital offenses, when the proof is evident; but this provision shall not be so construed as to prevent bail after indictment found upon examination of the evidence, in such manner as may be prescribed by law. Any person accused of a felony less than capital in this State, who has been theretofore twice convicted of a felony, the second conviction being subsequent to the first, both in point of time of commission of the offense and conviction therefor may, after a hearing, and upon evidence substantially showing the guilt of the accused, be denied bail pending trial, by any judge of a court of record or magistrate in this State; provided, however, that if the accused is not accorded a trial upon the accusation within sixty (60) days from the time of his incarceration upon such charge, the order denying bail shall be automatically set aside, unless a continuance is obtained upon the motion or request of the accused; provided, further, that the right of appeal to the Court of Criminal Appeals of this State is expressly accorded the accused for a review of any judgment or order made hereunder.

Section 12. HABEAS CORPUS. The writ of habeas corpus is a writ of right, and shall never be suspended. The Legislature shall enact laws to render the remedy speedy and effectual.

Section 13. EXCESSIVE BAIL OR FINES; CRUEL AND UNUSUAL PUNISHMENT; REMEDY BY DUE COURSE OF LAW. Excessive bail shall not be required, nor excessive fines imposed, nor



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cruel or unusual punishment inflicted. All courts shall be open, and every person for an injury done him, in his lands, goods, person or reputation, shall have remedy by due course of law.

Section 14. DOUBLE JEOPARDY. No person, for the same offense, shall be twice put in jeopardy of life or liberty, nor shall a person be again put upon trial for the same offense, after a verdict of not guilty in a court of competent jurisdiction.

Section 15. RIGHT OF TRIAL BY JURY; COMMITMENT OF PERSONS OF UNSOUND MIND. The right of trial by jury shall remain inviolate. The Legislature shall pass such laws as may be needed to regulate the same, and to maintain its purity and efficiency. Provided, that the Legislature may provide for the temporary commitment, for observation and/or treatment, of mentally ill persons not charged with a criminal offense, for a period of time not to exceed ninety (90) days, by order of the County Court without the necessity of a trial by jury. No person shall be committed as a person of unsound mind except on competent medical or psychiatric testimony. The Legislature may enact all laws necessary to provide for the trial, adjudication of insanity and commitment of persons of unsound mind and to provide for a method of appeal from judgments rendered in such cases. Such laws may provide for a waiver of trial by jury, in cases where the person under inquiry has not been charged with the commission of a criminal offense, by the concurrence of the person under inquiry, or his next of kin, and an attorney ad litem appointed by a judge of either the County or Probate Court of the county where the trial is being held, and shall provide for a method of service of notice of such trial upon the person under inquiry and of his right to demand a trial by jury.

Section 16. BILLS OF ATTAINDER; EX POST FACTO OR RETROACTIVE LAWS; IMPAIRING OBLIGATION OF CONTRACTS. No bill of attainder, ex post facto law, retroactive law, or any law impairing the obligation of contracts, shall be made.

Section 17. TAKING, DAMAGING OR DESTROYING PROPERTY FOR PUBLIC USE; SPECIAL PRIVILEGES AND IMMUNITIES; CONTROL OF PRIVILEGES AND FRANCHISES. No person's property shall be taken, damaged or destroyed for or applied to public use without adequate compensation being made,

unless by the consent of such person; and, when taken, except for the use of the State, such compensation shall be first made, or secured by a deposit of money; and no irrevocable or uncontrollable grant of special privileges or immunities, shall be made; but all privileges and franchises granted by the Legislature, or created under its authority shall be subject to the control thereof.

Section 18. IMPRISONMENT FOR DEBT. No person shall ever be imprisoned for debt.

Section 19. DEPRIVATION OF LIFE, LIBERTY, ETC.; DUE COURSE OF LAW. No citizen of this State shall be deprived of life, liberty, property, privileges or immunities, or in any manner disfranchised, except by the due course of the law of the land.

Section 20. OUTLAWRY OR TRANSPORTATION FOR OFFENSE. No citizen shall be outlawed, nor shall any person be transported out of the State for any offense committed within the same.

Section 21. CORRUPTION OF BLOOD; FORFEITURE; SUICIDES. No conviction shall work corruption of blood, or forfeiture of estate, and the estates of those who destroy their own lives shall descend or vest as in case of natural death.

Section 22. TREASON. Treason against the State shall consist only in levying war against it, or adhering to its enemies, giving them aid and comfort; and no person shall be convicted of treason except on the testimony of two witnesses to the same overt act, or on confession in open court.

Section 23. RIGHT TO KEEP AND BEAR ARMS. Every citizen shall have the right to keep and bear arms in the lawful defense of himself or the State; but the Legislature shall have power, by law, to regulate the wearing of arms, with a view to prevent crime.

Section 24. MILITARY SUBORDINATE TO CIVIL AUTHORITY. The military shall at all times be subordinate to the civil authority.

Section 25. QUARTERING SOLDIERS IN HOUSES. No soldier shall in time of peace be quartered in the house of any citizen without the consent of the owner, nor in time of war but in a manner prescribed by law.

Section 26. PERPETUITIES AND MONOPOLIES; PRIMOGENITURE OR ENTAILMENTS. Perpetuities and monopolies are contrary to the genius of a free government, and shall never be allowed, nor shall the law of



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primogeniture or entailments ever be in force in this State.

Section 27. RIGHT OF ASSEMBLY; PETITION FOR REDRESS OF GRIEVANCES. The citizens shall have the right, in a peaceable manner, to assemble together for their common good; and apply to those invested with the powers of government for redress of grievances or other purposes, by petition, address or remonstrance.

Section 28. SUSPENSION OF LAWS. No power of suspending laws in this State shall be exercised except by the Legislature.

Section 29. NO DEFICIT SPENDING. The State shall not authorize any expenditures nor appropriate any monies in excess of those available or to be made available for such purposes.

Section 30. NON-COMPULSORY MEMBERSHIP. No citizen shall be required to have membership in any organization and/or union as a condition for employment.

Section 31. PROVISIONS OF BILL OF RIGHTS EXCEPTED FROM POWERS OF GOVERNMENT; TO FOREVER REMAIN INVIOLOATE. To guard against transgressions of the high powers herein delegated, we declare that everything in this "Bill of Rights" is excepted out of the general powers of government, and shall forever remain inviolate, and all laws contrary thereto, or to the following provisions, shall be void.

#### ARTICLE II. THE SEPARATION OF POWERS OF GOVERNMENT

To Committee on Rights and Suffrage.

Section 1. SEPARATION OF POWERS. The government of the State of Texas shall be divided into three branches: legislative, executive, and judicial. Except as otherwise authorized by this Constitution, each branch shall exercise only those powers appropriate thereto.

#### ARTICLE III. LEGISLATIVE DEPARTMENT

To Committee on the Legislature.

Section 1. THE LEGISLATIVE POWER. The legislative power of this State shall be vested in a Senate and House of Representatives, which together shall be styled "The Legislature of the State of Texas."

Section 2. MEMBERSHIP OF SENATE AND HOUSE OF REPRESENTATIVES. There shall be as

many Senators and as many Representatives as necessary to conduct a democratic process representative of all citizens of the State as long as there are never less than thirty Senators and less than ninety Representatives.

Section 3. ELECTION AND TERMS OF OFFICE OF SENATORS AND REPRESENTATIVES. (a) The Senators shall be elected at a general election by the qualified electors for a term of not less than four years. A new Senate shall be chosen after every Senatorial apportionment and the Senators elected after each apportionment shall decide by lot which shall serve four-year terms and which shall serve two-year terms, so that as near as one-half as possible shall be chosen every two years thereafter. Senators shall take office following their election at a time set by law.

(b) The members of the House of Representatives shall be chosen at a general election by the qualified electors for a term of not less than two years and shall take office following their election at a time set by law.

(c) Vacancies in the Senate and House of Representatives shall be filled by special election as provided by law.

Section 4. QUALIFICATION OF MEMBERS. (a) A person shall be eligible for election to the Senate if a citizen of the United States, a qualified voter, twenty-five years of age or older, and a resident of this State for five years and of the senatorial district for one year immediately preceding the election.

(b) A person shall be eligible for election to the House of Representatives if a citizen of the United States, a qualified voter, twenty-one years of age or older, and a resident of this State for two years and of the representative district for one year immediately preceding the election.

(c) In the general election following a redistricting, a person shall be eligible to be elected to the Legislature from any new district that contains a part of the district in which that person was eligible for election on the effective date of the redistricting, but only if within thirty days after the date of filing as a candidate in the primary election that person becomes a resident of the new district. If a member of the Legislature moves his residence from the district from which he was elected the office becomes vacant.

(d) A member of the Legislature may not hold any other office or position of



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profit or trust under this State, the United States, or any foreign government, except as a member of the National Guard, National Guard Reserve, or any of the armed forces reserves of the United States, as a retired member of the armed forces of the United States, or as a notary public.

Section 5. REDISTRICTING. (a) Before August 15 following publication of each federal decennial census, the Legislature shall by law divide the State into single-member senatorial districts and into single-member representative districts.

(b) All senatorial districts shall contain as nearly as practicable an equal number of inhabitants. All representative districts shall contain as nearly as practicable an equal number of inhabitants. All districts shall be composed of compact and contiguous territory.

(c) A county entitled to more than one Senator or Representative shall be divided into the required number of districts. Population in excess of that required for complete districts within the county, or the population of a county insufficient to comprise a district, shall be joined with population of another county or counties to form one district.

(d) Senatorial and representative districts shall not divide counties unless necessary to prevent a significant population variance between districts.

(e) A Legislative Redistricting Board shall be constituted within twenty days after August 15. The board shall consist of the Governor, Lieutenant Governor, Speaker of the House of Representatives, Attorney General, and five members appointed by the Governor. The appointed members shall be from different geographical regions of the State, and due regard shall be given to the division between urban and rural areas. No appointed member shall be a public officeholder, and not more than three shall be from the same political party. The Legislature shall provide funds for the board's clerical, technical, and other expenses.

(f) If the Legislature fails to redistrict by August 15 or if its redistricting plan is declared invalid, the State shall be redistricted by the board. In the event of failure to redistrict, the board shall convene as soon as practicable after it is constituted. In the event the

legislative redistricting plan is declared invalid, the board shall convene as soon thereafter as is practicable. The board shall make and file its redistricting plan with the Secretary of State within twenty-five days after its first meeting.

(g) If the board fails to complete its redistricting in accordance with the requirements of this Section, the Supreme Court of Texas shall have original jurisdiction to compel the board to perform its duties and may provide such remedies and penalties as may be appropriate.

(h) The board shall be dissolved immediately following the first general election held in accordance with a valid redistricting plan.

Section 6. INELIGIBILITY OF PERSONS HOLDING OTHER OFFICES. No judge of any court, Secretary of State, Attorney General, clerk of any court of record, or any person holding a lucrative office under the United States, or this State, or any foreign government, shall, during the term for which he is elected or appointed, be eligible to the Legislature.

Section 7. COMPENSATION. Each member of the Legislature shall receive compensation and allowances as provided by law, not to exceed the amount recommended by the salary commission. Any increase in compensation shall become effective only at the first regular session following the next general election.

Section 8. SESSIONS. (a) The Legislature shall meet at least once every two years and at such times and for such duration as provided by law. Special sessions can be called by two-thirds vote of the membership of the Legislature for whatever purposes deemed necessary.

(b) All legislative proceedings shall be open to the public.

(c) Neither house may adjourn or recess for more than ten days without the consent of the other.

(d) The Legislature shall meet at the seat of government unless otherwise provided by law.

Section 9. ORGANIZATION AND PROCEDURE. (a) Each house shall be the judge of the qualifications and election of its own members, but contested elections shall be determined as provided by law.

(b) Each house shall adopt its rules of procedure. The Legislature by majority vote of the membership of each house shall adopt joint rules. Rules, once adopted, shall remain in effect until amended, repealed, or otherwise changed by the same



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or succeeding Legislatures.

(c) At the beginning and end of each session the Senate shall elect from its members a president pro tempore who shall perform the duties of president when the Lieutenant Governor is absent or disabled, or when the office is vacant.

(d) When first assembled the House of Representatives shall organize and elect a speaker from its members.

(e) Two-thirds of the membership of each house shall constitute a quorum for transacting business, but fewer members may recess or adjourn from day to day and compel the attendance of absent members.

(f) Each house shall prepare and publish a journal of its proceedings. At the request of any three members present, the votes on any question shall be recorded in the journal.

(g) Each house may punish a member for disorderly conduct or for cause deemed sufficient by that house and may expel a member by two-thirds vote of its membership, but not a second time for the same offense.

Section 10. LEGISLATIVE IMMUNITY. No member shall be questioned in any other place for speech or debate during a legislative proceeding.

Section 11. PRIVILEGE FROM ARREST. Senators and Representatives shall, except in cases of treason, felony, or breach of the peace, be privileged from arrest during the session of the Legislature, and in going to or returning from the same.

Section 12. CONFLICT OF INTEREST. (a) No member may vote for the appointment of another member to any office filled by the Legislature.

(b) During the term for which elected a member shall be ineligible for (1) any civil office of profit under this State which shall have been created, or the emoluments of which may have been increased, during such term, or (2) any office or position the appointment to which may be made, in whole or in part, by either house of the Legislature. The ineligibility shall terminate on the last day in December of the last full calendar year of the term for which the member was elected.

(c) A member privately interested in a bill, resolution, or other matter before the Legislature shall disclose the interest and shall vote on the bill, resolution, or other matter unless the vote would cause

immediate monetary gains as opposed to general improvement of any segment of the economy.

(d) No member may have a pecuniary interest in any contract with the State.

(e) No member shall for compensation other than the emoluments of office appear before or have dealings with an executive or administrative unit of State government; and no member shall directly or indirectly share in any fee paid to any other person for such appearance or dealings.

(f) A continuance shall not be granted in any judicial proceeding solely because a party or attorney is a member of the Legislature.

Section 13. BILLS. (a) The Legislature shall enact no law except by bill.

(b) A bill may originate in either house. After a bill passes either house, the other may amend or reject it, but neither house may so amend a bill as to change its original purpose.

(c) Every bill shall be limited to a single subject, which shall be expressed in its title. A general appropriation bill shall be limited to the subject of appropriations. A statutory revision bill shall be limited to that subject.

(d) A bill, amendatory in form, shall set out the complete section, as amended, of the statute it amends.

(e) Before a house considers a bill it must have been referred to a committee of that house and reported at least five days before adjournment of the session.

(f) Before a bill becomes law it must be read on three separate days in each house. Either house by four-fifths record vote of the members may suspend this requirement.

(g) If a bill or resolution is defeated by a vote of either house, no bill or resolution containing the same substance shall be passed during the same session.

(h) The presiding officer of each house shall, in the presence of that house, certify the final passage of each bill or resolution requiring the concurrence of both houses. The fact of certification shall be recorded in the journal.

(i) No law except the general appropriation act and redistricting acts shall take effect until ninety days after it becomes a law or ninety days after adjournment of the session at which it was enacted, whichever is earlier. The Legislature, by three-fourths record vote of the membership of each house, may



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authorize an earlier effective date.

Section 14. LOCAL OR SPECIAL LEGISLATION. The Legislature may not enact a local or special law if a general law is or can be made applicable. Whether a general law is or can be made applicable shall be a matter for judicial determination.

Section 15. IMPEACHMENT. (a) The House of Representatives shall have the sole power to conduct legislative investigations to determine the existence of cause for impeachment and, by the record vote of two-thirds of its membership, to impeach executive officers and justices of the Supreme Court.

(b) Any officer against whom articles of impeachment have been preferred shall be suspended from the exercise of the duties of the office during the pendency of the impeachment. The Governor may make a temporary appointment to fill the vacancy occasioned by the suspension of the officer until the decision on the impeachment.

(c) Impeachments shall be tried by the Senate. When sitting for that purpose, Senators shall affirm or take an oath to try impartially the party impeached. If the Governor or Lieutenant Governor is tried, the Chief Justice of the Supreme Court shall preside. A person may be convicted of impeachment charges only by record vote of two-thirds of the membership of the Senate.

(d) A judgment of conviction by the Senate shall not extend beyond removal from office and disqualification to hold any office of honor, trust, or profit of this State. An impeached person, whether convicted or acquitted, shall be amenable to prosecution, trial, judgment, and punishment according to law.

Section 16. ADVICE AND CONSENT OF THE SENATE. Two-thirds of the members present and voting shall constitute consent to any appointment which this Constitution requires to be with the advice and consent of the Senate. The Legislature may provide by law for interim appointments made when the Senate is not in session.

#### ARTICLE IV. EXECUTIVE DEPARTMENT

To Committee on the Executive.

Section 1. OFFICERS CONSTITUTING THE EXECUTIVE DEPARTMENT. The Executive Department of the State shall consist of a Governor, who shall be the Chief Executive

Officer of the State, a Lieutenant Governor, and such other officials as may be prescribed by law.

Section 2. ELECTION OF OFFICERS OF THE EXECUTIVE DEPARTMENT; RETURNS. (a) The Governor, Lieutenant Governor, and other officials of the Executive Department shall be elected or appointed in the manner as prescribed by law.

(b) The returns of every election for said executive officers, until otherwise provided by law, shall be made out, sealed up, and transmitted by the returning officers prescribed by law, to the seat of government, directed to the Secretary of State, who shall deliver them to the Speaker of the House of Representatives as soon as the Speaker shall be chosen, and the Speaker shall, during the first week of the session of the Legislature, open and publish them in the presence of both houses of the Legislature. The person voted for at said election having the highest number of votes for each of said offices, respectively, and being constitutionally eligible, shall be declared by the Speaker, under sanction of the Legislature, to be elected to said office. But if two or more persons shall have the highest and an equal number of votes for either of said offices, one of them shall be immediately chosen to such office by a joint vote of both houses of the Legislature. Contested elections for either of said offices shall be determined by both houses of the Legislature in joint session.

Section 3. ELIGIBILITY OF GOVERNOR; TERM. (a) To be eligible for election as Governor, a person shall have attained the age of thirty years at the time of his election, shall be a citizen of the United States, and shall have resided in this State at least five years immediately preceeding his election.

(b) The Governor shall be elected at the regular election every other even-numbered year (during a year in which an election of the President of the United States is not held) by the direct popular vote of the people of the State, for a term of four years beginning on the first Tuesday after the organization of the Legislature for its next Regular Session, or until his successor shall be duly installed.

Section 4. COMPENSATION OF GOVERNOR AND LIEUTENANT GOVERNOR. The Governor shall have the use and occupation of the Governor's Mansion, fixtures, and furniture, and shall receive as



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compensation for his services an annual salary in an amount to be prescribed by law. Such salary shall not be decreased during his term of office.

(b) The Lieutenant Governor shall receive as compensation for his services a salary in an amount to be prescribed by law.

Section 5. HOLDING OTHER OFFICES, PRACTICE OF PROFESSION; OTHER SALARY; REWARDS OR COMPENSATION. During the time he holds the office of Governor, he shall not hold any other office, civil, military, or corporate; nor shall he practice any profession or receive compensation, reward, fee, or the promise thereof for the same; nor receive any salary, reward, or compensation or the promise thereof from any person or corporation for any service rendered or performed during the time he is Governor or to be thereafter rendered or performed.

Section 6. COMMANDER-IN-CHIEF OF MILITARY FORCES; CALLING FORTH MILITIA. The governor shall be Commander-In-Chief of the military forces of the State, except when they are called into actual service of the United States. He shall have the power to call forth the militia to execute the laws of the State, to suppress insurrections, and to repel invasions.

Section 7. CONVENING LEGISLATURE ON EXTRAORDINARY OCCASIONS. The Governor may, on extraordinary occasions, convene the Legislature at the seat of government or at a different place in case that should be in possession of the public enemy, or in case of the prevalence of disease threat. His proclamation therefor shall state specifically the purpose for which the Legislature is convened.

Section 8. GOVERNOR'S MESSAGE; TO ACCOUNTS FOR MONIES; PRESENT ESTIMATE, ETC. The Governor shall, at the commencement of each session of the Legislature, and at the close of his term of office, give to the Legislature information, by message, of the condition of the State; and he shall recommend to the Legislature such measures as he may deem expedient. He shall account to the Legislature for all public monies received and paid out by him from any funds subject to his order, with vouchers; and shall accompany his message with a statement of the same. And at the commencement of each regular session he may present estimates of the amount of money required to be raised by taxation for all

purposes.

Section 9. GOVERNOR SHALL CAUSE THE LAWS TO BE EXECUTED; INTERCOURSE WITH OTHER STATES. He shall cause the laws to be faithfully executed and shall conduct, in person, or in such manner as shall be prescribed by law, all intercourse and business of the State with other states and with the United States.

Section 10. WHERE GOVERNOR SHALL RESIDE. During the session of the Legislature, the Governor shall reside where its sessions are held and at all other times at the seat of government, except when, by act of the Legislature he may be authorized to reside elsewhere.

Section 11. APPROVAL OR DISAPPROVAL OF BILLS, ORDERS, RESOLUTIONS OR VOTES; RETURN AND RECONSIDERATION; FAILURE TO RETURN; DISAPPROVAL OF ITEMS OF APPROPRIATION. (a) Every bill which shall have passed both houses of the Legislature shall be presented to the Governor for his approval. If he approves he shall sign it; but if he disapproves it, he shall return it, with his objections, to the house in which it originated, and proceed to reconsider it. If, after such reconsideration, two-thirds of the members present agree to pass the bill, it shall be sent, with the objections, to the other house, by which likewise it shall be reconsidered; and, if approved by two-thirds of the members present of that house, it shall become a law; but in such cases the votes of both houses shall be determined by yeas and nays, and the names of the members voting for and against the bill shall be entered on the journal of each house respectively.

(b) If any bill shall not be returned by the Governor with his objections within ten days (Sundays excepted) after it shall have been presented to him, the same shall be a law, in like manner as if he had signed it, unless the Legislature, by its adjournment, prevent its return, in which case it shall be a law, unless he shall file the same, with his objections, in the office of the Secretary of State and give notice thereof by public proclamation within twenty days after such adjournment.

(c) If any bill presented to the Governor contains several items of appropriation, he may object to one or more of such items and approve the other portion of the bill. In such case he shall append to the bill, at the time of signing it, a statement of the items to which he objects, and no item so objected to shall take



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effect. If the Legislature be in session, he shall transmit to the house in which the bill originated a copy of such statement and the items objected to shall be separately considered. If, on reconsideration, one or more of such items be approved by two-thirds of the members present of each house, the same shall be part of the law, notwithstanding the objections of the Governor. If any such bill, containing several items of appropriation, not having been presented to the Governor ten days (Sundays excepted) prior to adjournment, be in the hands of the Governor at the time of adjournment, he shall have twenty days from such adjournment within which to file objections to any items thereof and make proclamation of the same, and such item or items shall not take effect.

(d) Every order, resolution, or vote to which the concurrence of both houses of the Legislature may be necessary, except on questions of adjournment and amendment or revision of the Constitution, shall be presented to the Governor, and before it shall take effect, shall be approved by him; or, being disapproved, shall be repassed by both houses, and all the rules, provisions, and limitations shall apply thereto as prescribed in the case of a bill by the above subsections of this Section 11.

Section 12. REMOVAL OF OFFICERS BY GOVERNOR. The Governor shall have the authority to remove from office at his pleasure those officers of the Executive Department so designated by law in the manner provided by law.

Section 13. LIEUTENANT GOVERNOR. (a) There shall also be a Lieutenant Governor, who shall be chosen at every election for Governor by the same electors, in the same manner, continue in office for the same time, and possess the same qualifications. The electors shall distinguish for whom they vote as Governor, and for whom as Lieutenant Governor.

(b) The Lieutenant Governor, by virtue of his office, shall be President of the Senate, and shall have, when in Committee of the Whole, a right to debate and vote on all questions; and when the Senate is equally divided to give the casting vote.

Section 14. FAILURE OF GOVERNOR TO TAKE OFFICE; SUCCESSION. (a) When the Governor-elect is disqualified, resigns, or

dies following his election, but prior to taking office, the Lieutenant Governor-elect shall succeed to the office of Governor for the full term. When the Governor-elect fails to assume office for any other reason, the Lieutenant Governor-elect shall serve as acting Governor, but if the Governor-elect does not assume office within the first year of the term the office shall be vacant.

(b) When a vacancy occurs in the office of Governor, the Lieutenant Governor shall succeed to the office of Governor for the unexpired term, or when the Governor is absent from the State, the Lieutenant Governor shall serve as acting Governor until the Governor's return to the State.

(c) If a vacancy exists in the office of Lieutenant Governor or the Lieutenant Governor is also absent from the State when the Lieutenant Governor is to succeed to the office of Governor or serve as acting Governor, the President pro tempore of the Senate shall succeed to the office of Governor for the unexpired term or serve as acting Governor.

(d) The Lieutenant Governor shall receive compensation and mileage as set by law; however, during the time he administers the Government as Governor, he shall receive in like manner the same compensation which the Governor would have received had he been employed in the duties of his office, and no more. In like manner the President pro tempore of the Senate, during the time he administers the Government, shall receive the same compensation which the Governor would have received had he been employed in the duties of his office.

(e) Any succession to the Governorship not otherwise provided for in this Constitution shall be provided for by law; provided, however, that any person succeeding to the office of Governor shall be qualified as otherwise provided in this Constitution and, during the entire term to which he may succeed, shall be under all the restrictions and inhibitions imposed in this Constitution on the Governor.

Section 15. DISABILITY OF GOVERNOR.

(a) When the Governor notifies the Lieutenant Governor in writing that he will be temporarily unable to carry out the duties of his office or when the Governor is disabled and thereby unable to communicate such inability to the Lieutenant Governor, the Lieutenant Governor shall serve as acting Governor until the Governor notifies the Lieutenant



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Governor in writing that he is able to carry out the duties of his office. If the Governor does not notify the Lieutenant Governor in writing that he is able to carry out the duties of his office within one year from the time the Lieutenant Governor begins serving as acting Governor, the office of Governor shall be vacant.

(b) The Legislature may, by affirmative vote of two-thirds of the members elected to each house, pass a resolution stating that the Governor is unable to carry out the duties of his office by reason of a physical or mental disability. Upon the written request of a majority of the members of each house, the Legislature shall be convened by the presiding officers of both houses to determine whether such a resolution should be passed. If the Legislature passes such a resolution, it shall be delivered to the Supreme Court of the State which shall then have exclusive jurisdiction to determine whether the Governor is unable to discharge the duties of his office by reason of a physical or mental disability. If the Supreme Court determines that the Governor is unable to discharge the duties of his office by reason of a physical or mental disability, the office of Governor shall be vacant.

(c) The Supreme Court shall have exclusive jurisdiction to determine the existence of a vacancy under this Constitution in the office of Governor and all questions arising under this Article concerning the right to office or the exercise of the powers thereof.

Section 16. OFFICERS OF THE EXECUTIVE DEPARTMENT. There shall be as many other members of the Executive Department as shall be authorized by law. The manner of their election or appointment, terms of office, compensation, and qualifications shall be as prescribed by law.

Section 17. SEAL OF STATE. There shall be a Seal of the State which shall be kept by the person so authorized by law, and used by him under the direction of the Governor. The Seal of the State shall be a star of five points encircled by olive and live oak branches, and the words "The State of Texas."

#### ARTICLE V. JUDICIAL DEPARTMENT

To Committee on the Judiciary.

##### Section 1. JUDICIAL POWER; COURTS IN

WHICH VESTED. The judicial power of the State shall be vested in one Supreme Court and as many other courts as may be authorized by law.

Section 2. SELECTION, ELIGIBILITY, AND COMPENSATION OF JUSTICES AND JUDGES. The justices of the Supreme Court and the judges of other courts authorized by law shall be selected in a manner prescribed by law and shall have such qualifications and shall receive such compensation as prescribed by law.

Section 3. JURISDICTION. The jurisdiction of the various courts of the State shall be as prescribed by law.

Section 4. PROCEDURES GOVERNING STATE COURTS. The various courts established by the State shall have such authority, operating and governing procedures, rules, and regulations as shall be prescribed by law.

Section 5. COURT ADMINISTRATIVE AND CLERICAL PERSONNEL; SELECTION. (a) There shall be authorized or assigned to courts of the State such administrative and clerical personnel as may be prescribed by law.

(b) The method of selection of these personnel, their qualifications, and compensation shall be as prescribed by law.

#### ARTICLE VI. SUFFRAGE

To Committee on Rights and Suffrage.

Section 1. QUALIFIED VOTER. Any citizen of the United States eighteen years of age or older who meets the registration and residence requirements provided by law, who is not serving a sentence for a felony, whether incarcerated, on parole, or on probation, and who is not of unsound mind as determined by a court, shall be a qualified voter.

Section 2. ELECTIONS. All elections by the qualified voters shall be by secret ballot. The Legislature by law shall provide the requirements for residence, registration, absentee voting, and administration of elections, and shall ensure the purity of elections and guard against abuses of the electoral process.

Section 3. GENERAL ELECTIONS. General elections shall be held in even-numbered years on a date provided by law.

#### ARTICLE VII. EDUCATION

To Committee on Education.

##### Section 1. PUBLIC EDUCATION. (a)



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Public schools shall be established, financed and operated as prescribed by law.

(b) There shall be established as many colleges and universities as deemed necessary to provide higher educational opportunities for the citizens of the State. They shall be maintained and operated as set forth by law.

Section 2. PERMANENT AND AVAILABLE SCHOOL FUND. (a) The Permanent School Fund consists of all property set apart for support of the free public schools. The Permanent Fund shall not be expended but shall be preserved and invested at the direction of the State Board of Education in the manner prescribed by law.

(b) The Available School Fund consists of income from the Permanent Fund together with all State taxes dedicated to support the free public schools.

(c) The Available Fund shall be appropriated by the Legislature to support the free public schools, including the provision of free textbooks and such other instructional materials as may be required in academic programs.

Section 3. PROHIBITION OF AID TO NON-PUBLIC SCHOOLS. Public funds shall not be used for support of religious, church-affiliated, or proprietary schools; nor shall public funds be provided to any student for payment of expenses incurred by attending such schools.

Section 4. DEDICATED SCHOOL TAX. One-fourth of the revenue from State occupation taxes and one-fourth of the net revenue from the State motor fuel tax are dedicated to the Available School Fund.

Section 5. STATE BOARD OF EDUCATION. There shall be a State Board of Education which shall have the duties provided in this Article and by law. The board shall be elected. One member shall be from each of the congressional districts with qualifications being the same as those of a State Senator and term of office and election procedure set out by general law.

Section 6. SCHOOL AND COMMUNITY COLLEGE DISTRICTS. The Legislature shall define by general law the duties and functions of school and community college districts and shall provide for establishing, financing, altering, consolidating, and abolishing such districts.

Section 7. FIRST CLASS COLLEGES AND UNIVERSITIES. The Legislature shall provide for a system of higher education of

the first class which shall include The University of Texas System, The Texas A&M University System, universities, colleges, community colleges, and other first class institutions or systems as may be provided by law.

Section 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 and benefit of The Texas A&M University System and The University of Texas System. In pursuance of such trust, the Board of Regents of The University of Texas System shall have authority to purchase, sell, lease and exchange the assets of the Fund as provided by law.

(c) The Board of Regents of The University of Texas System 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 Board of Regents of The University of Texas System 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 stock 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 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



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disposition of their funds, considering the probable income therefrom as well as the probable safety of their capital. The Board of Regents 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. 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 by the Board of Directors of The Texas A&M University System pursuant to the next section or its predecessor sections of prior Constitutions, and the remainder of such one-third of the Available University Fund shall be appropriated by the Legislature for the support and maintenance of Texas A&M University in the County of Brazos. 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 by the Board of Regents of The University of Texas System 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 for the support and maintenance of The University of Texas at Austin.

Section 9. THE TEXAS A&M UNIVERSITY SYSTEM; THE UNIVERSITY OF TEXAS SYSTEM; PERMANENT UNIVERSITY FUND BONDS OR NOTES.

(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 included in their respective systems are each hereby authorized to issue in amounts not to exceed for The Texas A&M University 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.

(b) Any bonds or notes issued pursuant to this Section shall be payable solely out of the Available University Fund. Bonds or notes so issued shall mature serially or otherwise not more than thirty years from their respective dates.

(c) Institutions now included in The Texas A&M University System and The University of Texas System, and entitled to participate in the Permanent University Fund, shall not receive any general revenue funds for acquiring land either with or without permanent improvements, or for constructing 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 Legislature from general revenue funds.

(d) For the purpose of securing the payment of the principal of and interest on these bonds or notes, the Boards are severally authorized to pledge the whole or any part of the respective interests of The Texas A&M University System and The University of Texas System in the Available University Fund. The Permanent University Fund may be invested in these bonds or notes. All bonds or notes issued pursuant to this Section shall be approved by the Attorney General of Texas and when so approved shall be incontestable.

(e) This section shall be self-enacting; provided, however, that nothing herein shall be construed as impairing any obligation heretofore created by the issuance of any outstanding notes or bonds under prior Constitutions by the respective Boards, but any such outstanding notes or bonds shall be paid in full, both principal and interest, in accordance with the terms of such contracts.

Section 10. STATE HIGHER EDUCATION TAX FUND FOR THE BENEFIT OF CERTAIN INSTITUTIONS OF HIGHER EDUCATION. (a) The provisions of Section 17 of Article VII of the Texas Constitution of 1876, as last amended in 1965, shall remain in full force and effect until December 31, 1977.

(b) On and after January 1, 1978,



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there is hereby levied, in addition to all other taxes permitted by the Constitution of Texas, a state ad valorem tax on property of twenty cents on the one hundred dollars valuation, or such tax rates in excess thereof as the Legislature may so designate for the purpose of creating a special fund, to be known as the Higher Education Tax Fund, for the purpose of acquiring land, either with or without permanent improvements thereon, constructing, equipping, repairing, or rehabilitating buildings or other permanent improvements, and for acquiring nonconsumable equipment and materials to provide first class status at the herein designated institutions of higher education; and the governing board of each such institution of higher education is fully authorized to pledge all or any part of said funds allocated to such institution, as hereinafter provided, to secure or refund bonds and/or notes issued for one or more of the aforesaid purposes at said respective institutions; and the governing board of an institution to which funds have been allocated may use all or any portion of such funds not pledged to secure or refund bonds and/or notes for any of the purposes specified herein for said institution. Such bonds or notes shall be issued in such amounts as may be determined by the governing boards of said respective institutions, and shall mature serially or otherwise not more than ten years from their respective dates. All bonds shall be examined and approved by the Attorney General of the State of Texas, and when so approved shall be incontestable; and all approved bonds shall be registered in the office of the Comptroller of Public Accounts of the State of Texas.

(c) The funds to be derived from the aforesaid tax levy for each succeeding ten-year period shall be allocated to the following state institutions of higher education, or such other institutions of higher education as may be by law placed or created under the control and supervision of the governing board of such institutions:

Texas Tech University  
North Texas State University  
Lamar University  
Lamar University at Orange County  
Texas A&I University System (consisting of Texas A&I University, Texas A&I University at Corpus Christi, and

Texas A&I University at Laredo)  
Texas Woman's University  
Texas Southern University  
Midwestern University  
University of Houston  
University of Houston at Clear Lake City  
Pan American University  
East Texas State University  
Sam Houston State University  
Southwest Texas State University  
West Texas State University  
Stephen F. Austin State University  
Sul Ross State University  
Angelo State University  
Tyler State College

The foregoing allocation of funds shall be pursuant to equitable formulas, based on statewide needs devised by an agency or department as authorized by the Legislature.

(d) All institutions of higher education shall not, from the date on which they become eligible to participate in the Higher Education Tax Fund created by this section, receive any General Revenue Funds for acquiring land or permanent improvements, or for constructing and equipping new buildings or other permanent improvements, except that in case of fire or natural disaster the Legislature may appropriate from General Revenue an amount sufficient to replace the uninsured loss.

(e) The State Comptroller of Public Accounts shall draw all necessary and proper warrants upon the State Treasury in order to carry out the purpose of this section, and the State Treasury shall pay warrants so issued out of the Higher Education Tax Fund hereby created for said purpose.

(f) If for any reason the tax authorized by this Section is held invalid, the Legislature shall provide an equal amount of revenue from other sources; provided further that nothing herein shall be construed as impairing any obligation created by the issuance of any outstanding note or bonds under this Section's predecessor sections by the respective governing boards prior to the adoption of this Section, but such notes or bonds shall be paid in full, both as to principal and interest, from the funds as allocated to such institutions.

(g) This Section shall be self-enacting. It shall become operative and effective upon its adoption so as to supersede and repeal its predecessor Sections.



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## ARTICLE VIII. FINANCE

To Committee on Finance.

Section 1. TAXATION. Taxes shall be levied and collected by general law.

### 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 owned and occupied by 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 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.

Section 3. HIGHWAY-USER REVENUES. Subject to legislative appropriation, allocation, and direction, all net revenues from motor vehicle registration fees and three-fourths of net revenues from all taxes on fuels and lubricants used to propel motor vehicles over public roadways, except gross production and ad valorem taxes, shall be deposited in the State Highway Fund. Such revenues shall be used solely for acquiring rights-of-way, constructing and maintaining a State highway system; for policing public roadways; and for administering laws pertaining to the supervision of traffic and safety on public roadways. One-fourth of net revenues from these taxes shall be allocated to the Available School Fund. 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, or less than the percentage allowed to be retained, under the laws in effect at the time of adoption of this Constitution.

Section 4. STATE DEBT. (a) 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, directly or indirectly, from tax revenue and are incurred for the State or for an agency of the State.

(b) No State debt shall be authorized



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or incurred except as provided in this Constitution.

(c) State debt may be authorized by general law to refund outstanding State debt.

(d) State debt may be incurred if approved by two-thirds vote of the membership of each house of the Legislature and submitted to and approved by a majority of the qualified electors voting on the question.

Section 5. APPROPRIATIONS. (a) Money may not be drawn from the State Treasury except in accordance with specific appropriations made by law.

(b) Any appropriation from the State Treasury expires two years after its effective date.

(c) No bill containing an appropriation may be considered as passed or be sent to the Governor for consideration until and unless the Comptroller of Public Accounts certifies that the amount appropriated is within the estimated revenue for the applicable fiscal period.

(d) 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.

Section 6. PUBLIC FUNDS. Public money and public credit shall be used for public purposes only.

#### ARTICLE IX. LOCAL GOVERNMENT

##### To Committee on Local Government.

Section 1. COUNTIES. The counties of the State are those that exist on the date of adoption of this Constitution. Changes in county boundaries, the merger and division of counties, and the removal of county seats shall be subject to the approval of a majority of the qualified voters voting on the question in each county affected.

Section 2. POWERS OF COUNTY GOVERNMENT. The powers of counties shall be those granted by this Constitution and by general law.

Section 3. COUNTY AND DISTRICT OFFICIALS. (a) The governing body of each county, to be known as the County Commission, shall consist of a County Judge elected by the qualified voters of the county and four County Commissioners, each

elected by the qualified voters from separate and compact precincts containing as nearly as practicable an equal number of inhabitants. The County Judge shall serve as presiding officer.

(b) A Sheriff, Treasurer, Tax Assessor-Collector, County Clerk, and District Clerk shall be elected for each county, except that a single County Clerk may be elected to perform the duties of county and district clerk as provided by law.

(c) County Attorneys, District Attorneys, and Criminal District Attorneys shall be elected in such numbers and for such counties as provided by law.

(d) The County Commission may provide for the election of one or more Constables.

(e) The qualifications, duties, and functions of county officials and the grounds and procedure for disqualification, suspension, and removal shall be as provided by law.

(f) Notwithstanding any of the foregoing provisions, the qualified electors of a county, as provided by general law, may by charter, or by a majority vote of those voting on the question, alter the governing body, create additional offices, eliminate offices, combine the duties and functions of offices, and change the method of selection of any one or more county officials. In such an event the county shall provide for the performance of all duties and functions required by State law.

(g) Vacancies in county offices shall be filled as provided by general law or charter. Vacancies in district offices shall be filled as provided by law.

Section 4. COUNTY CHARTERS AND ORDINANCES. (a) The Legislature shall by law provide procedures by which any county with a population of not less than twenty-five thousand may adopt, amend, or repeal a charter with the approval of a majority of qualified voters voting on the question. A charter election may be initiated by petition of the qualified voters of the county or by resolution of the governing body as provided by law. No charter or ordinance shall be inconsistent with the Constitution or laws of the State.

(b) The qualified voters of a county without a charter may by a majority of those voting on the question grant the county governing body the power to enact ordinances as authorized by law.

(c) If a county ordinance conflicts with an ordinance of an incorporated city



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or town, the municipal ordinance shall prevail within its jurisdiction as defined by law.

(d) Neither county charters nor ordinances shall affect jurisdiction or venue or the duties of personnel of courts which are part of the State unified judicial system.

Section 5. GENERAL LAW CITIES. Cities and towns having a population of one thousand five hundred or less may be chartered only by general law. They may levy, assess, and collect such taxes as may be authorized by law.

Section 6. CITY CHARTERS. Cities and towns having more than one thousand five hundred inhabitants may, by a majority vote of the qualified voters voting on the question, adopt, amend, or repeal their charters as provided by law. No charter or ordinance shall be inconsistent with the Constitution or general laws of the State. Cities which adopt charters under this Section may levy, assess, and collect any taxes authorized by law or charter. No city shall lose the power to amend or repeal its charter because its population drops below one thousand five hundred.

Section 7. SPECIAL DISTRICTS AND AUTHORITIES. The Legislature shall provide by general law for establishing, financing, consolidating, and abolishing special districts and authorities and shall define their powers by general law. No special district or authority shall be created if the service it is to provide can be provided by an existing political subdivision. The provisions of this Section shall not be applicable to school and community college districts.

Section 8. TERMS OF OFFICE. The terms of office for all elected officials of political subdivisions shall be as provided by law or charter.

Section 9. COMPENSATION OF OFFICIALS. Elected officials of political subdivisions shall be compensated only on a salary or per diem basis.

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 not entirely elected at large shall divide its geographical area into districts for the election of those representatives to the governing body not elected at large. The

districts shall be composed of contiguous territory and shall be as compact and as nearly equal in population as practicable.

Section 11. LOCAL DEBT. Political subdivisions shall not issue general obligation bonds, except refunding bonds, unless approved by a majority of qualified voters voting on the question. No debt shall be created by a political subdivision unless at the same time provision is made for paying the interest and principal when due.

Section 12. INTERGOVERNMENTAL COOPERATION. A political subdivision may, by act of its governing body, cooperate or contract with one or more other political subdivisions, the State, or the United States with respect to the exercise of any function, power, or responsibility, or the use of public funds and credit in the public interest.

#### ARTICLE X. GENERAL PROVISIONS

##### To Committee on General Provisions.

Section 1. OFFICIAL OATH. All State and local officials shall take the following oath before they enter upon the duties of their office:

"I, \_\_\_\_\_, do solemnly swear (or affirm), that I will faithfully execute the duties of the office of \_\_\_\_\_ of the State of Texas, and will to the best of my ability preserve, protect, and defend the Constitution and laws of the United States and of this State; and I furthermore solemnly swear (or affirm), that I have not, directly nor indirectly paid, offered, or promised to pay, contributed, nor promised to contribute any money, or valuable thing, or promised any public office or employment, as a reward to secure my appointment or the confirmation thereof. So help me God."

Section 2. RESIDENCE OF CIVIL OFFICIALS. All elected and appointed officials shall reside within the State. All elected and appointed officials of a political subdivision shall reside within the political subdivision which they serve, and shall keep their offices at such places as required by law. Failure to comply with these conditions shall vacate the office.

Section 3. OFFICIALS TO SERVE UNTIL SUCCESSOR QUALIFIED. All officials may continue to perform the duties of their offices until their successors shall be duly qualified.

Section 4. FORFEITURE OF RESIDENCE BY ABSENCE ON PUBLIC BUSINESS. No person



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shall forfeit the right of suffrage, or of election or appointment to any office because of absence from the State or a political subdivision on business of the United States, this State, or a political subdivision.

Section 5. VACANCIES FILLED FOR UNEXPIRED TERM. Except as otherwise provided in this Constitution, elections to fill vacancies in office shall be for the remainder of the term only.

Section 6. DISQUALIFICATION FROM CONSTITUTIONAL OFFICE. In addition to the grounds and procedures provided in this Constitution, the disqualification, suspension and removal from any constitutional office, withholding of salary, and temporary filling of vacancies shall be as provided by law, but no statute enacted under the authority of this Section may be applicable to conduct committed before its enactment.

Section 7. QUALIFICATION FOR AND DISQUALIFICATION FROM STATUTORY OFFICE. Unless otherwise provided in this Constitution, the qualifications, grounds for disqualification, suspension and removal from office, withholding of salary, and temporary filling of vacancies for statutory officials shall be as provided by law.

Section 8. APPOINTMENTS TO STATE AGENCIES. The authority responsible for appointing the members or filling vacancies for State governmental agencies shall make appointments that fairly and equitably represent the sexes, ethnic groups, economic groups, and geographical regions of the State.

Section 9. SALARY COMMISSION. (a) A salary commission shall be established to recommend rates of compensation for members of the Legislature, judges in the State unified judicial system, and officials of the executive branch, and to perform such other duties pertaining to compensation as may be provided by law. Compensation paid by the State shall not exceed the rates recommended by the commission.

(b) The salary commission shall consist of nine members appointed by the Governor with the advice and consent of the Senate. Members of the commission shall serve six-year terms. Vacancies shall be filled by the Governor for the remainder of the term with the advice and consent of the Senate. No member of the commission may hold another public office at the same

time.

To Committee on Local Government.

Section 10. CONSERVATION AND DEVELOPMENT OF NATURAL RESOURCES; CONSERVATION AND RECLAMATION DISTRICTS.

(a) The conservation and development of all of the natural resources of this State, including the control, storing, preservation and distribution of its storm and flood waters, the waters of its rivers and streams, for irrigation, power and all other useful purposes, the reclamation and irrigation of its arid, semi-arid and other lands needing irrigation, the reclamation and drainage of its overflowed lands, and other lands needing drainage, the conservation and development of its forests, water and hydro-electric power, the navigation of its inland and coastal waters, and the preservation and conservation of all such natural resources of the State are each and all hereby declared public rights and duties; and the Legislature shall pass all such laws as may be appropriate thereto.

(b) There may be created within the State of Texas, or the State may be divided into, such number of conservation and reclamation districts as may be determined to be essential to the accomplishment of the purposes of this amendment to the constitution, which districts shall be governmental agencies and bodies politic and corporate with such powers of government and with the authority to exercise such rights, privileges and functions concerning the subject matter of this amendment as may be conferred by law.

(c) The Legislature shall authorize all such indebtedness as may be necessary to provide all improvements and the maintenance thereof requisite to the achievement of the purposes of this amendment, and all such indebtedness may be evidenced by bonds of such conservation and reclamation districts, to be issued under such regulations as may (may) be prescribed by law and shall also, authorize the levy and collection within such districts of all such taxes, equitably distributed, as may be necessary for the payment of the interest and the creation of a sinking fund for the payment of such bonds; and also for the maintenance of such districts and improvements, and such indebtedness shall be a lien upon the property assessed for the payment thereof; provided the Legislature shall not authorize the



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issuance of any bonds or provide for any indebtedness against any reclamation district unless such proposition shall first be submitted to the qualified property tax-paying voters of such district and the proposition adopted.

(d) No law creating a conservation and reclamation district shall be passed unless notice of the intention to introduce such a bill setting forth the general substance of the contemplated law shall have been published at least thirty days and not more than ninety days prior to the introduction thereof in a newspaper or newspapers having general circulation in the county or counties in which said district or any part thereof is or will be located and by delivering a copy of such notice and such bill to the Governor who shall submit such notice and bill to the Texas Water Commission, or its successor, which shall file its recommendation as to such bill with the Governor, Lieutenant Governor and Speaker of the House of Representatives within thirty days from date notice was received by the Texas Water Commission. Such notice and copy of bill shall also be given of the introduction of any bill amending a law creating or governing a particular conservation and reclamation district if such bill (1) adds additional land to the district, (2) alters the taxing authority of the district, (3) alters the authority of the district with respect to the issuance of bonds, or (4) alters the qualifications or terms of office of the members of the governing body of the district.

To Committee on General Provisions.

Section 11. SEPARATE AND COMMUNITY PROPERTY OF HUSBAND AND WIFE. All property owned or claimed by each spouse before marriage, and that acquired afterward by gift, devise, or descent, shall be the separate property of that spouse; and laws shall be passed more clearly defining the rights of each spouse in relation to separate property as well as that held in common with one another. A husband and wife may from time to time and by written instrument partition between themselves in severalty or into equal undivided interests all or any part of their existing community property. In like manner, they may exchange between themselves the community interest of one in any property for the

community interest of the other in other community property. The portion or interest set aside to each by partition or exchange shall be and constitute a part of the separate property of such spouse. A partition or exchange under this Section shall not prejudice the rights of preexisting creditors. This provision is self-operative, but laws may be passed prescribing reasonable requirements not inconsistent herewith.

Section 12. HOMESTEAD. (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 for 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 that when the homestead is the community property or the separate property of the spouse desiring to sell, it may be sold as provided by law without the consent of the other spouse if the latter is incompetent, has disappeared, or has abandoned the homestead, 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 no 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



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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 granted 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.

Section 13. PROTECTION OF PERSONAL PROPERTY FROM FORCED SALE. The Legislature shall provide by law for the protection from forced sale of certain portions of the personal property of all adults and heads of families.

Section 14. BRANCH BANKING. There shall be no statewide branch banking.

Section 15. PRIVATE CORPORATIONS. No private corporation shall be created except by general laws.

Section 16. FOREIGN CORPORATIONS WITH BANKING AND DISCOUNTING PRIVILEGES. No foreign corporation, other than national banks of the United States, shall be permitted to exercise banking or discounting privileges in this State.

Section 17. ALCOHOLIC BEVERAGES. (a) The Legislature shall regulate the manufacture, sale, possession, and transportation of alcoholic beverages, and shall preserve the right of any county, justice precinct, or incorporated town or city to exercise local option by election to legalize or to prohibit the sale of alcoholic beverages of various types and various alcoholic content.

(b) In any county, justice precinct, or incorporated town or city in which the manufacture, sale, barter, or exchange of alcoholic beverages of any of various types and various alcoholic content was prohibited at the time of the adoption of this Constitution, the same shall continue to be unlawful unless and until a majority of the qualified voters in such political subdivision voting on the question in an election shall determine such to be lawful.

Section 18. PRACTITIONERS OF MEDICINE. The Legislature may pass laws prescribing the qualifications of practitioners of medicine in this State, and to punish persons for malpractice, but no preference shall ever be given by law to

any schools of medicine.

Section 19. GAMBLING ENTERPRISES. Neither the State nor any political subdivision thereof or any person, firm, corporation, partnership, or entity shall sponsor or operate lotteries or any other gambling enterprises.

Section 20. LIENS OF MECHANICS, ARTISANS, AND MATERIALMEN. Mechanics, artisans, and materialmen of every class shall have a lien upon the buildings and articles made or repaired by them for the value of their labor done thereon, or material furnished therefor; and the Legislature shall provide by law for the speedy and efficient enforcement of said liens.

Section 21. PENSION AND RETIREMENT SYSTEMS. Any pension or retirement system of this State, or of any political subdivision thereof, or of any governmental agency of either, now in effect shall be continued. No funds held pursuant to any such system shall be used for any purposes inconsistent therewith.

#### ARTICLE XI. MODE OF AMENDING THE CONSTITUTION OF THE STATE

To Committee on Rights and Suffrage.

Section 1. AMENDMENTS TO THE CONSTITUTION. (a) Amendments to this Constitution may be proposed to the qualified voters of the State by a record vote of two-thirds of the membership of each house. Before either house votes, a proposed amendment shall be submitted to the Attorney General who shall within twenty days of receipt of a request render an opinion on its effect on other provisions of this Constitution and on whether the proposal can be enacted without a constitutional amendment.

(b) A proposed amendment shall be submitted at the next general election following the expiration of ninety days after it is proposed by the Legislature. Procedures shall be provided by law for publicizing proposed amendments.

(c) A proposed amendment shall become a part of this Constitution on approval by a majority of the qualified voters voting on the question.

#### ARTICLE XII. CONSTITUTIONAL TRANSITION

To Committee on Submission and Transition.

Any provisions of the Texas Constitution of 1876, not directly in



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conflict with this constitution, remain in effect until amended or repealed by an act of the Legislature, which must receive the affirmative vote of at least four-fifths of the members of each house, the vote to be taken by yeas and nays and entered upon the journals.

CONSTITUTIONAL CONVENTION PROPOSAL 24

By Delegate Jones of El Paso:

To Committee on Finance.

C.C.P. 24, A PROPOSAL FOR  
INCORPORATION IN THE CONSTITUTION OF TEXAS

Relating to the state auditor.

BE IT PROPOSED BY THE CONSTITUTIONAL  
CONVENTION OF TEXAS:

That the following section be included  
in Article III:

Section \_\_\_\_\_. (a) The Legislature by a majority vote of the members elected to and serving in each house, shall appoint an Auditor, who shall be a certified public accountant licensed to practice in this State, to serve a term of eight years. He shall be ineligible for appointment or election to any other public office in this State from which compensation is derived while serving as Auditor and for two years following the termination of his service. He may be removed for cause at any time by a two-thirds vote of the members elected and serving in each house.

(b) The Auditor shall conduct post audits of financial transactions and accounts of the State and of all State governmental agencies established by this Constitution or by law, shall conduct performance post audits thereof as provided by law, and shall perform such other duties as may be provided by law.

(c) The Auditor shall report annually to the Legislature and to the Governor and at such other times as he deems necessary or as required by the Legislature.

CONSTITUTIONAL CONVENTION PROPOSAL 25

By Delegate Jones of El Paso:

To Committee on the Legislature.

C.C.P. 25, A PROPOSAL FOR

INCORPORATION IN THE CONSTITUTION OF TEXAS

Relating to the sessions of the  
Legislature.

BE IT PROPOSED BY THE CONSTITUTIONAL  
CONVENTION OF TEXAS:

That Article III, Section 7, read as  
follows:

Section 7. SESSIONS. (a) The Legislature shall meet at least once every two years and at such times and for such duration as provided by law.

(b) Special sessions of the Legislature may be called by petition of two-thirds of the membership of each house to consider matters submitted by a majority of the membership of each house.

(c) All legislative proceedings shall be open to the public.

(d) Neither house may adjourn or recess for more than three days without the consent of the other.

(e) The Legislature shall meet at the seat of government unless otherwise provided by law.

CONSTITUTIONAL CONVENTION PROPOSAL 26

By Delegate Jones of El Paso:

To Committee on the Legislature.

C.C.P. 26, A PROPOSAL FOR  
INCORPORATION IN THE CONSTITUTION OF TEXAS

Relating to qualifications of members  
of the Legislature.

BE IT PROPOSED BY THE CONSTITUTIONAL  
CONVENTION OF TEXAS:

That Article III, Section 3, read as  
follows:

Section 3. QUALIFICATION OF MEMBERS. (a) A person shall be eligible for election to the Senate if a citizen of the United States, a qualified voter, twenty-five years of age or older, and a resident of this State for five years and of the senatorial district for one year immediately preceding the election.

(b) A person shall be eligible for election to the House of Representatives if a citizen of the United States, a qualified voter, eighteen years of age or older, and a resident of this State for two years and of the representative district for one year immediately preceding the election.



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(c) In the general election following a redistricting, a person shall be eligible to be elected to the Legislature from any new district that contains a part of the district in which that person was eligible for election on the effective date of the redistricting, but only if within thirty days after the date of filing as a candidate in the primary election that person becomes a resident of the new district.

(d) A member of the Legislature may not hold any other office or position of profit or trust under this State, the United States, or any foreign government, except as a member of the National Guard, National Guard Reserve, or any of the armed forces reserves of the United States, as a retired member of the armed forces of the United States, or as a notary public.

#### CONSTITUTIONAL CONVENTION PROPOSAL 27

By Delegate Jones of El Paso:

To Committee on General Provisions.

C.C.P. 27, A PROPOSAL FOR INCORPORATION IN THE CONSTITUTION OF TEXAS

Relating to the environment.

BE IT PROPOSED BY THE CONSTITUTIONAL CONVENTION OF TEXAS:

That Article X, Section 10, read as follows:

Section 10. ENVIRONMENT. (a) The conservation and ecologically sound development of the natural resources of Texas and the preservation and enhancement of a clean and healthful environment for all the people of Texas are hereby declared to be of paramount public concern and to be the public policy of the State.

(b) Every person shall have a fundamental right to a clean and healthful environment; to the conservation and ecologically sound development of the natural resources of Texas; and to the preservation and enhancement of the natural, scenic, historic, and esthetic values of the environment.

(c) The State, every agency and political subdivision of the State, and every person shall have a duty to conserve and develop in an ecologically sound manner the natural resources of Texas and to

preserve and enhance a clean and healthful environment for present and future generations.

(d) Texas' public natural resources shall be conserved in trust for all the people, including generations to come. As trustees, the State and every agency and political subdivision of the State shall have a duty to conserve and to maintain these resources for the benefit of all the people.

(e) Each person may enforce all rights and duties of this Section against any party, governmental or private, in appropriate legal, equitable, administrative, or other proceeding.

(f) The Legislature shall have the power to pass all such laws as may be appropriate to enforce these rights and duties in accordance with the purpose of this Section.

#### CONSTITUTIONAL CONVENTION PROPOSAL 28

By Delegate Heatly:

To Committee on the Judiciary.

C.C.P. 28, A PROPOSAL FOR INCORPORATION IN THE CONSTITUTION OF TEXAS

Providing an article on the Judicial Department.

BE IT PROPOSED BY THE CONSTITUTIONAL CONVENTION OF TEXAS:

That Article V read as follows:

Article V. JUDICIAL DEPARTMENT

Section 1. JUDICIAL POWER; COURTS IN WHICH VESTED. The judicial power of this State shall be vested in one Supreme Court, in Courts of Civil Appeals, in a Supreme Court of Criminal Appeals, in Intermediate Courts of Criminal Appeals, in District Courts, in County Courts, in Commissioners Courts, in Courts of Justices of the Peace, and in such other courts as may be provided by law.

The Legislature may establish such other courts as it may deem necessary and prescribe the jurisdiction and organization thereof, and may conform the jurisdiction of the district and other inferior courts thereto.

Sec. 1-a. RETIREMENT, CENSURE, AND REMOVAL OF JUSTICES AND JUDGES; STATE JUDICIAL QUALIFICATIONS COMMISSION. (1) Subject to the further provisions of this Section, the Legislature shall provide for



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the retirement and compensation of Justices and Judges of the Appellate Courts and District and Criminal District Courts on account of length of service, age and disability, and for their reassignment to active duty where and when needed. The office of every such Justice and Judge shall become vacant when the incumbent reaches the age of seventy-five (75) years or such earlier age, not less than seventy (70) years, as the Legislature may prescribe; but, in the case of an incumbent whose term of office includes the effective date of this Constitution, this provision shall not prevent him from serving the remainder of said term nor be applicable to him before his period or periods of judicial service shall have reached a total of ten (10) years.

(2) There is hereby created the State Judicial Qualifications Commission, to consist of nine (9) members, to wit: (i) two (2) Justices of Courts of Civil Appeals; (ii) two (2) District Judges; (iii) two (2) members of the State Bar, who have respectively practiced as such for over ten (10) consecutive years next preceding their selection; (iiii) three (3) citizens, at least thirty (30) years of age, not licensed to practice law nor holding any salaried public office or employment; provided that no person shall be or remain a member of the Commission, who does not maintain physical residence within this State, or who resides in, or holds a judgeship within or for, the same Supreme Judicial District as another member of the Commission, or who shall have ceased to retain the qualifications above specified for his respective class of membership. Commissioners of classes (i) and (ii) above shall be chosen by the Supreme Court with advice and consent of the Senate, those of class (iii) by the Board of Directors of the State Bar under regulations to be prescribed by the Supreme Court with advice and consent of the Senate, and those of class (iiii) by appointment of the Governor with advice and consent of the Senate.

(3) The regular term of office of Commissioners shall be six (6) years; but the initial members of each of classes (i), (ii) and (iii) shall respectively be chosen for terms of four (4) and six (6) years, and the initial members of class (iiii) for respective terms of two (2), four (4) and six (6) years. Interim vacancies shall be

filled in the same manner as vacancies due to expiration of a full term, but only for the unexpired portion of the term in question. Commissioners may succeed themselves in office only if having served less than three (3) consecutive years.

(4) Commissioners shall receive no compensation for their services as such. The Legislature shall provide for the payment of the necessary expense for the operation of the Commission.

(5) The Commission may hold its meetings, hearings and other proceedings at such times and places as it shall determine but shall meet at Austin at least once each year. It shall annually select one of its members as Chairman. A quorum shall consist of five (5) members. Proceedings shall be by majority vote of those present, except that recommendations for retirement, censure, or removal of any person holding an office named in Paragraph A of Subsection (6) of this Section shall be by affirmative vote of at least five (5) members.

(6)A. Any Justice or Judge of the Appellate Courts and District and Criminal District Courts, and any County Judge, and any Judge of a County Court at Law, a Court of Domestic Relations, a Juvenile Court, a Probate Court, or a Corporation or Municipal Court, and any Justice of the Peace, and any Judge or presiding officer of any special court created by the Legislature as provided in Section 1, Article V, of this Constitution, may, subject to the other provisions hereof, be removed from office for willful or persistent conduct, which is clearly inconsistent with the proper performance of his said duties or casts public discredit upon the judiciary or administration of justice; or any person holding such office may be censured, in lieu of removal from office, under procedures provided for by the Legislature.

B. Any person holding an office named in Paragraph A of this subsection who is eligible for retirement benefits under the laws of this state providing for judicial retirement may be involuntarily retired, and any person holding an office named in that paragraph who is not eligible for retirement benefits under such laws may be removed from office, for disability seriously interfering with the performance of his duties, which is, or is likely to become, permanent in nature.

(7) The Commission shall keep itself informed as fully as may be of



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circumstances relating to the misconduct or disability of particular persons holding an office named in Paragraph A of Subsection (6) of this Section, receive complaints or reports, formal or informal, from any source in this behalf and make such preliminary investigations as it may determine. Its orders for the attendance or testimony of witnesses or for the production of documents at any hearing or investigation shall be enforceable by contempt proceedings in the District Court.

(8) After such investigation as it deems necessary, the Commission may in its discretion issue a private reprimand, or if the Commission determines that the situation merits such action, it may order a hearing to be held before it concerning the removal, or retirement of a person holding an office named in Paragraph A of Subsection (6) of this Section, or it may in its discretion request the Supreme Court to appoint an active or retired District Judge or Justice of a Court of Civil Appeals as a Master to hear and take evidence in any such matter, and to report thereon to the Commission. If, after hearing, or after considering the record and report of a Master, the Commission finds good cause therefor, it shall issue an order of public censure or it shall recommend to the Supreme Court the removal, or retirement, as the case may be, of the person in question holding an office named in Paragraph A of Subsection (6) of this Section and shall thereupon file with the Clerk of the Supreme Court the entire record before the Commission.

(9) The Supreme Court shall review the record of the proceedings on the law and facts and in its discretion may, for good cause shown, permit the introduction of additional evidence and shall order public censure, retirement or removal, as it finds just and proper, or wholly reject the recommendation. Upon an order for involuntary retirement for disability or an order for removal, the office in question shall become vacant. The rights of an incumbent so retired to retirement benefits shall be the same as if his retirement had been voluntary.

(10) All papers filed with and proceedings before the Commission or a Master shall be confidential, and the filing of papers with, and the giving of testimony before, the Commission, Master or the Supreme Court shall be privileged;

provided that upon being filed in the Supreme Court the record loses its confidential character.

(11) The Supreme Court shall by rule provide for the procedure before the Commission, Masters and the Supreme Court. Such rule shall afford to any person holding an office named in Paragraph A of Subsection (6) of this Section, against whom a proceeding is instituted to cause his retirement or removal, due process of law for the procedure before the Commission, Masters and the Supreme Court in the same manner that any person whose property rights are in jeopardy in an adjudicatory proceeding is entitled to due process of law, regardless of whether or not the interest of the person holding an office named in Paragraph A of Subsection (6) of this Section in remaining in active status is considered to be a right or a privilege. Due process shall include the right to notice, counsel, hearing, confrontation of his accusers, and all such other incidents of due process as are ordinarily available in proceedings whether or not misfeasance is charged, upon proof of which a penalty may be imposed.

(12) No person holding an office named in Paragraph A of Subsection (6) of this Section shall sit as a member of the Commission or Supreme Court in any proceeding involving his own retirement or removal.

(13) This Section 1-a is alternative to and cumulative of, the methods of removal of persons holding an office named in Paragraph A of Subsection (6) of this Section provided elsewhere in this Constitution.

Sec. 2. SUPREME COURT; JUSTICES; SECTIONS; ELIGIBILITY; ELECTION; VACANCIES. The Supreme Court shall consist of a Chief Justice and eight Associate Justices, any five of whom shall constitute a quorum, and the concurrence of five shall be necessary to a decision of a case; provided, that when the business of the court may require, the court may sit in sections as designated by the court to hear argument of causes and to consider applications for writs of error or other preliminary matters. No person shall be eligible to the office of Chief Justice or Associate Justice of the Supreme Court unless he be, at the time of his election, a citizen of the United States and of this state, and unless he shall have attained the age of thirty-five years, and shall have been a practicing lawyer, or a lawyer and judge of a court of record



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together at least ten years. Said Justices shall be elected (three of them each two years) by the qualified voters of the state at a general election; shall hold their offices six years, or until their successors are elected and qualified; and shall each receive such compensation as shall be provided by law. In case of a vacancy in the office of any Justice of the Supreme Court, the Governor shall fill the vacancy until the next general election for state officers, and at such general election the vacancy for the unexpired term shall be filled by election by the qualified voters of the state. The Justices of the Supreme Court who may be in office at the time this Constitution takes effect shall continue in office until the expiration of their term of office and until their successors are elected and qualified.

Sec. 3. JURISDICTION OF SUPREME COURT; WRITS; SESSIONS; CLERK. The Supreme Court shall have appellate jurisdiction only except as herein specified, which shall be co-extensive with the limits of the State. Its appellate jurisdiction shall extend to questions of law arising in cases of which the Courts of Civil Appeals have appellate jurisdiction under such restrictions and regulations as the Legislature may prescribe. Unless otherwise provided by law the appellate jurisdiction of the Supreme Court shall extend to questions of law arising in the cases in the Courts of Civil Appeals in which the Judges of any Court of Civil Appeals may disagree, or where the several Courts of Civil Appeals may hold differently on the same question of law or where a statute of the State is held void. The Supreme Court and the Justices thereof shall have power to issue writs of habeas corpus, as may be prescribed by law, and under such regulations as may be prescribed by law, the said courts and the Justices thereof may issue the writs of mandamus, procedendo, certiorari and such other writs, as may be necessary to enforce its jurisdiction. The Legislature may confer original jurisdiction on the Supreme Court to issue writs of quo warranto and mandamus in such cases as may be specified, except as against the Governor of the State.

The Supreme Court shall also have power, upon affidavit or otherwise as by the court may be determined, to ascertain such matters of fact as may be necessary to

the proper exercise of its jurisdiction.

The Supreme Court shall appoint a clerk, who shall give bond in such manner as is now or may hereafter, be required by law, and he may hold his office for four years and shall be subject to removal by said court for good cause entered of record on the minutes of said court who shall receive such compensation as the Legislature may provide.

Sec. 3a. SESSIONS OF COURT. The Supreme Court may sit at any time during the year at the seat of government for the transaction of business and each term thereof shall begin and end with each calendar year.

Sec. 3-b. APPEAL FROM ORDER GRANTING OR DENYING INJUNCTION. The Legislature shall have the power to provide by law, for an appeal direct to the Supreme Court of this State from an order of any trial court granting or denying an interlocutory or permanent injunction on the grounds of the constitutionality or unconstitutionality of any statute of this State, or on the validity or invalidity of any administrative order issued by any state agency under any statute of this State.

Sec. 4. SUPREME COURT OF CRIMINAL APPEALS; JUDGES. The Supreme Court of Criminal Appeals shall consist of nine Judges, one of whom shall be Presiding Judge, a majority of whom shall constitute a quorum, and the concurrence of five Judges shall be necessary to a decision of said court. Said Judges shall have the same qualifications and receive the same salaries as the Associate Justices of the Supreme Court. They shall be elected by the qualified voters of the state at a general election and shall hold their offices for a term of six years. In case of a vacancy in the office of a Judge of the Supreme Court of Criminal Appeals, the Governor shall, with the advice and consent of the Senate, fill said vacancy by appointment until the next succeeding general election.

The Judges of the Court of Criminal Appeals who may be in office at the time when this Constitution takes effect shall become Judges of the Supreme Court of Criminal Appeals and continue in office until the expiration of the term of office for which each has been elected or appointed and until his successor shall have been elected and qualified.

Sec. 5. JURISDICTION OF SUPREME COURT OF CRIMINAL APPEALS; TERMS OF COURT; CLERK. The Supreme Court of Criminal Appeals shall



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have appellate jurisdiction coextensive with the limits of the state in all criminal cases of whatever grade, with such exceptions and under such regulations as may be prescribed by law, and shall have jurisdiction to review the decisions of the Intermediate Courts of Criminal Appeals, under such regulations as may be provided by law or be prescribed by rules adopted by the Supreme Court of Criminal Appeals.

The Supreme Court of Criminal Appeals and the Judges thereof shall have the power to issue the writ of habeas corpus, and such court shall have power to issue writs of mandamus, prohibition, procedendo, and certiorari, and under such regulations as may be prescribed by law, issue such writs as may be necessary to enforce its own jurisdiction. The Supreme Court of Criminal Appeals shall have power upon affidavit or otherwise to ascertain such matters of fact as may be necessary to the exercise of its jurisdiction.

The Supreme Court of Criminal Appeals may sit for the transaction of business at any time from the first Monday in October to the last Saturday in September in each year, at the State Capitol. The Supreme Court of Criminal Appeals shall appoint a clerk of the court who shall give bond in such manner as is now or may hereafter be required by law, and who shall hold his office for a term of four years unless sooner removed by the court for good cause entered of record on the minutes of said court.

The Clerk of the Court of Criminal Appeals who may be in office at the time when this Constitution takes effect shall continue in office for the term of his appointment.

Sec. 6. COURTS OF CIVIL APPEALS; TRANSFER OF CASES; TERMS OF JUDGES. The Legislature shall divide the State into such Supreme judicial districts as the increase of population and business may require, and shall establish a Court of Civil Appeals in each of said districts, which shall consist of a Chief Justice and two Associate Justices, who shall have the qualifications as herein prescribed for Justices of the Supreme Court. Said Court of Civil Appeals shall have appellate jurisdiction co-extensive with the limits of their respective districts, which shall extend to all civil cases of which the District Courts or County Courts have original or appellate jurisdiction, under

such restrictions and regulations as may be prescribed by law. Provided, that the decision of said courts shall be conclusive on all questions of fact brought before them on appeal or error.

Each of said Courts of Civil Appeals shall hold its sessions at a place in its district to be designated by the Legislature, and at such time as may be prescribed by law. Said Justices shall be elected by the qualified voters of their respective districts at a general election, for a [a] term of six years and shall receive for their services such compensation as may be provided by law. Said courts shall have such other jurisdiction, original and appellate as may be prescribed by law. Each Court of Civil Appeals shall appoint a clerk in the same manner as the clerk of the Supreme Court which clerk shall receive such compensation as may be fixed by law.

Sec. 6a. INTERMEDIATE COURTS OF CRIMINAL APPEALS. The Legislature shall divide the State into four judicial districts with each of the cities of Fort Worth, Dallas, San Antonio, and Houston in a separate district, and shall establish an Intermediate Court of Criminal Appeals in each of the districts, which shall consist of a Chief Justice and two Associate Justices, who shall have the qualifications as herein prescribed for Justices of the Supreme Court. The Intermediate Court of Criminal Appeals shall have appellate jurisdiction co-extensive with the limits of their respective districts, which shall extend to all criminal cases of which the District Courts or County Courts have original or appellate jurisdiction, under such restrictions and regulations as may be prescribed by law. The decision of said courts shall be conclusive on all questions of fact brought before them on appeal or error.

The Intermediate Courts of Criminal Appeals shall hold their sessions in the cities of Fort Worth, Dallas, San Antonio, and Houston, and at such time as may be prescribed by law. The Justices shall be elected by the qualified voters of their respective districts at a general election for a term of six years and shall receive for their services such compensation as may be provided by law. The courts shall have such other jurisdiction as may be prescribed by law. Each Intermediate Court of Criminal Appeals shall appoint a clerk in the same manner as the clerk of the Supreme Court, which clerk shall receive



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such compensation as may be fixed by law.

All criminal cases which may be pending in the Court of Criminal Appeals shall as soon as practicable after the organization of the Intermediate Courts of Criminal Appeals be certified to, and the records thereof transmitted to the proper Intermediate Courts of Criminal Appeals to be decided by said courts.

On the effective date of the enabling legislation to establish an Intermediate Court of Criminal Appeals in each of four judicial districts, the governor, with the advice and consent of the Senate, shall appoint for each court a Chief Justice and two Associate Justices to serve until the next general election. The Chief Justice and Associate Justices first elected after this Constitution goes into effect hold office as follows: one shall serve two years, one shall serve four years, and one shall serve six years. Their terms shall be decided by lot immediately after they shall have qualified, and one Justice shall be elected every two years thereafter. In case of vacancy in said office, the governor shall fill the vacancy by appointment until the next general election.

Sec. 7. JUDICIAL DISTRICTS; DISTRICT JUDGES; TERMS OR SESSIONS; ABSENCE, DISABILITY OR DISQUALIFICATION OF JUDGE. The State shall be divided into as many judicial districts as may now or hereafter be provided by law, which may be increased or diminished by law. For each district there shall be elected by the qualified voters thereof, at a General Election, a Judge, who shall be a citizen of the United States and of this State, who shall be licensed to practice law in this State and shall have been a practicing lawyer or a Judge of a Court in this State, or both combined, for four (4) years next preceding his election, who shall have resided in the district in which he was elected for two (2) years next preceding his election, who shall reside in his district during his term of office, who shall hold his office for the period of four (4) years, and shall receive for his services an annual salary to be fixed by the Legislature. The Court shall conduct its proceedings at the county seat of the county in which the case is pending, except as otherwise provided by law. He shall hold the regular terms of his Court at the County Seat of each County in his district at least twice in each year

in such manner as may be prescribed by law. The Legislature shall have power by General or Special Laws to make such provisions concerning the terms or sessions of each Court as it may deem necessary.

The Legislature shall also provide for the holding of District Court when the Judge thereof is absent, or is from any cause disabled or disqualified from presiding.

The District Judges who may be in office when this Constitution takes effect shall hold their offices until their respective terms shall expire under their present election or appointment.

Sec. 8. JURISDICTION OF DISTRICT COURT. The District Court shall have original jurisdiction in all criminal cases of the grade of felony; in all suits in behalf of the State to recover penalties, forfeitures and escheats; of all cases of divorce; of all misdemeanors involving official misconduct; of all suits to recover damages for slander or defamation of character; of all suits for trial of title to land and for the enforcement of liens thereon; of all suits for the trial of the right of property levied upon by virtue of any writ of execution, sequestration or attachment when the property levied on shall be equal to or exceed in value five hundred dollars; of all suits, complaints or pleas whatever, without regard to any distinction between law and equity, when the matter in controversy shall be valued at or amount to five hundred dollars exclusive of interest; of contested elections, and said court and the judges thereof, shall have power to issue writs of habeas corpus, mandamus, injunction and certiorari, and all writs necessary to enforce their jurisdiction.

The District Court shall have appellate jurisdiction and general control in probate matters, over the County Court established in each county, for appointing guardians, granting letters testamentary and of administration, probating wills, for settling the accounts of executors, administrators and guardians, and for the transaction of all business appertaining to estates; and original jurisdiction and general control over executors, administrators, guardians and minors under such regulations as may be prescribed by law. The District Court shall have appellate jurisdiction and general supervisory control over the County Commissioners Court, with such exceptions and under such regulations as may be



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prescribed by law; and shall have general original jurisdiction over all causes of action whatever for which a remedy or jurisdiction is not provided by law or this Constitution, and such other jurisdiction, original and appellate, as may be provided by law.

The district court, concurrently with the county court, shall have the general jurisdiction of a probate court. It shall probate wills, appoint guardians of minors, idiots, lunatics, persons non compos mentis and common drunkards, grant letters testamentary and of administration, settle accounts of executors, transact all business appertaining to deceased persons, minors, idiots, lunatics, persons non compos mentis and common drunkards, including the settlement, partition and distribution of estates of deceased persons and to apprentice minors, as provided by law. In any proceeding involving the general jurisdiction of a probate court, including such specified proceedings, the district court shall also have all other jurisdiction conferred upon the district court by law. The legislature, however, shall have the power, by local or general law, Section 16 of Article V of this Constitution notwithstanding, to increase, diminish or eliminate the jurisdiction of either the district court or the county court in probate matters, and in cases of any such change of jurisdiction, the legislature shall also conform the jurisdiction of the other courts to such change. The legislature shall have power to adopt rules governing the filing, distribution and transfer of all such cases and proceedings as between district courts, county courts, and other courts having jurisdiction thereof, and may provide that all appeals in such matters shall be to the courts of (civil) appeals.

Sec. 9. CLERK OF DISTRICT COURT. There shall be a Clerk for the District Court of each county, who shall be elected by the qualified voters for State and county officers, and who shall hold his office for four years, subject to removal by information, or by indictment of a grand jury, and conviction of a petit jury. In case of vacancy, the Judge of the District Court shall have the power to appoint a Clerk, who shall hold until the office can be filled by election.

Sec. 10. TRIAL BY JURY. In the trial of all causes in the District Courts, the

plaintiff or defendant shall, upon application made in open court, have the right of trial by jury; but no jury shall be empaneled in any civil case unless demanded by a party to the case, and a jury fee be paid by the party demanding a jury, for such sum, and with such exceptions as may be prescribed by the Legislature.

Sec. 11. DISQUALIFICATION OF JUDGES; EXCHANGE OF DISTRICTS; HOLDING COURT FOR OTHER JUDGES. No judge shall sit in any case wherein he may be interested, or where either of the parties may be connected with him, either by affinity or consanguinity, within such a degree as may be prescribed by law, or when he shall have been counsel in the case. When the Supreme Court, the Supreme Court of Criminal Appeals, the Court of Civil Appeals, the Intermediate Court of Criminal Appeals, or any member of either, shall be thus disqualified to hear and determine any case or cases in said court, the same shall be certified to the Governor of the State, who shall immediately commission the requisite number of persons learned in the law for the trial and determination of such cause or causes. When a judge of the District Court is disqualified by any of the causes above stated, the parties may, by consent, appoint a proper person to try said case; or upon their failing to do so, a competent person may be appointed to try the same in the county where it is pending, in such manner as may be prescribed by law.

And the District Judges may exchange districts, or hold courts for each other when they may deem it expedient, and shall do so when required by law. This disqualification of judges of inferior tribunals shall be remedied and vacancies in their offices filled as may be prescribed by law.

Sec. 12. JUDGES TO BE CONSERVATORS OF THE PEACE; STYLE OF WRITS AND PROCESS; PROSECUTIONS IN NAME OF STATE; CONCLUSION. All judges of courts of this State, by virtue of their office, be conservators of the peace throughout the State. The style of all writs and process shall be, "The State of Texas." All prosecutions shall be carried on in the name and by authority of the State of Texas, and shall conclude: "Against the peace and dignity of the State."

Sec. 13. NUMBER OF GRAND AND PETIT JURORS; NUMBER CONCURRING. Grand and petit juries in the District Courts shall be composed of twelve men; but nine members of a grand jury shall be a quorum to transact



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business and present bills. In trials of civil cases, and in trials of criminal cases below the grade of felony in the District Courts, nine members of the jury, concurring, may render a verdict, but when the verdict shall be rendered by less than the whole number, it shall be signed by every member of the jury concurring in it. When, pending the trial of any case, one or more jurors not exceeding three, may die, or be disabled from sitting, the remainder of the jury shall have the power to render the verdict; provided, that the Legislature may change or modify the rule authorizing less than the whole number of the jury to render a verdict.

Sec. 14. JUDICIAL DISTRICTS AND TIME OF HOLDING COURT. The Judicial Districts in this State and the time of holding the Courts therein at the time this Constitution takes effect are fixed by this Constitution, until otherwise provided by law.

To Committee on Local Government.

Sec. 15. COUNTY COURT; COUNTY JUDGE. There shall be established in each county in this State a County Court, which shall be a court of record; and there shall be elected in each county, by the qualified voters, a County Judge, who shall be well informed in the law of the State; shall be a conservator of the peace, and shall hold his office for four years, and until his successor shall be elected and qualified. He shall receive as compensation for his services such fees and perquisites as may be prescribed by law.

Sec. 16. COUNTY COURTS; JURISDICTION; APPEALS TO COURT OF CIVIL APPEALS AND COURT OF CRIMINAL APPEALS; DISQUALIFICATION OF JUDGE. The County Court shall have original and appellate jurisdiction as provided by law, and shall have the jurisdiction of a Probate Court as provided by law. In all appeals from Justices Courts there shall be a trial de novo in the County Court, and appeals may be prosecuted from the final judgment rendered in such cases by the County Court, as well as all cases civil and criminal of which the County Court has exclusive or concurrent or original jurisdiction of civil appeals in civil cases to the Court of Civil Appeals and in such criminal cases to the Intermediate Court of Criminal Appeals, with such exceptions and under

such regulations as may be prescribed by law.

The County Court, or judge thereof, shall have power to issue writs of injunctions, mandamus and all writs necessary to the enforcement of the jurisdiction of said Court, and to issue writs of habeas corpus in cases where the offense charged is within the jurisdiction of the County Court, or any other Court or tribunal inferior to said Court. When the judge of the County Court is disqualified in any case pending in the County Court the parties interested may, by consent, appoint a proper person to try said case, or upon their failing to do so a competent person may be appointed to try the same in the county where it is pending in such manner as may be prescribed by law.

Sec. 17. PROSECUTIONS; JURIES. Prosecutions may be commenced in said court by information filed by the county attorney, or by affidavit, as may be provided by law. Grand juries empaneled in the District Courts shall inquire into misdemeanors, and all indictments therefor returned into the District Courts shall forthwith be certified to the County Courts or other inferior courts, having jurisdiction to try them for trial; and if such indictment be quashed in the County, or other inferior court, the person charged, shall not be discharged if there is probable cause of guilt, but may be held by such court or magistrate to answer an information or affidavit. A jury in the County Court shall consist of six men; but no jury shall be empaneled to try a civil case unless demanded by one of the parties, who shall pay such jury fee therefor, in advance, as may be prescribed by law, unless he makes affidavit that he is unable to pay the same.

To Committee on the Judiciary.

Sec. 18. DIVISION OF COUNTIES INTO PRECINCTS; ELECTION OF CONSTABLE AND JUSTICE OF THE PEACE; COUNTY COMMISSIONERS AND COUNTY COMMISSIONERS COURT. Each organized county in the State now or hereafter existing, shall be divided from time to time, for the convenience of the people, into precincts, not less than four and not more than eight. Divisions shall be made by the Commissioners Court provided for by this Constitution. In each such precinct there shall be elected one Justice of the Peace and one Constable, each of whom shall hold his office for four years



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and until his successor shall be elected and qualified; provided that in any precinct in which there may be a city of 8,000 or more inhabitants, there shall be elected two Justices of the Peace. Each county shall in like manner be divided into four commissioners precincts in each of which there shall be elected by the qualified voters thereof one County Commissioner, who shall hold his office for four years and until his successor shall be elected and qualified. The County Commissioners so chosen, with the County Judge as presiding officer, shall compose the County Commissioners Court, which shall exercise such powers and jurisdiction over all county business, as is conferred by this Constitution and the laws of the State, or as may be hereafter prescribed.

Sec. 19. JUSTICES OF THE PEACE; JURISDICTION; APPEALS; EX OFFICIO NOTARIES PUBLIC; TIMES AND PLACES OF HOLDING COURT. Justices of the Peace shall have such jurisdiction, criminal and civil, as may be provided by law, under such regulations as may be prescribed by law; and appeals to the County Courts shall be allowed in all cases decided in Justices' Courts where the judgment is for more than twenty dollars exclusive of costs; and in all criminal cases under such regulations as may be prescribed by law. And the justices of the peace shall be ex officio notaries public. And they shall hold their courts at such times and places as may be provided by law.

To Committee on Local Government.

Sec. 20. COUNTY CLERK. There shall be elected for each county, by the qualified voters, a County Clerk, who shall hold his office for four years, who shall be clerk of the County and Commissioners Courts and recorder of the county, whose duties, perquisites and fees of office shall be prescribed by the Legislature, and a vacancy in whose office shall be filled by the Commissioners Court, until the next general election; provided, that in counties having a population of less than 8,000 persons there may be an election of a single Clerk, who shall perform the duties of District and County Clerks.

Sec. 21. COUNTY ATTORNEYS; DISTRICT ATTORNEYS. A County Attorney, for counties in which there is not a resident Criminal District Attorney, shall be elected by the qualified voters of each county, who shall

be commissioned by the Governor, and hold his office for the term of four years. In case of vacancy the Commissioners Court of the county shall have the power to appoint a County Attorney until the next general election. The County Attorneys shall represent the State in all cases in the District and inferior courts in their respective counties; but if any county shall be included in a district in which there shall be a District Attorney, the respective duties of District Attorneys and County Attorneys shall in such counties be regulated by the Legislature. The Legislature may provide for the election of District Attorneys in such districts, as may be deemed necessary, and make provision for the compensation of District Attorneys and County Attorneys. District Attorneys shall hold office for a term of four years, and until their successors have qualified.

Sec. 22. SHERIFFS. There shall be elected by the qualified voters of each county a Sheriff, who shall hold his office for the term of four years, whose duties and perquisites, and fees of office, shall be prescribed by the Legislature, and vacancies in whose office shall be filled by the Commissioners Court until the next general election.

Sec. 23. REMOVAL OF COUNTY OFFICERS. County Judges, county attorneys, clerks of the District and County Courts, justices of the peace, constables, and other county officers, may be removed by the Judges of the District Courts for incompetency, official misconduct, habitual drunkenness, or other causes defined by law, upon the cause therefor being set forth in writing and the finding of its truth by a jury.

To Committee on the Judiciary.

Sec. 24. RULES OF COURT. The Supreme Court shall have power to make and establish rules of civil procedure not inconsistent with the laws of the State for the government of said court and the other courts of this State to expedite the dispatch of business therein, and the Supreme Court of Criminal Appeals shall have power to make and establish rules of criminal procedure not inconsistent with the laws of the State for the government of said court and the other courts of this State to expedite the dispatch of business therein.

Sec. 25. CRIMINAL CASES; NO APPEAL BY STATE. The State shall have no right of appeal in criminal cases.



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Sec. 26. VACANCIES IN JUDICIAL OFFICES. Vacancies in the office of judges of the Supreme Court, the Supreme Court of Criminal Appeals, the Court of Civil Appeals, the Intermediate Court of Criminal Appeals, and the District Courts shall be filled by the Governor until the next succeeding General Election; and vacancies in the office of County Judge and Justices of the Peace shall be filled by the Commissioners Court until the next succeeding General Election.

Sec. 27. COUNTY COURT; TERMS OF COURT; PROBATE BUSINESS; COMMENCEMENT OF PROSECUTIONS; JURY. The County Court shall hold at least four terms for both civil and criminal business annually, as may be provided by the Legislature, or by the Commissioners' Court of the county under authority of law, and such other terms each year as may be fixed by the Commissioners' Court; provided, the Commissioners' Court of any county having fixed the times and number of terms of the County Court, shall not change the same again until the expiration of one year. Said court shall dispose of probate business either in term time or vacation, under such regulation as may be prescribed by law. Prosecutions may be commenced in said courts in such manner as is or may be provided by law, and a jury therein shall consist of six men.

Sec. 28. JUDGES OF COURTS OF COUNTY-WIDE JURISDICTION; CRIMINAL DISTRICT ATTORNEYS. The Judges of all Courts of county-wide jurisdiction heretofore or hereafter created by the Legislature of this State, and all Criminal District Attorneys now or hereafter authorized by the laws of this State, shall be elected for a term of four years, and shall serve until their successors have qualified.

#### CONSTITUTIONAL CONVENTION PROPOSAL 29

By Delegate Truan:

To Committee on General Provisions.

C.C.P. 29, A PROPOSAL FOR INCORPORATION IN THE CONSTITUTION OF TEXAS

Relating to the rights of the public to ingress to and egress from State-owned beaches bordering on the seaward shore of the Gulf of Mexico and certain other areas bordering on the Gulf of Mexico.

BE IT PROPOSED BY THE CONSTITUTIONAL CONVENTION OF TEXAS:

That the following section be included in Article X:

Section \_\_\_\_ RIGHTS IN PUBLIC BEACHES. (a) It is the public policy of this State that the public, both individually and collectively, has the free and unrestricted right of ingress to and egress from the State-owned beaches bordering on the seaward shore of the Gulf of Mexico and any larger area extending from the line of mean low tide to the line of vegetation bordering on the Gulf of Mexico if the public has acquired a right of use or easement to or over the area by prescription or dedication or has retained a right by virtue of continuous right in the public.

(b) The Legislature may pass all laws which may be appropriate to enforce the rights provided in this Section.

#### CONSTITUTIONAL CONVENTION PROPOSAL 30

By Delegate Jones of El Paso:

To Committee on General Provisions.

C.C.P. 30, A PROPOSAL FOR INCORPORATION IN THE CONSTITUTION OF TEXAS

Relating to rights of access to public records.

BE IT PROPOSED BY THE CONSTITUTIONAL CONVENTION OF TEXAS:

That the following section be included in the appropriate article:

Section \_\_\_\_ RIGHTS OF ACCESS TO PUBLIC RECORDS. Except when specifically prohibited by general law, all persons shall have the right to public inspection of any information, records, or documents gathered, collected, or prepared by any governmental body of this State or its political subdivisions for its use in formulating or implementing public policy or governmental decisions.

#### CONSTITUTIONAL CONVENTION PROPOSAL 31

By Delegate Green of Harris:

To Committee on General Provisions.

C.C.P. 31, A PROPOSAL FOR INCORPORATION IN THE CONSTITUTION OF TEXAS



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Relating to gambling enterprises.

BE IT PROPOSED BY THE CONSTITUTIONAL CONVENTION OF TEXAS:

That Article X, Section 19, read as follows:

Section 19. GAMBLING ENTERPRISES. The establishment of lotteries and gift enterprises in this State, as well as the sale of tickets in lotteries, gift enterprises or other evasions involving the lottery principle, established or existing in other States for profit shall be prohibited.

CONSTITUTIONAL CONVENTION PROPOSAL 32

By Delegate Davis:

To Committee on the Legislature.

C.C.P. 32, A PROPOSAL FOR INCORPORATION IN THE CONSTITUTION OF TEXAS

Relating to the legislative power of the State and the reservation of the power of initiative in the people.

BE IT PROPOSED BY THE CONSTITUTIONAL CONVENTION OF TEXAS:

That Article III, Section 1, read as follows:

Section 1. LEGISLATIVE POWER. (a) The legislative power of the State of Texas shall be vested in two houses, a Senate and a House of Representatives, which together shall be styled "The Legislature of the State of Texas."

(b) The people reserve to themselves the power to propose laws and amendments to this Constitution, and to enact the same at the polls independent of the Legislature. The Legislature shall provide by law the procedures by which such proposals are submitted to the people for adoption or rejection.

CONSTITUTIONAL CONVENTION PROPOSAL 33

By Delegate Cates:

To Committee on General Provisions.

C.C.P. 33, A PROPOSAL FOR INCORPORATION IN THE CONSTITUTION OF TEXAS

Relating to banking.

BE IT PROPOSED BY THE CONSTITUTIONAL CONVENTION OF TEXAS:

That Article X, Section 16, read as follows:

Section 16. FOREIGN CORPORATIONS WITH BANKING AND DISCOUNTING PRIVILEGES; BRANCH BANKING. (a) No foreign corporation, other than national banks of the United States, shall be permitted to exercise banking or discounting privileges in this State.

(b) No bank shall engage in business in more than one place, which shall be designated in its charter, nor shall it maintain any branch office not physically connected with its domicile.

CONSTITUTIONAL CONVENTION PROPOSAL 34

By Delegate Cates:

To Committee on General Provisions.

C.C.P. 34, A PROPOSAL FOR INCORPORATION IN THE CONSTITUTION OF TEXAS

Relating to gambling enterprises.

BE IT PROPOSED BY THE CONSTITUTIONAL CONVENTION OF TEXAS:

That Article X, Section 19, read as follows:

Section 19. GAMBLING ENTERPRISES. The Legislature shall pass laws prohibiting the establishment of lotteries and gift enterprises in this State, as well as the sale of tickets in lotteries, gift enterprises or other evasions involving the lottery principle, established or existing in other states.

CONSTITUTIONAL CONVENTION PROPOSAL 35

By Delegate Cates:

To Committee on Education.

C.C.P. 35, A PROPOSAL FOR INCORPORATION IN THE CONSTITUTION OF TEXAS

Relating to prohibition of aid to nonpublic schools.

BE IT PROPOSED BY THE CONSTITUTIONAL CONVENTION OF TEXAS:



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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 of the primary, secondary, or college level; nor shall public funds be provided to any students for payment of expenses incurred by attending such schools.

CONSTITUTIONAL CONVENTION PROPOSAL 36

By Delegate Reynolds:

To Committee on the Executive.

C.C.P. 36, A PROPOSAL FOR INCORPORATION IN THE CONSTITUTION OF TEXAS

Relating to the selection, terms, and residence of executive officers.

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, and Comptroller of Public Accounts shall be elected by the qualified voters of the State at general elections beginning with 1978. The Secretary of State shall be appointed by the Governor. The Commissioner of the General Land Office shall be elected or appointed as provided by law. 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. Elective officers of the Executive Department shall serve four-year terms and may not serve more than two terms in succession. All officers of the Executive Department shall reside at the seat of government.

CONSTITUTIONAL CONVENTION PROPOSAL 37

By Delegate Reynolds:

To Committee on the Executive.

C.C.P. 37, A PROPOSAL FOR INCORPORATION IN THE CONSTITUTION OF TEXAS

Relating to the Governor's veto powers.

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



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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 38

By Delegate Sherman of Tarrant:

To Committee of Education.

C.C.P. 38, A PROPOSAL FOR INCORPORATION IN THE CONSTITUTION OF TEXAS

Providing an article on schools and education.

BE IT PROPOSED BY THE CONSTITUTIONAL CONVENTION OF TEXAS:

That Article VII read as follows:

#### ARTICLE VII. EDUCATION

A general diffusion of knowledge being essential to the preservation of the liberties and rights of the people, it shall be the duty of the Legislature to establish and make suitable provision for the equitable support and maintenance of an efficient system of free public schools and to provide equal educational opportunity for each person in this state.

#### CONSTITUTIONAL CONVENTION PROPOSAL 39

By Delegate Grant:

To Committee on the Executive.

C.C.P. 39, A PROPOSAL FOR INCORPORATION IN THE CONSTITUTION OF TEXAS

Relating to the organization of the executive branch.

BE IT PROPOSED BY THE CONSTITUTIONAL CONVENTION OF TEXAS:

(1) That the following sections be included in Article IV:

Section \_\_\_\_ ADMINISTRATIVE DEPARTMENTS. Except for the office of Governor and the office of Lieutenant Governor, all executive and administrative offices, agencies, and instrumentalities of the State government, and their respective

functions, powers, and duties, shall be allocated by law among and within not more than twenty principal departments, including the departments headed by the Attorney General, Comptroller of Public Accounts, Secretary of State, Commissioner of the General Land Office, Commissioner of Agriculture, and State Board of Education, so as to group them as far as practicable according to major purposes. Regulatory, quasi-judicial, and temporary agencies established by law may, but need not, be allocated within a principal department. The Legislature shall by law prescribe the functions, powers, and duties of the principal departments and of all other agencies of the State and may from time to time reallocate offices, agencies, and instrumentalities among the principal departments, may increase, modify, diminish, or change their functions, powers, and duties and may assign new functions, powers, and duties to them; but the Governor may make such changes in the allocation of offices, agencies, and instrumentalities, and in the allocation of such functions, powers, and duties, as he considers necessary for efficient administration. If such changes affect existing law, they shall be set forth in executive orders, which shall be submitted to the Legislature while it is in session, and shall become effective and have the force of law, sixty days after submission, or at the close of the session, whichever is sooner, unless specifically modified or disapproved by a resolution concurred in by a majority of the members of each house.

Section \_\_\_\_ EXECUTIVE OFFICERS; APPOINTMENT. The Governor shall appoint, with the advice and consent of the Senate, and may remove the heads of all administrative departments, except those required or authorized by this Constitution or by law to be elected. All other officers in the administrative service of the State shall be appointed and may be removed as provided by law.

Section \_\_\_\_ MERIT SYSTEM. (a) In the civil service of the State, all offices and positions shall be classified according to duties and responsibilities, salary ranges shall be established for the various classes, and all appointments and promotions shall be made according to merit and fitness to be ascertained, so far as practicable, by examinations which, so far as practicable, shall be competitive.

(b) There shall be a department of civil service which shall, in accordance



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with the provisions of this article and the laws enacted pursuant thereto, administer the personnel functions of the State. No payment for any employment hereunder shall be made without the affirmative certification by the department, as to the legality of such employment. The Legislature shall enact laws necessary to carry out the provisions of this section and the department shall make such rules as may be necessary to carry out the provisions and intent of such laws.

(2) That the following language be excluded from Article IV:

Section 17. ADMINISTRATIVE REORGANIZATION. The Governor may from time to time submit to the Legislature written reorganization plans reassigning functions among or consolidating or abolishing any State governmental agencies. Within sixty days after submission or within sixty days after the Legislature can act as a deliberative body, whichever comes later, either house may reject a plan by resolution. Unless rejected the plan shall become effective by its terms.

Section 25. STATE AGENCIES. (a) The length of the term of members appointed by the Governor to State governmental agencies created by statute and with a life of not less than six years shall be two years, unless the number of appointed members is three or a whole multiple thereof in which case the length of the term shall be six years. Two-year terms shall expire between February 1 and April 1 of odd-numbered years. In the case of agencies with members who serve six-year terms, the terms of the members appointed by the Governor shall be staggered. The terms of one-third of such members shall expire between February 1 and April 1 of odd-numbered years.

(b) At the time of appointing members of multi-member agencies with six-year terms, the Governor may designate the chairman. If the Governor fails to designate a chairman prior to April 1, the members of an agency shall choose the chairman from among its membership.

(3) That Sections 1, 2, 6, and 7 of Article IV read as follows:

Section 1. OFFICERS CONSTITUTING THE EXECUTIVE DEPARTMENT. The Governor shall be the Chief Executive Officer of the State. The Executive Department shall consist of a Governor, Lieutenant Governor, Attorney General, Comptroller of Public

Accounts, Secretary of State, Commissioner of the General Land Office, Commissioner of Agriculture, and such other officers as may be provided by law.

Section 2. SELECTION, TERMS, AND RESIDENCE OF OFFICERS OF EXECUTIVE DEPARTMENT. The Governor, Lieutenant Governor, Attorney General, Commissioner of Agriculture, and Comptroller of Public Accounts shall be elected by the qualified voters of the State at general elections beginning with 1978. The Secretary of State shall be appointed by the Governor. The Commissioner of the General Land Office shall be elected or appointed as provided by law. 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. Elective officers of the Executive Department shall serve four-year terms. All officers of the Executive Department shall reside at the seat of government.

Section 6. DISABILITY OF ELECTIVE OFFICERS OF EXECUTIVE DEPARTMENT. The disability of any elected officer of the Executive Department to perform the duties of the office during the term for which elected shall be determined in a proceeding in the Supreme Court of the State under such rules of procedure as may be prescribed by that court. A majority vote of the Governor, Lieutenant Governor, Attorney General, Comptroller of Public Accounts, Commissioner of the General Land Office, Commissioner of Agriculture, Speaker of the House of Representatives, and President pro tempore of the Senate shall initiate such proceedings.

Section 7. COMPENSATION OF OFFICERS OF EXECUTIVE DEPARTMENT. The compensation of the Governor, Lieutenant Governor, Attorney General, Comptroller of Public Accounts, Secretary of State, Commissioner of the General Land Office, and Commissioner of Agriculture shall be as provided by law, not to exceed the amount recommended by the salary commission. The compensation of officers of the Executive Department shall not be diminished during their term of office. The Governor shall have the use of the Governor's Mansion.

#### CONSTITUTIONAL CONVENTION PROPOSAL 40

By Delegates Doggett, Traeger, Salem, Jones of El Paso, Foreman, McAlister, McKnight, Johnson, Truan, Bigham, Green of Harris, Adams of Jasper and Brooks:



Friday, January 18, 1974

To Committee on General Provisions.

C.C.P. 40, A PROPOSAL FOR  
INCORPORATION IN THE CONSTITUTION OF TEXAS

Relating to equal rights for the  
handicapped and providing for reasonable  
exceptions thereto.

BE IT PROPOSED BY THE CONSTITUTIONAL  
CONVENTION OF TEXAS:

That the following section be included  
in Article X,  
Section 22. RIGHTS OF THE  
HANDICAPPED.

(a) No person shall be denied any  
right, benefit or opportunity on account of  
a physical or mental handicap; this  
guarantee shall include housing, access to  
public services and facilities, education,  
employment and any governmental action.

(b) This guarantee shall be  
self-operative, but it shall be subject to  
such reasonable exceptions as the  
legislature may establish.

CONSTITUTIONAL CONVENTION PROPOSAL 41

By Delegate Davis:

To Committee on the Legislature.

C.C.P. 41, A PROPOSAL FOR  
INCORPORATION IN THE CONSTITUTION OF TEXAS

Relating to sessions of the  
Legislature.

BE IT PROPOSED BY THE CONSTITUTIONAL  
CONVENTION OF TEXAS:

That the following section be included  
in Article III:

Section \_\_\_\_ SESSIONS. The  
Legislature shall convene on the second  
Tuesday in January next succeeding their  
election and shall remain in session for  
not longer than ten consecutive calendar  
days. No business can be transacted at  
such sessions except the organization of  
the Legislature, the election of officers,  
and the appointment of standing committees  
of the Senate and the House of  
Representatives. The Legislature shall  
convene in regular sessions on the second  
Tuesday in March in each odd numbered year.  
The Legislature shall not remain in session

longer than one hundred and forty days at  
any such regular session.

CONSTITUTIONAL CONVENTION PROPOSAL 42

By Delegate Reynolds:

To Committee on the Legislature.

C.C.P. 42, A PROPOSAL FOR  
INCORPORATION IN THE CONSTITUTION OF TEXAS

Relating to sessions of the  
Legislature.

BE IT PROPOSED BY THE CONSTITUTIONAL  
CONVENTION OF TEXAS:

That the following section be included  
in Article III:

Section \_\_\_\_ SESSIONS. The  
Legislature shall meet in regular session  
each year at such time as may be provided  
by law and at other times when convened by  
the Governor; provided, however, that the  
regular session to be held in each  
odd-numbered year shall meet for a period  
not to exceed 140 days' duration, and that  
the regular session to be held in each  
even-numbered year shall meet for a period  
not to exceed 60 days' duration and shall  
be limited to the consideration of fiscal  
matters and such emergency matters as may  
be submitted by the Governor.

CONSTITUTIONAL CONVENTION PROPOSAL 43

By Delegate Parker of Jefferson:

To Committee on the Legislature.

C.C.P. 43, A PROPOSAL FOR  
INCORPORATION IN THE CONSTITUTION OF TEXAS

Relating to authorization of the  
Legislature to call itself into special  
session.

BE IT PROPOSED BY THE CONSTITUTIONAL  
CONVENTION OF TEXAS:

That the following section be included  
in Article III:

Section \_\_\_\_ AUTHORITY OF  
LEGISLATURE TO CALL SPECIAL SESSION.  
Special sessions of the Legislature may be  
called by petition of two-thirds of the  
membership of each house to consider



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matters submitted by a majority of the membership of each house.

CONSTITUTIONAL CONVENTION PROPOSAL 44

By Delegates Geiger, Hutchison, Howard, Russell, Gaston, Barnhart, Presnal, Reynolds, Kaster, Allen of Gregg, Maloney, Cobb, Traeger, Bowers, Bailey, Uher, Laney, Cates, Blythe, McDonald of Hidalgo, Williamson, Dramberger, Clayton, Wilson, Hanna, Henderson, Sage, McAlister, Davis, Wolff, Tarbox, Craddick, Green of Navarro, Short, Creighton, Scoggins, Lee, Boone, Hoestenbach, Atwell, Poerner, Vick, Nowlin, McDonald of Dallas, Agnich, Doran, Donaldson, Fox, Mengden, Simmons, Harris of Dallas, Hilliard, Newton, Blake, Whitehead, Koriotoh, Sanchez:

To Committee on Rights and Suffrage.

C.C.P. 44, A PROPOSAL FOR INCORPORATION IN THE CONSTITUTION OF TEXAS

Relating to the right to work.

BE IT PROPOSED BY THE CONSTITUTIONAL CONVENTION OF TEXAS:

That the following section be included in the appropriate article:

Section \_\_\_\_\_. RIGHT TO WORK. (a) No person shall be denied employment on account of membership or nonmembership in a labor union or payment or nonpayment of contributions to a labor union.

(b) Any contract which requires or prescribes that employees or applicants for employment in order to work for an employer shall or shall not be or remain members of a labor union or shall or shall not pay contributions to a labor union shall be null and void and against public policy.

(c) In this section, "labor union" means an association, group, union, lodge, local, branch, or subordinate organization of any union of working people, incorporated or unincorporated, organized and existing for the purpose of protecting themselves and improving their working conditions, wages, or employment relationships in any manner, but does not include associations or organizations not commonly regarded as labor unions.

CONSTITUTIONAL CONVENTION PROPOSAL 45

By Delegate Geiger:

To Committee on General Provisions.

C.C.P. 45, A PROPOSAL FOR INCORPORATION IN THE CONSTITUTION OF TEXAS

Relating to a prohibition against lotteries and gift enterprises.

BE IT PROPOSED BY THE CONSTITUTIONAL CONVENTION OF TEXAS:

That the following section be included in the appropriate article:

Sec. \_\_\_\_\_. LOTTERIES AND GIFT ENTERPRISES. The Legislature shall pass laws prohibiting the establishment of lotteries and gift enterprises in this State, as well as the sale of tickets in lotteries, gift enterprises or other evasions involving the lottery principle, established or existing in other States.

CONSTITUTIONAL CONVENTION PROPOSAL 46

By Delegate Bird:

To Committee on Finance.

C.C.P. 46, A PROPOSAL FOR INCORPORATION IN THE CONSTITUTION OF TEXAS

Relating to exemptions from taxation for certain nonprofit corporations providing shelter and residence for persons 62 years old or over or handicapped persons.

BE IT PROPOSED BY THE CONSTITUTIONAL CONVENTION OF TEXAS:

That a provision be included in the appropriate section of Article VIII to read as follows:

(\_\_\_\_) To the extent defined and limited by general law, the Legislature may exempt from ad valorem taxation the property of a nonprofit corporation organized for the purpose of providing shelter and residence for persons 62 years old or older or for handicapped persons if the property is used for those purposes.

CONSTITUTIONAL CONVENTION RESOLUTION 13

By Delegate Davis:

To Committee on Rules.



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C.C.R. 13, BE IT RESOLVED by the Constitutional Convention of Texas, That Section 10 of Rule XII, Rules of Procedure of the Constitutional Convention of Texas, be and is hereby repealed.

CONSTITUTIONAL CONVENTION RESOLUTION 14

By Delegates Weddington, Garcia, Mattox, Tupper, Vick, Hudson, Sutton, Thompson, Harris of Galveston, Baker Waters, Leland, Watson, Miller, Denton, Madla, Sanchez, Menefee, Jones of El Paso, Coleman, Reyes, Poff, Hernandez, Ragsdale, Washington, Hall of Webb, Whitehead, Truan, McAlister, Hall of Harris, Wieting, Bird, Hendricks, Johnson, Nowlin, Lee, Vecchio, Montoya, Cates, Williams, Sullivant, Reynolds, Earle, Denson and Davis:

To Committee on Administration.

C.C.R. 14, BE IT RESOLVED by the Constitutional Convention of Texas, That each Delegate be allocated a sum of \$500.00 per month to be used for the employment of staff, such additional funds to be allocated from moneys appropriated for defraying expenses incidental to the Constitutional Convention.

CONSTITUTIONAL CONVENTION RESOLUTION 15

By Delegate Williamson:

To Committee on Administration.

C.C.R. 15, BE IT RESOLVED BY THE CONSTITUTIONAL CONVENTION OF THE STATE OF TEXAS, That the Honorable E. L. Henry, Delegate to the Constitutional Convention of the State of Louisiana, be and is hereby invited to address the Constitutional Convention of Texas at a time mutually agreeable to him and to the President of the Texas Convention; and, be it further

RESOLVED, That a copy of this Resolution, be forwarded to Delegate Henry as an invitation from the Texas Constitutional Convention.

ADJOURNMENT

On motion of Delegate Sherman of Tarrant the Convention at 2:00 o'clock p.m. adjourned until 1:00 o'clock p.m. Tuesday, January 22.



TEXAS CONSTITUTIONAL CONVENTION

1974

YEA	N-V	NAY	YEA	N-V	NAY	YEA	N-V	NAY	YEA	N-V	NAY
Mr. President			Doyle		X	Lee			Russell		
Adams, D.			Dramberger			Leland			Sage		
Adams, H.			Earle			Lewis			Salem		
Agnich			Edwards			Lombardino			Sanchez		
Aikin			Evans			Longoria		X	Santiesteban		X
Allen, Joe			Finnell			McAlister			Schieffer		
Allen, John			Finney			McDonald, F.			Schwartz		
Allred			Foreman			McDonald, T.			Scoggins		
Andujar			Fox			McKinnor			Semos		
Atwell			Gamma			McKnight			Sherman, M.		
Bailey			Garcia			Madla			Sherman, W.		
Baker			Gaston			Maloney			Short		
Bales			Geiger			Martin			Simmons		
Barnhart			Grant			Massey			Slack		
Bigham			Green, F.			Mattox			Snelson		X
Bird			Green, R		X	Mauzy			Spurlock		
Blake			Hale			Meier			Sullivant		
Blanchard			Hall, A.			Menefee			Sutton		
Blythe			Hall, W.			Mengden			Tarbox		
Bock		X	Hanna			Miller			Temple		
Boone			Harrington			Montoya			Thompson		
Bowers			Harris, E.			Moore			Traeger		
Braecklein			Harris, O.			Munson			Truan		
Brooks			Head			Murray			Tupper		
Bynum			Heatly			Nabers			Uher		
Caldwell			Henderson			Newton			Vale		
Calhoun			Hendricks			Nichols			Vecchio		
Canales			Hernandez			Nowlin			Vick		
Cates		X	Hightower			Nugent			Von Dohlen		
Clark			Hilliard		X	Ogg		X	Wallace		
Clayton			Hoestenbach			Olson			Washington		
Clower			Hollowell			Parker, C.			Waters		
Cobb			Howard			Parker, W.			Watson		
Cole			Hubenak			Patman			Weddington		
Coleman			Hudson			Pentony			Whitehead		
Coody			Hutchison			Peveto			Whitmire		
Cooke			Johnson			Poerner			Wieting		
Craddick			Jones, G. ne			Poff			Williams		
Creighton			Jones, G. ant			Powers			Williamson		
Daniel			Jones, L.			Presnal			Willis		
Davis			Kaster			Preston			Wilson		
Denson			Korioth			Ragsdale			Wolff		
Denton			Kothmann			Reyes			Wyatt		
Doggett			Kubiak			Reynolds					
Donaldson			Laney			Rodrigue					
Doran			Lary			Rosson		X			

X Absent Excused

Record #1 Roll Call

Yea-161 Nay-0 NV-19

TOTALS			ARTICLE			DATE: 1		
YEA	N-V	NAY	Comm.	SECTION		JAN	2	
100-200	100-200	100-200	Rep.	20		FEB	3	
0 0	0 0	0 0	Subs.	1	10	MAR	1	
1 1	1 1	1 1	Amm.	2	20	APR	2	
2 2	2 2	2 2	Quo.	3	30	MAY	3	
3 3	3 3	3 3	3 R	4	40	JUN	4	
4 4	4 4	4 4	Subm.	5	50	JUL	5	
5 5	5 5	5 5	Mino.	6	60	AUG	6	
6 6	6 6	6 6	Mat.	7	70	SEP	7	
7 7	7 7	7 7	Alt.	8	80	OCT	8	
8 8	8 8	8 8	Sep.	9	90	NOV	9	
9 9	9 9	9 9	2 R	0	00	DEC	0	



**OFFICIAL JOURNAL**  
**of the**  
**CONSTITUTIONAL CONVENTION**  
**of the**  
**STATE OF TEXAS**  
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SEVENTH DAY  
(Friday, January 18, 1974)

The Convention met at 1:30 o'clock p.m., pursuant to adjournment, and was called to order by the President.

The roll was called and the following were recorded present: 161 Present, 9 Absent-excused, 10 Absent. (Record 1, Appendix)

The Reverend Jimmy Phillips, University Hills Baptist Church, Austin, offered the invocation as follows:

Holy God, we pause to ask your guidance during this Constitutional Convention. The many problems and difficulties we face require a degree of strength and understanding far beyond our human capacities. So we ask, Oh God, for you to forgive our petty differences, heal our selfish hearts, and direct our frail hands. Most of all we pray that you will grant us the serenity to accept the things we cannot change, courage to change the things we can, and wisdom to know the difference.

In Christ's Name, Amen.

LEAVES OF ABSENCE

Delegate Cates was granted leave of absence for Friday, January 18, and Saturday, January 19, on account of illness on motion of Delegate Allred.

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

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

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

Delegate Snelson was granted leave of absence for today on account of illness on motion of Delegate Sherman of Potter.

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

Delegate Rosson was granted leave of absence for today on account of important business on motion of Delegate Evans.

Delegate Doyle was granted leave of absence for today on account of death in the family on motion of Delegate Parker of Denton.

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

Delegate McDonald of Hidalgo was granted leave of absence for today on account of important business on motion of Delegate Earle.

Delegate Bock was granted leave of absence for today on account of important business on motion of Delegate Wieting.

REPORT OF PROCEDURAL COMMITTEE

Delegate Hightower submitted the following report for the Committee on Administration:

C.C.R. 11

CONSTITUTIONAL CONVENTION RESOLUTION 11

The President laid before the Convention the following Resolution:

C.C.R. 11, Providing procedures for compensation of Delegates.

Delegate Hightower offered the following amendment to the resolution:

Amend C.C.R. 11 in the second Whereas clause paragraph 3 by striking paragraph 3 and substituting the following:

"3. Mileage and transportation expenses shall be paid at the same rates as



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provided in the Appropriation Act of the Sixty-third Texas Legislature, Regular Session, for authorized travel reasonably necessary to conduct the business of the Convention and for no more than one round trip per week to Austin and return from the delegates home district to attend a meeting of the Convention or committee thereof."

The amendment was read and was adopted.

Delegate Hightower offered the following amendment to the resolution:

Amend C.C.R. 11 in the second Resolving clause by striking the following words in the second sentence, "For those days in which the Convention is not in plenary session."

The amendment was read and was adopted.

The resolution as amended was then adopted.

#### RECORDS OF VOTE

Delegates Salem, Adams of Jasper, Adams of Hardin, Nabers, Wilson, Craddick, Howard, Semos, Hoestenbach, Fox, and Bailey asked to be recorded as voting "Nay" on the adoption of the resolution.

#### CONSTITUTIONAL CONVENTION PROPOSAL 23

By Delegate Clayton:

C.C.P. 23, A PROPOSAL FOR INCORPORATION IN THE CONSTITUTION OF TEXAS

Proposing an amendment to the Texas Constitution by adding a complete new constitution and repealing all conflicting articles and sections to the extent of their conflict and keeping the 1876 Constitution in effect as law until amended or repealed by four-fifths affirmative vote of each House of the Legislature.

BE IT PROPOSED BY THE CONSTITUTIONAL CONVENTION OF TEXAS:

That the Constitution of Texas be as follows:

PREAMBLE  
Humbly invoking the blessings of

Almighty God, the people of the State of Texas, do ordain and establish this Constitution.

#### ARTICLE I. BILL OF RIGHTS

To Committee on Rights and Suffrage.

That the general, great and essential principles of liberty and free government may be recognized and established, we declare:

Section 1. FREEDOM AND SOVEREIGNTY OF STATE. Texas is a free and independent State, subject only to the Constitution of the United States, and the maintenance of our free institutions and the perpetuity of the Union depend upon the preservation of the right of local self-government, unimpaired to all the States.

Section 2. INHERENT POLITICAL POWER; REPUBLICAN FORM OF GOVERNMENT. All political power is inherent in the people, and all free governments are founded on their authority, and instituted for their benefit. The faith of the people of Texas stands pledged to the preservation of a republican form of government, and, subject to this limitation only, they have at all times the inalienable right to alter, reform or abolish their government in such manner as they may think expedient.

Section 3. EQUAL RIGHTS AND EQUALITY UNDER THE LAW. All free men, when they form a social compact, have equal rights, and no man, or set of men, is entitled to exclusive separate public emoluments, or privileges, but in consideration of public services. Equality under the law shall not be denied or abridged because of sex, race, color, creed, religion, or national origin.

Section 4. RELIGIOUS TESTS. No religious test shall ever be required as a qualification to any office, or public trust, in this State; nor shall any one be excluded from holding office on account of his religious sentiments, provided he acknowledge the existence of a Supreme Being.

Section 5. WITNESSES NOT DISQUALIFIED BY RELIGIOUS BELIEFS; OATHS AND AFFIRMATIONS. No person shall be disqualified to give evidence in any of the Courts of this State on account of his religious opinions, or for the want of any religious belief, but all oaths or affirmations shall be administered in the mode most binding upon the conscience, and shall be taken subject to the pains and penalties of perjury.

Section 6. FREEDOM OF WORSHIP. All



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men have a natural and inalienable right to worship Almighty God according to the dictates of their own consciences. No man shall be compelled to attend, erect or support any place of worship, or to maintain any ministry against his consent. No human authority ought, in any case whatever, to control or interfere with the rights of conscience in matters of religion, and no preference shall ever be given by law to any religious society or mode of worship. But it shall be the duty of the Legislature to pass such laws as may be necessary to protect equally every religious denomination in the peaceable enjoyment of its own mode of public worship.

Section 7. APPROPRIATIONS FOR SECTARIAN PURPOSES. No money shall be appropriated, or drawn from the Treasury for the benefit of any sect, or religious society, theological or religious seminary; nor shall property belonging to the State be appropriated for any such purposes.

Section 8. FREEDOM OF SPEECH AND PRESS; LIBEL. Every person shall be at liberty to speak, write or publish his opinions on any subject, being responsible for the abuse of that privilege; and no law shall ever be passed curtailing the liberty of speech or of the press. In prosecutions for the publication of papers, investigating the conduct of officers, or men in public capacity, or when the matter published is proper for public information, the truth thereof may be given in evidence. And in all indictments for libels, the jury shall have the right to determine the law and the facts, under the direction of the court, as in other cases.

Section 9. SEARCHES AND SEIZURES. The people shall be secure in their persons, houses, papers and possessions, from all unreasonable seizures or searches, and no warrant to search any place, or to seize any person or thing, shall issue without describing them as near as may be, nor without probable cause, supported by oath or affirmation.

Section 10. RIGHTS OF ACCUSED IN CRIMINAL PROSECUTIONS. In all criminal prosecutions the accused shall have a speedy public trial by an impartial jury. He shall have the right to demand the nature and cause of the accusation against him, and to have a copy thereof. He shall not be compelled to give evidence against himself, and shall have the right of being

heard by himself or counsel, or both, shall be confronted by the witnesses against him and shall have compulsory process for obtaining witnesses in his favor, except that when the witness resides out of the State and the offense charged is a violation of any of the anti-trust laws of this State, the defendant and the State shall have the right to produce and have the evidence admitted by deposition, under such rules and laws as the Legislature may hereafter provide; and no person shall be held to answer for a criminal offense, unless on an indictment of a grand jury, except in cases in which the punishment is by fine or imprisonment, otherwise than in the penitentiary, in cases of impeachment, and in cases arising in the army or navy, or in the militia, when in actual service in time of war or public danger.

Section 11. BAIL; MULTIPLE CONVICTIONS; DENIAL OF BAIL. All prisoners shall be bailable by sufficient sureties, unless for capital offenses, when the proof is evident; but this provision shall not be so construed as to prevent bail after indictment found upon examination of the evidence, in such manner as may be prescribed by law. Any person accused of a felony less than capital in this State, who has been theretofore twice convicted of a felony, the second conviction being subsequent to the first, both in point of time of commission of the offense and conviction therefor may, after a hearing, and upon evidence substantially showing the guilt of the accused, be denied bail pending trial, by any judge of a court of record or magistrate in this State; provided, however, that if the accused is not accorded a trial upon the accusation within sixty (60) days from the time of his incarceration upon such charge, the order denying bail shall be automatically set aside, unless a continuance is obtained upon the motion or request of the accused; provided, further, that the right of appeal to the Court of Criminal Appeals of this State is expressly accorded the accused for a review of any judgment or order made hereunder.

Section 12. HABEAS CORPUS. The writ of habeas corpus is a writ of right, and shall never be suspended. The Legislature shall enact laws to render the remedy speedy and effectual.

Section 13. EXCESSIVE BAIL OR FINES; CRUEL AND UNUSUAL PUNISHMENT; REMEDY BY DUE COURSE OF LAW. Excessive bail shall not be required, nor excessive fines imposed, nor



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cruel or unusual punishment inflicted. All courts shall be open, and every person for an injury done him, in his lands, goods, person or reputation, shall have remedy by due course of law.

Section 14. DOUBLE JEOPARDY. No person, for the same offense, shall be twice put in jeopardy of life or liberty, nor shall a person be again put upon trial for the same offense, after a verdict of not guilty in a court of competent jurisdiction.

Section 15. RIGHT OF TRIAL BY JURY; COMMITMENT OF PERSONS OF UNSOUND MIND. The right of trial by jury shall remain inviolate. The Legislature shall pass such laws as may be needed to regulate the same, and to maintain its purity and efficiency. Provided, that the Legislature may provide for the temporary commitment, for observation and/or treatment, of mentally ill persons not charged with a criminal offense, for a period of time not to exceed ninety (90) days, by order of the County Court without the necessity of a trial by jury. No person shall be committed as a person of unsound mind except on competent medical or psychiatric testimony. The Legislature may enact all laws necessary to provide for the trial, adjudication of insanity and commitment of persons of unsound mind and to provide for a method of appeal from judgments rendered in such cases. Such laws may provide for a waiver of trial by jury, in cases where the person under inquiry has not been charged with the commission of a criminal offense, by the concurrence of the person under inquiry, or his next of kin, and an attorney ad litem appointed by a judge of either the County or Probate Court of the county where the trial is being held, and shall provide for a method of service of notice of such trial upon the person under inquiry and of his right to demand a trial by jury.

Section 16. BILLS OF ATTAINDER; EX POST FACTO OR RETROACTIVE LAWS; IMPAIRING OBLIGATION OF CONTRACTS. No bill of attainder, ex post facto law, retroactive law, or any law impairing the obligation of contracts, shall be made.

Section 17. TAKING, DAMAGING OR DESTROYING PROPERTY FOR PUBLIC USE; SPECIAL PRIVILEGES AND IMMUNITIES; CONTROL OF PRIVILEGES AND FRANCHISES. No person's property shall be taken, damaged or destroyed for or applied to public use without adequate compensation being made,

unless by the consent of such person; and, when taken, except for the use of the State, such compensation shall be first made, or secured by a deposit of money; and no irrevocable or uncontrollable grant of special privileges or immunities, shall be made; but all privileges and franchises granted by the Legislature, or created under its authority shall be subject to the control thereof.

Section 18. IMPRISONMENT FOR DEBT. No person shall ever be imprisoned for debt.

Section 19. DEPRIVATION OF LIFE, LIBERTY, ETC.; DUE COURSE OF LAW. No citizen of this State shall be deprived of life, liberty, property, privileges or immunities, or in any manner disfranchised, except by the due course of the law of the land.

Section 20. OUTLAWRY OR TRANSPORTATION FOR OFFENSE. No citizen shall be outlawed, nor shall any person be transported out of the State for any offense committed within the same.

Section 21. CORRUPTION OF BLOOD; FORFEITURE; SUICIDES. No conviction shall work corruption of blood, or forfeiture of estate, and the estates of those who destroy their own lives shall descend or vest as in case of natural death.

Section 22. TREASON. Treason against the State shall consist only in levying war against it, or adhering to its enemies, giving them aid and comfort; and no person shall be convicted of treason except on the testimony of two witnesses to the same overt act, or on confession in open court.

Section 23. RIGHT TO KEEP AND BEAR ARMS. Every citizen shall have the right to keep and bear arms in the lawful defense of himself or the State; but the Legislature shall have power, by law, to regulate the wearing of arms, with a view to prevent crime.

Section 24. MILITARY SUBORDINATE TO CIVIL AUTHORITY. The military shall at all times be subordinate to the civil authority.

Section 25. QUARTERING SOLDIERS IN HOUSES. No soldier shall in time of peace be quartered in the house of any citizen without the consent of the owner, nor in time of war but in a manner prescribed by law.

Section 26. PERPETUITIES AND MONOPOLIES; PRIMOGENITURE OR ENTAILMENTS. Perpetuities and monopolies are contrary to the genius of a free government, and shall never be allowed, nor shall the law of



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primogeniture or entailments ever be in force in this State.

Section 27. RIGHT OF ASSEMBLY; PETITION FOR REDRESS OF GRIEVANCES. The citizens shall have the right, in a peaceable manner, to assemble together for their common good; and apply to those invested with the powers of government for redress of grievances or other purposes, by petition, address or remonstrance.

Section 28. SUSPENSION OF LAWS. No power of suspending laws in this State shall be exercised except by the Legislature.

Section 29. NO DEFICIT SPENDING. The State shall not authorize any expenditures nor appropriate any monies in excess of those available or to be made available for such purposes.

Section 30. NON-COMPULSORY MEMBERSHIP. No citizen shall be required to have membership in any organization and/or union as a condition for employment.

Section 31. PROVISIONS OF BILL OF RIGHTS EXCEPTED FROM POWERS OF GOVERNMENT; TO FOREVER REMAIN INVIOLEATE. To guard against transgressions of the high powers herein delegated, we declare that everything in this "Bill of Rights" is excepted out of the general powers of government, and shall forever remain inviolate, and all laws contrary thereto, or to the following provisions, shall be void.

## ARTICLE II. THE SEPARATION OF POWERS OF GOVERNMENT

To Committee on Rights and Suffrage.

Section 1. SEPARATION OF POWERS. The government of the State of Texas shall be divided into three branches: legislative, executive, and judicial. Except as otherwise authorized by this Constitution, each branch shall exercise only those powers appropriate thereto.

## ARTICLE III. LEGISLATIVE DEPARTMENT

To Committee on the Legislature.

Section 1. THE LEGISLATIVE POWER. The legislative power of this State shall be vested in a Senate and House of Representatives, which together shall be styled "The Legislature of the State of Texas."

Section 2. MEMBERSHIP OF SENATE AND HOUSE OF REPRESENTATIVES. There shall be as

many Senators and as many Representatives as necessary to conduct a democratic process representative of all citizens of the State as long as there are never less than thirty Senators and less than ninety Representatives.

Section 3. ELECTION AND TERMS OF OFFICE OF SENATORS AND REPRESENTATIVES. (a) The Senators shall be elected at a general election by the qualified electors for a term of not less than four years. A new Senate shall be chosen after every Senatorial apportionment and the Senators elected after each apportionment shall decide by lot which shall serve four-year terms and which shall serve two-year terms, so that as near as one-half as possible shall be chosen every two years thereafter. Senators shall take office following their election at a time set by law.

(b) The members of the House of Representatives shall be chosen at a general election by the qualified electors for a term of not less than two years and shall take office following their election at a time set by law.

(c) Vacancies in the Senate and House of Representatives shall be filled by special election as provided by law.

Section 4. QUALIFICATION OF MEMBERS. (a) A person shall be eligible for election to the Senate if a citizen of the United States, a qualified voter, twenty-five years of age or older, and a resident of this State for five years and of the senatorial district for one year immediately preceding the election.

(b) A person shall be eligible for election to the House of Representatives if a citizen of the United States, a qualified voter, twenty-one years of age or older, and a resident of this State for two years and of the representative district for one year immediately preceding the election.

(c) In the general election following a redistricting, a person shall be eligible to be elected to the Legislature from any new district that contains a part of the district in which that person was eligible for election on the effective date of the redistricting, but only if within thirty days after the date of filing as a candidate in the primary election that person becomes a resident of the new district. If a member of the Legislature moves his residence from the district from which he was elected the office becomes vacant.

(d) A member of the Legislature may not hold any other office or position of



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profit or trust under this State, the United States, or any foreign government, except as a member of the National Guard, National Guard Reserve, or any of the armed forces reserves of the United States, as a retired member of the armed forces of the United States, or as a notary public.

Section 5. REDISTRICTING. (a) Before August 15 following publication of each federal decennial census, the Legislature shall by law divide the State into single-member senatorial districts and into single-member representative districts.

(b) All senatorial districts shall contain as nearly as practicable an equal number of inhabitants. All representative districts shall contain as nearly as practicable an equal number of inhabitants. All districts shall be composed of compact and contiguous territory.

(c) A county entitled to more than one Senator or Representative shall be divided into the required number of districts. Population in excess of that required for complete districts within the county, or the population of a county insufficient to comprise a district, shall be joined with population of another county or counties to form one district.

(d) Senatorial and representative districts shall not divide counties unless necessary to prevent a significant population variance between districts.

(e) A Legislative Redistricting Board shall be constituted within twenty days after August 15. The board shall consist of the Governor, Lieutenant Governor, Speaker of the House of Representatives, Attorney General, and five members appointed by the Governor. The appointed members shall be from different geographical regions of the State, and due regard shall be given to the division between urban and rural areas. No appointed member shall be a public officeholder, and not more than three shall be from the same political party. The Legislature shall provide funds for the board's clerical, technical, and other expenses.

(f) If the Legislature fails to redistrict by August 15 or if its redistricting plan is declared invalid, the State shall be redistricted by the board. In the event of failure to redistrict, the board shall convene as soon as practicable after it is constituted. In the event the

legislative redistricting plan is declared invalid, the board shall convene as soon thereafter as is practicable. The board shall make and file its redistricting plan with the Secretary of State within twenty-five days after its first meeting.

(g) If the board fails to complete its redistricting in accordance with the requirements of this Section, the Supreme Court of Texas shall have original jurisdiction to compel the board to perform its duties and may provide such remedies and penalties as may be appropriate.

(h) The board shall be dissolved immediately following the first general election held in accordance with a valid redistricting plan.

Section 6. INELIGIBILITY OF PERSONS HOLDING OTHER OFFICES. No judge of any court, Secretary of State, Attorney General, clerk of any court of record, or any person holding a lucrative office under the United States, or this State, or any foreign government, shall, during the term for which he is elected or appointed, be eligible to the Legislature.

Section 7. COMPENSATION. Each member of the Legislature shall receive compensation and allowances as provided by law, not to exceed the amount recommended by the salary commission. Any increase in compensation shall become effective only at the first regular session following the next general election.

Section 8. SESSIONS. (a) The Legislature shall meet at least once every two years and at such times and for such duration as provided by law. Special sessions can be called by two-thirds vote of the membership of the Legislature for whatever purposes deemed necessary.

(b) All legislative proceedings shall be open to the public.

(c) Neither house may adjourn or recess for more than ten days without the consent of the other.

(d) The Legislature shall meet at the seat of government unless otherwise provided by law.

Section 9. ORGANIZATION AND PROCEDURE. (a) Each house shall be the judge of the qualifications and election of its own members, but contested elections shall be determined as provided by law.

(b) Each house shall adopt its rules of procedure. The Legislature by majority vote of the membership of each house shall adopt joint rules. Rules, once adopted, shall remain in effect until amended, repealed, or otherwise changed by the same



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or succeeding Legislatures.

(c) At the beginning and end of each session the Senate shall elect from its members a president pro tempore who shall perform the duties of president when the Lieutenant Governor is absent or disabled, or when the office is vacant.

(d) When first assembled the House of Representatives shall organize and elect a speaker from its members.

(e) Two-thirds of the membership of each house shall constitute a quorum for transacting business, but fewer members may recess or adjourn from day to day and compel the attendance of absent members.

(f) Each house shall prepare and publish a journal of its proceedings. At the request of any three members present, the votes on any question shall be recorded in the journal.

(g) Each house may punish a member for disorderly conduct or for cause deemed sufficient by that house and may expel a member by two-thirds vote of its membership, but not a second time for the same offense.

Section 10. LEGISLATIVE IMMUNITY. No member shall be questioned in any other place for speech or debate during a legislative proceeding.

Section 11. PRIVILEGE FROM ARREST. Senators and Representatives shall, except in cases of treason, felony, or breach of the peace, be privileged from arrest during the session of the Legislature, and in going to or returning from the same.

Section 12. CONFLICT OF INTEREST. (a) No member may vote for the appointment of another member to any office filled by the Legislature.

(b) During the term for which elected a member shall be ineligible for (1) any civil office of profit under this State which shall have been created, or the emoluments of which may have been increased, during such term, or (2) any office or position the appointment to which may be made, in whole or in part, by either house of the Legislature. The ineligibility shall terminate on the last day in December of the last full calendar year of the term for which the member was elected.

(c) A member privately interested in a bill, resolution, or other matter before the Legislature shall disclose the interest and shall vote on the bill, resolution, or other matter unless the vote would cause

immediate monetary gains as opposed to general improvement of any segment of the economy.

(d) No member may have a pecuniary interest in any contract with the State.

(e) No member shall for compensation other than the emoluments of office appear before or have dealings with an executive or administrative unit of State government; and no member shall directly or indirectly share in any fee paid to any other person for such appearance or dealings.

(f) A continuance shall not be granted in any judicial proceeding solely because a party or attorney is a member of the Legislature.

Section 13. BILLS. (a) The Legislature shall enact no law except by bill.

(b) A bill may originate in either house. After a bill passes either house, the other may amend or reject it, but neither house may so amend a bill as to change its original purpose.

(c) Every bill shall be limited to a single subject, which shall be expressed in its title. A general appropriation bill shall be limited to the subject of appropriations. A statutory revision bill shall be limited to that subject.

(d) A bill, amendatory in form, shall set out the complete section, as amended, of the statute it amends.

(e) Before a house considers a bill it must have been referred to a committee of that house and reported at least five days before adjournment of the session.

(f) Before a bill becomes law it must be read on three separate days in each house. Either house by four-fifths record vote of the members may suspend this requirement.

(g) If a bill or resolution is defeated by a vote of either house, no bill or resolution containing the same substance shall be passed during the same session.

(h) The presiding officer of each house shall, in the presence of that house, certify the final passage of each bill or resolution requiring the concurrence of both houses. The fact of certification shall be recorded in the journal.

(i) No law except the general appropriation act and redistricting acts shall take effect until ninety days after it becomes a law or ninety days after adjournment of the session at which it was enacted, whichever is earlier. The Legislature, by three-fourths record vote of the membership of each house, may



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authorize an earlier effective date.

Section 14. LOCAL OR SPECIAL LEGISLATION. The Legislature may not enact a local or special law if a general law is or can be made applicable. Whether a general law is or can be made applicable shall be a matter for judicial determination.

Section 15. IMPEACHMENT. (a) The House of Representatives shall have the sole power to conduct legislative investigations to determine the existence of cause for impeachment and, by the record vote of two-thirds of its membership, to impeach executive officers and justices of the Supreme Court.

(b) Any officer against whom articles of impeachment have been preferred shall be suspended from the exercise of the duties of the office during the pendency of the impeachment. The Governor may make a temporary appointment to fill the vacancy occasioned by the suspension of the officer until the decision on the impeachment.

(c) Impeachments shall be tried by the Senate. When sitting for that purpose, Senators shall affirm or take an oath to try impartially the party impeached. If the Governor or Lieutenant Governor is tried, the Chief Justice of the Supreme Court shall preside. A person may be convicted of impeachment charges only by record vote of two-thirds of the membership of the Senate.

(d) A judgment of conviction by the Senate shall not extend beyond removal from office and disqualification to hold any office of honor, trust, or profit of this State. An impeached person, whether convicted or acquitted, shall be amenable to prosecution, trial, judgment, and punishment according to law.

Section 16. ADVICE AND CONSENT OF THE SENATE. Two-thirds of the members present and voting shall constitute consent to any appointment which this Constitution requires to be with the advice and consent of the Senate. The Legislature may provide by law for interim appointments made when the Senate is not in session.

#### ARTICLE IV. EXECUTIVE DEPARTMENT

To Committee on the Executive.

Section 1. OFFICERS CONSTITUTING THE EXECUTIVE DEPARTMENT. The Executive Department of the State shall consist of a Governor, who shall be the Chief Executive

Officer of the State, a Lieutenant Governor, and such other officials as may be prescribed by law.

Section 2. ELECTION OF OFFICERS OF THE EXECUTIVE DEPARTMENT; RETURNS. (a) The Governor, Lieutenant Governor, and other officials of the Executive Department shall be elected or appointed in the manner as prescribed by law.

(b) The returns of every election for said executive officers, until otherwise provided by law, shall be made out, sealed up, and transmitted by the returning officers prescribed by law, to the seat of government, directed to the Secretary of State, who shall deliver them to the Speaker of the House of Representatives as soon as the Speaker shall be chosen, and the Speaker shall, during the first week of the session of the Legislature, open and publish them in the presence of both houses of the Legislature. The person voted for at said election having the highest number of votes for each of said offices, respectively, and being constitutionally eligible, shall be declared by the Speaker, under sanction of the Legislature, to be elected to said office. But if two or more persons shall have the highest and an equal number of votes for either of said offices, one of them shall be immediately chosen to such office by a joint vote of both houses of the Legislature. Contested elections for either of said offices shall be determined by both houses of the Legislature in joint session.

Section 3. ELIGIBILITY OF GOVERNOR; TERM. (a) To be eligible for election as Governor, a person shall have attained the age of thirty years at the time of his election, shall be a citizen of the United States, and shall have resided in this State at least five years immediately preceding his election.

(b) The Governor shall be elected at the regular election every other even-numbered year (during a year in which an election of the President of the United States is not held) by the direct popular vote of the people of the State, for a term of four years beginning on the first Tuesday after the organization of the Legislature for its next Regular Session, or until his successor shall be duly installed.

Section 4. COMPENSATION OF GOVERNOR AND LIEUTENANT GOVERNOR. The Governor shall have the use and occupation of the Governor's Mansion, fixtures, and furniture, and shall receive as



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compensation for his services an annual salary in an amount to be prescribed by law. Such salary shall not be decreased during his term of office.

(b) The Lieutenant Governor shall receive as compensation for his services a salary in an amount to be prescribed by law.

Section 5. HOLDING OTHER OFFICES, PRACTICE OF PROFESSION; OTHER SALARY; REWARDS OR COMPENSATION. During the time he holds the office of Governor, he shall not hold any other office, civil, military, or corporate; nor shall he practice any profession or receive compensation, reward, fee, or the promise thereof for the same; nor receive any salary, reward, or compensation or the promise thereof from any person or corporation for any service rendered or performed during the time he is Governor or to be thereafter rendered or performed.

Section 6. COMMANDER-IN-CHIEF OF MILITARY FORCES; CALLING FORTH MILITIA. The governor shall be Commander-In-Chief of the military forces of the State, except when they are called into actual service of the United States. He shall have the power to call forth the militia to execute the laws of the State, to suppress insurrections, and to repel invasions.

Section 7. CONVENING LEGISLATURE ON EXTRAORDINARY OCCASIONS. The Governor may, on extraordinary occasions, convene the Legislature at the seat of government or at a different place in case that should be in possession of the public enemy, or in case of the prevalence of disease threat. His proclamation therefor shall state specifically the purpose for which the Legislature is convened.

Section 8. GOVERNOR'S MESSAGE; TO ACCOUNTS FOR MONIES; PRESENT ESTIMATE, ETC. The Governor shall, at the commencement of each session of the Legislature, and at the close of his term of office, give to the Legislature information, by message, of the condition of the State; and he shall recommend to the Legislature such measures as he may deem expedient. He shall account to the Legislature for all public monies received and paid out by him from any funds subject to his order, with vouchers; and shall accompany his message with a statement of the same. And at the commencement of each regular session he may present estimates of the amount of money required to be raised by taxation for all

purposes.

Section 9. GOVERNOR SHALL CAUSE THE LAWS TO BE EXECUTED; INTERCOURSE WITH OTHER STATES. He shall cause the laws to be faithfully executed and shall conduct, in person, or in such manner as shall be prescribed by law, all intercourse and business of the State with other states and with the United States.

Section 10. WHERE GOVERNOR SHALL RESIDE. During the session of the Legislature, the Governor shall reside where its sessions are held and at all other times at the seat of government, except when, by act of the Legislature he may be authorized to reside elsewhere.

Section 11. APPROVAL OR DISAPPROVAL OF BILLS, ORDERS, RESOLUTIONS OR VOTES; RETURN AND RECONSIDERATION; FAILURE TO RETURN; DISAPPROVAL OF ITEMS OF APPROPRIATION. (a) Every bill which shall have passed both houses of the Legislature shall be presented to the Governor for his approval. If he approves he shall sign it; but if he disapproves it, he shall return it, with his objections, to the house in which it originated, and proceed to reconsider it. If, after such reconsideration, two-thirds of the members present agree to pass the bill, it shall be sent, with the objections, to the other house, by which likewise it shall be reconsidered; and, if approved by two-thirds of the members present of that house, it shall become a law; but in such cases the votes of both houses shall be determined by yeas and nays, and the names of the members voting for and against the bill shall be entered on the journal of each house respectively.

(b) If any bill shall not be returned by the Governor with his objections within ten days (Sundays excepted) after it shall have been presented to him, the same shall be a law, in like manner as if he had signed it, unless the Legislature, by its adjournment, prevent its return, in which case it shall be a law, unless he shall file the same, with his objections, in the office of the Secretary of State and give notice thereof by public proclamation within twenty days after such adjournment.

(c) If any bill presented to the Governor contains several items of appropriation, he may object to one or more of such items and approve the other portion of the bill. In such case he shall append to the bill, at the time of signing it, a statement of the items to which he objects, and no item so objected to shall take



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effect. If the Legislature be in session, he shall transmit to the house in which the bill originated a copy of such statement and the items objected to shall be separately considered. If, on reconsideration, one or more of such items be approved by two-thirds of the members present of each house, the same shall be part of the law, notwithstanding the objections of the Governor. If any such bill, containing several items of appropriation, not having been presented to the Governor ten days (Sundays excepted) prior to adjournment, be in the hands of the Governor at the time of adjournment, he shall have twenty days from such adjournment within which to file objections to any items thereof and make proclamation of the same, and such item or items shall not take effect.

(d) Every order, resolution, or vote to which the concurrence of both houses of the Legislature may be necessary, except on questions of adjournment and amendment or revision of the Constitution, shall be presented to the Governor, and before it shall take effect, shall be approved by him; or, being disapproved, shall be repassed by both houses, and all the rules, provisions, and limitations shall apply thereto as prescribed in the case of a bill by the above subsections of this Section 11.

Section 12. REMOVAL OF OFFICERS BY GOVERNOR. The Governor shall have the authority to remove from office at his pleasure those officers of the Executive Department so designated by law in the manner provided by law.

Section 13. LIEUTENANT GOVERNOR. (a) There shall also be a Lieutenant Governor, who shall be chosen at every election for Governor by the same electors, in the same manner, continue in office for the same time, and possess the same qualifications. The electors shall distinguish for whom they vote as Governor, and for whom as Lieutenant Governor.

(b) The Lieutenant Governor, by virtue of his office, shall be President of the Senate, and shall have, when in Committee of the Whole, a right to debate and vote on all questions; and when the Senate is equally divided to give the casting vote.

Section 14. FAILURE OF GOVERNOR TO TAKE OFFICE; SUCCESSION. (a) When the Governor-elect is disqualified, resigns, or

dies following his election, but prior to taking office, the Lieutenant Governor-elect shall succeed to the office of Governor for the full term. When the Governor-elect fails to assume office for any other reason, the Lieutenant Governor-elect shall serve as acting Governor, but if the Governor-elect does not assume office within the first year of the term the office shall be vacant.

(b) When a vacancy occurs in the office of Governor, the Lieutenant Governor shall succeed to the office of Governor for the unexpired term, or when the Governor is absent from the State, the Lieutenant Governor shall serve as acting Governor until the Governor's return to the State.

(c) If a vacancy exists in the office of Lieutenant Governor or the Lieutenant Governor is also absent from the State when the Lieutenant Governor is to succeed to the office of Governor or serve as acting Governor, the President pro tempore of the Senate shall succeed to the office of Governor for the unexpired term or serve as acting Governor.

(d) The Lieutenant Governor shall receive compensation and mileage as set by law; however, during the time he administers the Government as Governor, he shall receive in like manner the same compensation which the Governor would have received had he been employed in the duties of his office, and no more. In like manner the President pro tempore of the Senate, during the time he administers the Government, shall receive the same compensation which the Governor would have received had he been employed in the duties of his office.

(e) Any succession to the Governorship not otherwise provided for in this Constitution shall be provided for by law; provided, however, that any person succeeding to the office of Governor shall be qualified as otherwise provided in this Constitution and, during the entire term to which he may succeed, shall be under all the restrictions and inhibitions imposed in this Constitution on the Governor.

Section 15. DISABILITY OF GOVERNOR.

(a) When the Governor notifies the Lieutenant Governor in writing that he will be temporarily unable to carry out the duties of his office or when the Governor is disabled and thereby unable to communicate such inability to the Lieutenant Governor, the Lieutenant Governor shall serve as acting Governor until the Governor notifies the Lieutenant



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Governor in writing that he is able to carry out the duties of his office. If the Governor does not notify the Lieutenant Governor in writing that he is able to carry out the duties of his office within one year from the time the Lieutenant Governor begins serving as acting Governor, the office of Governor shall be vacant.

(b) The Legislature may, by affirmative vote of two-thirds of the members elected to each house, pass a resolution stating that the Governor is unable to carry out the duties of his office by reason of a physical or mental disability. Upon the written request of a majority of the members of each house, the Legislature shall be convened by the presiding officers of both houses to determine whether such a resolution should be passed. If the Legislature passes such a resolution, it shall be delivered to the Supreme Court of the State which shall then have exclusive jurisdiction to determine whether the Governor is unable to discharge the duties of his office by reason of a physical or mental disability. If the Supreme Court determines that the Governor is unable to discharge the duties of his office by reason of a physical or mental disability, the office of Governor shall be vacant.

(c) The Supreme Court shall have exclusive jurisdiction to determine the existence of a vacancy under this Constitution in the office of Governor and all questions arising under this Article concerning the right to office or the exercise of the powers thereof.

Section 16. OFFICERS OF THE EXECUTIVE DEPARTMENT. There shall be as many other members of the Executive Department as shall be authorized by law. The manner of their election or appointment, terms of office, compensation, and qualifications shall be as prescribed by law.

Section 17. SEAL OF STATE. There shall be a Seal of the State which shall be kept by the person so authorized by law, and used by him under the direction of the Governor. The Seal of the State shall be a star of five points encircled by olive and live oak branches, and the words "The State of Texas."

#### ARTICLE V. JUDICIAL DEPARTMENT

To Committee on the Judiciary.

#### Section 1. JUDICIAL POWER; COURTS IN

WHICH VESTED. The judicial power of the State shall be vested in one Supreme Court and as many other courts as may be authorized by law.

Section 2. SELECTION, ELIGIBILITY, AND COMPENSATION OF JUSTICES AND JUDGES. The justices of the Supreme Court and the judges of other courts authorized by law shall be selected in a manner prescribed by law and shall have such qualifications and shall receive such compensation as prescribed by law.

Section 3. JURISDICTION. The jurisdiction of the various courts of the State shall be as prescribed by law.

Section 4. PROCEDURES GOVERNING STATE COURTS. The various courts established by the State shall have such authority, operating and governing procedures, rules, and regulations as shall be prescribed by law.

Section 5. COURT ADMINISTRATIVE AND CLERICAL PERSONNEL; SELECTION. (a) There shall be authorized or assigned to courts of the State such administrative and clerical personnel as may be prescribed by law.

(b) The method of selection of these personnel, their qualifications, and compensation shall be as prescribed by law.

#### ARTICLE VI. SUFFRAGE

To Committee on Rights and Suffrage.

Section 1. QUALIFIED VOTER. Any citizen of the United States eighteen years of age or older who meets the registration and residence requirements provided by law, who is not serving a sentence for a felony, whether incarcerated, on parole, or on probation, and who is not of unsound mind as determined by a court, shall be a qualified voter.

Section 2. ELECTIONS. All elections by the qualified voters shall be by secret ballot. The Legislature by law shall provide the requirements for residence, registration, absentee voting, and administration of elections, and shall ensure the purity of elections and guard against abuses of the electoral process.

Section 3. GENERAL ELECTIONS. General elections shall be held in even-numbered years on a date provided by law.

#### ARTICLE VII. EDUCATION

To Committee on Education.

#### Section 1. PUBLIC EDUCATION. (a)



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Public schools shall be established, financed and operated as prescribed by law.

(b) There shall be established as many colleges and universities as deemed necessary to provide higher educational opportunities for the citizens of the State. They shall be maintained and operated as set forth by law.

Section 2. PERMANENT AND AVAILABLE SCHOOL FUND. (a) The Permanent School Fund consists of all property set apart for support of the free public schools. The Permanent Fund shall not be expended but shall be preserved and invested at the direction of the State Board of Education in the manner prescribed by law.

(b) The Available School Fund consists of income from the Permanent Fund together with all State taxes dedicated to support the free public schools.

(c) The Available Fund shall be appropriated by the Legislature to support the free public schools, including the provision of free textbooks and such other instructional materials as may be required in academic programs.

Section 3. PROHIBITION OF AID TO NON-PUBLIC SCHOOLS. Public funds shall not be used for support of religious, church-affiliated, or proprietary schools; nor shall public funds be provided to any student for payment of expenses incurred by attending such schools.

Section 4. DEDICATED SCHOOL TAX. One-fourth of the revenue from State occupation taxes and one-fourth of the net revenue from the State motor fuel tax are dedicated to the Available School Fund.

Section 5. STATE BOARD OF EDUCATION. There shall be a State Board of Education which shall have the duties provided in this Article and by law. The board shall be elected. One member shall be from each of the congressional districts with qualifications being the same as those of a State Senator and term of office and election procedure set out by general law.

Section 6. SCHOOL AND COMMUNITY COLLEGE DISTRICTS. The Legislature shall define by general law the duties and functions of school and community college districts and shall provide for establishing, financing, altering, consolidating, and abolishing such districts.

Section 7. FIRST CLASS COLLEGES AND UNIVERSITIES. The Legislature shall provide for a system of higher education of

the first class which shall include The University of Texas System, The Texas A&M University System, universities, colleges, community colleges, and other first class institutions or systems as may be provided by law.

Section 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 and benefit of The Texas A&M University System and The University of Texas System. In pursuance of such trust, the Board of Regents of The University of Texas System shall have authority to purchase, sell, lease and exchange the assets of the Fund as provided by law.

(c) The Board of Regents of The University of Texas System 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 Board of Regents of The University of Texas System 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 stock 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 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



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disposition of their funds, considering the probable income therefrom as well as the probable safety of their capital. The Board of Regents 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. 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 by the Board of Directors of The Texas A&M University System pursuant to the next section or its predecessor sections of prior Constitutions, and the remainder of such one-third of the Available University Fund shall be appropriated by the Legislature for the support and maintenance of Texas A&M University in the County of Brazos. 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 by the Board of Regents of The University of Texas System 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 for the support and maintenance of The University of Texas at Austin.

Section 9. THE TEXAS A&M UNIVERSITY SYSTEM; THE UNIVERSITY OF TEXAS SYSTEM; PERMANENT UNIVERSITY FUND BONDS OR NOTES.

(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 included in their respective systems are each hereby authorized to issue in amounts not to exceed for The Texas A&M University 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.

(b) Any bonds or notes issued pursuant to this Section shall be payable solely out of the Available University Fund. Bonds or notes so issued shall mature serially or otherwise not more than thirty years from their respective dates.

(c) Institutions now included in The Texas A&M University System and The University of Texas System, and entitled to participate in the Permanent University Fund, shall not receive any general revenue funds for acquiring land either with or without permanent improvements, or for constructing 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 Legislature from general revenue funds.

(d) For the purpose of securing the payment of the principal of and interest on these bonds or notes, the Boards are severally authorized to pledge the whole or any part of the respective interests of The Texas A&M University System and The University of Texas System in the Available University Fund. The Permanent University Fund may be invested in these bonds or notes. All bonds or notes issued pursuant to this Section shall be approved by the Attorney General of Texas and when so approved shall be incontestable.

(e) This section shall be self-enacting; provided, however, that nothing herein shall be construed as impairing any obligation heretofore created by the issuance of any outstanding notes or bonds under prior Constitutions by the respective Boards, but any such outstanding notes or bonds shall be paid in full, both principal and interest, in accordance with the terms of such contracts.

Section 10. STATE HIGHER EDUCATION TAX FUND FOR THE BENEFIT OF CERTAIN INSTITUTIONS OF HIGHER EDUCATION. (a) The provisions of Section 17 of Article VII of the Texas Constitution of 1876, as last amended in 1965, shall remain in full force and effect until December 31, 1977.

(b) On and after January 1, 1978,



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there is hereby levied, in addition to all other taxes permitted by the Constitution of Texas, a state ad valorem tax on property of twenty cents on the one hundred dollars valuation, or such tax rates in excess thereof as the Legislature may so designate for the purpose of creating a special fund, to be known as the Higher Education Tax Fund, for the purpose of acquiring land, either with or without permanent improvements thereon, constructing, equipping, repairing, or rehabilitating buildings or other permanent improvements, and for acquiring nonconsumable equipment and materials to provide first class status at the herein designated institutions of higher education; and the governing board of each such institution of higher education is fully authorized to pledge all or any part of said funds allocated to such institution, as hereinafter provided, to secure or refund bonds and/or notes issued for one or more of the aforesaid purposes at said respective institutions; and the governing board of an institution to which funds have been allocated may use all or any portion of such funds not pledged to secure or refund bonds and/or notes for any of the purposes specified herein for said institution. Such bonds or notes shall be issued in such amounts as may be determined by the governing boards of said respective institutions, and shall mature serially or otherwise not more than ten years from their respective dates. All bonds shall be examined and approved by the Attorney General of the State of Texas, and when so approved shall be incontestable; and all approved bonds shall be registered in the office of the Comptroller of Public Accounts of the State of Texas.

(c) The funds to be derived from the aforesaid tax levy for each succeeding ten-year period shall be allocated to the following state institutions of higher education, or such other institutions of higher education as may be by law placed or created under the control and supervision of the governing board of such institutions:

Texas Tech University  
North Texas State University  
Lamar University  
Lamar University at Orange County  
Texas A&I University System (consisting of Texas A&I University, Texas A&I University at Corpus Christi, and

Texas A&I University at Laredo)  
Texas Woman's University  
Texas Southern University  
Midwestern University  
University of Houston  
University of Houston at Clear Lake  
City  
Pan American University  
East Texas State University  
Sam Houston State University  
Southwest Texas State University  
West Texas State University  
Stephen F. Austin State University  
Sul Ross State University  
Angelo State University  
Tyler State College

The foregoing allocation of funds shall be pursuant to equitable formulas, based on statewide needs devised by an agency or department as authorized by the Legislature.

(d) All institutions of higher education shall not, from the date on which they become eligible to participate in the Higher Education Tax Fund created by this section, receive any General Revenue Funds for acquiring land or permanent improvements, or for constructing and equipping new buildings or other permanent improvements, except that in case of fire or natural disaster the Legislature may appropriate from General Revenue an amount sufficient to replace the uninsured loss.

(e) The State Comptroller of Public Accounts shall draw all necessary and proper warrants upon the State Treasury in order to carry out the purpose of this section, and the State Treasury shall pay warrants so issued out of the Higher Education Tax Fund hereby created for said purpose.

(f) If for any reason the tax authorized by this Section is held invalid, the Legislature shall provide an equal amount of revenue from other sources; provided further that nothing herein shall be construed as impairing any obligation created by the issuance of any outstanding note or bonds under this Section's predecessor sections by the respective governing boards prior to the adoption of this Section, but such notes or bonds shall be paid in full, both as to principal and interest, from the funds as allocated to such institutions.

(g) This Section shall be self-enacting. It shall become operative and effective upon its adoption so as to supersede and repeal its predecessor Sections.



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ARTICLE VIII. FINANCE

To Committee on Finance.

Section 1. TAXATION. Taxes shall be levied and collected by general law.

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 owned and occupied by 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 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.

Section 3. HIGHWAY-USER REVENUES. Subject to legislative appropriation, allocation, and direction, all net revenues from motor vehicle registration fees and three-fourths of net revenues from all taxes on fuels and lubricants used to propel motor vehicles over public roadways, except gross production and ad valorem taxes, shall be deposited in the State Highway Fund. Such revenues shall be used solely for acquiring rights-of-way, constructing and maintaining a State highway system; for policing public roadways; and for administering laws pertaining to the supervision of traffic and safety on public roadways. One-fourth of net revenues from these taxes shall be allocated to the Available School Fund. 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, or less than the percentage allowed to be retained, under the laws in effect at the time of adoption of this Constitution.

Section 4. STATE DEBT. (a) 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, directly or indirectly, from tax revenue and are incurred for the State or for an agency of the State.

(b) No State debt shall be authorized



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or incurred except as provided in this Constitution.

(c) State debt may be authorized by general law to refund outstanding State debt.

(d) State debt may be incurred if approved by two-thirds vote of the membership of each house of the Legislature and submitted to and approved by a majority of the qualified electors voting on the question.

Section 5. APPROPRIATIONS. (a) Money may not be drawn from the State Treasury except in accordance with specific appropriations made by law.

(b) Any appropriation from the State Treasury expires two years after its effective date.

(c) No bill containing an appropriation may be considered as passed or be sent to the Governor for consideration until and unless the Comptroller of Public Accounts certifies that the amount appropriated is within the estimated revenue for the applicable fiscal period.

(d) 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.

Section 6. PUBLIC FUNDS. Public money and public credit shall be used for public purposes only.

#### ARTICLE IX. LOCAL GOVERNMENT

To Committee on Local Government.

Section 1. COUNTIES. The counties of the State are those that exist on the date of adoption of this Constitution. Changes in county boundaries, the merger and division of counties, and the removal of county seats shall be subject to the approval of a majority of the qualified voters voting on the question in each county affected.

Section 2. POWERS OF COUNTY GOVERNMENT. The powers of counties shall be those granted by this Constitution and by general law.

Section 3. COUNTY AND DISTRICT OFFICIALS. (a) The governing body of each county, to be known as the County Commission, shall consist of a County Judge elected by the qualified voters of the county and four County Commissioners, each

elected by the qualified voters from separate and compact precincts containing as nearly as practicable an equal number of inhabitants. The County Judge shall serve as presiding officer.

(b) A Sheriff, Treasurer, Tax Assessor-Collector, County Clerk, and District Clerk shall be elected for each county, except that a single County Clerk may be elected to perform the duties of county and district clerk as provided by law.

(c) County Attorneys, District Attorneys, and Criminal District Attorneys shall be elected in such numbers and for such counties as provided by law.

(d) The County Commission may provide for the election of one or more Constables.

(e) The qualifications, duties, and functions of county officials and the grounds and procedure for disqualification, suspension, and removal shall be as provided by law.

(f) Notwithstanding any of the foregoing provisions, the qualified electors of a county, as provided by general law, may by charter, or by a majority vote of those voting on the question, alter the governing body, create additional offices, eliminate offices, combine the duties and functions of offices, and change the method of selection of any one or more county officials. In such an event the county shall provide for the performance of all duties and functions required by State law.

(g) Vacancies in county offices shall be filled as provided by general law or charter. Vacancies in district offices shall be filled as provided by law.

Section 4. COUNTY CHARTERS AND ORDINANCES. (a) The Legislature shall by law provide procedures by which any county with a population of not less than twenty-five thousand may adopt, amend, or repeal a charter with the approval of a majority of qualified voters voting on the question. A charter election may be initiated by petition of the qualified voters of the county or by resolution of the governing body as provided by law. No charter or ordinance shall be inconsistent with the Constitution or laws of the State.

(b) The qualified voters of a county without a charter may by a majority of those voting on the question grant the county governing body the power to enact ordinances as authorized by law.

(c) If a county ordinance conflicts with an ordinance of an incorporated city



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or town, the municipal ordinance shall prevail within its jurisdiction as defined by law.

(d) Neither county charters nor ordinances shall affect jurisdiction or venue or the duties of personnel of courts which are part of the State unified judicial system.

Section 5. GENERAL LAW CITIES. Cities and towns having a population of one thousand five hundred or less may be chartered only by general law. They may levy, assess, and collect such taxes as may be authorized by law.

Section 6. CITY CHARTERS. Cities and towns having more than one thousand five hundred inhabitants may, by a majority vote of the qualified voters voting on the question, adopt, amend, or repeal their charters as provided by law. No charter or ordinance shall be inconsistent with the Constitution or general laws of the State. Cities which adopt charters under this Section may levy, assess, and collect any taxes authorized by law or charter. No city shall lose the power to amend or repeal its charter because its population drops below one thousand five hundred.

Section 7. SPECIAL DISTRICTS AND AUTHORITIES. The Legislature shall provide by general law for establishing, financing, consolidating, and abolishing special districts and authorities and shall define their powers by general law. No special district or authority shall be created if the service it is to provide can be provided by an existing political subdivision. The provisions of this Section shall not be applicable to school and community college districts.

Section 8. TERMS OF OFFICE. The terms of office for all elected officials of political subdivisions shall be as provided by law or charter.

Section 9. COMPENSATION OF OFFICIALS. Elected officials of political subdivisions shall be compensated only on a salary or per diem basis.

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 not entirely elected at large shall divide its geographical area into districts for the election of those representatives to the governing body not elected at large. The

districts shall be composed of contiguous territory and shall be as compact and as nearly equal in population as practicable.

Section 11. LOCAL DEBT. Political subdivisions shall not issue general obligation bonds, except refunding bonds, unless approved by a majority of qualified voters voting on the question. No debt shall be created by a political subdivision unless at the same time provision is made for paying the interest and principal when due.

Section 12. INTERGOVERNMENTAL COOPERATION. A political subdivision may, by act of its governing body, cooperate or contract with one or more other political subdivisions, the State, or the United States with respect to the exercise of any function, power, or responsibility, or the use of public funds and credit in the public interest.

#### ARTICLE X. GENERAL PROVISIONS

##### To Committee on General Provisions.

Section 1. OFFICIAL OATH. All State and local officials shall take the following oath before they enter upon the duties of their office:

"I, \_\_\_\_\_, do solemnly swear (or affirm), that I will faithfully execute the duties of the office of \_\_\_\_\_ of the State of Texas, and will to the best of my ability preserve, protect, and defend the Constitution and laws of the United States and of this State; and I furthermore solemnly swear (or affirm), that I have not, directly nor indirectly paid, offered, or promised to pay, contributed, nor promised to contribute any money, or valuable thing, or promised any public office or employment, as a reward to secure my appointment or the confirmation thereof. So help me God."

Section 2. RESIDENCE OF CIVIL OFFICIALS. All elected and appointed officials shall reside within the State. All elected and appointed officials of a political subdivision shall reside within the political subdivision which they serve, and shall keep their offices at such places as required by law. Failure to comply with these conditions shall vacate the office.

Section 3. OFFICIALS TO SERVE UNTIL SUCCESSOR QUALIFIED. All officials may continue to perform the duties of their offices until their successors shall be duly qualified.

Section 4. FORFEITURE OF RESIDENCE BY ABSENCE ON PUBLIC BUSINESS. No person



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shall forfeit the right of suffrage, or of election or appointment to any office because of absence from the State or a political subdivision on business of the United States, this State, or a political subdivision.

Section 5. VACANCIES FILLED FOR UNEXPIRED TERM. Except as otherwise provided in this Constitution, elections to fill vacancies in office shall be for the remainder of the term only.

Section 6. DISQUALIFICATION FROM CONSTITUTIONAL OFFICE. In addition to the grounds and procedures provided in this Constitution, the disqualification, suspension and removal from any constitutional office, withholding of salary, and temporary filling of vacancies shall be as provided by law, but no statute enacted under the authority of this Section may be applicable to conduct committed before its enactment.

Section 7. QUALIFICATION FOR AND DISQUALIFICATION FROM STATUTORY OFFICE. Unless otherwise provided in this Constitution, the qualifications, grounds for disqualification, suspension and removal from office, withholding of salary, and temporary filling of vacancies for statutory officials shall be as provided by law.

Section 8. APPOINTMENTS TO STATE AGENCIES. The authority responsible for appointing the members or filling vacancies for State governmental agencies shall make appointments that fairly and equitably represent the sexes, ethnic groups, economic groups, and geographical regions of the State.

Section 9. SALARY COMMISSION. (a) A salary commission shall be established to recommend rates of compensation for members of the Legislature, judges in the State unified judicial system, and officials of the executive branch, and to perform such other duties pertaining to compensation as may be provided by law. Compensation paid by the State shall not exceed the rates recommended by the commission.

(b) The salary commission shall consist of nine members appointed by the Governor with the advice and consent of the Senate. Members of the commission shall serve six-year terms. Vacancies shall be filled by the Governor for the remainder of the term with the advice and consent of the Senate. No member of the commission may hold another public office at the same

time.

To Committee on Local Government.

Section 10. CONSERVATION AND DEVELOPMENT OF NATURAL RESOURCES; CONSERVATION AND RECLAMATION DISTRICTS.

(a) The conservation and development of all of the natural resources of this State, including the control, storing, preservation and distribution of its storm and flood waters, the waters of its rivers and streams, for irrigation, power and all other useful purposes, the reclamation and irrigation of its arid, semi-arid and other lands needing irrigation, the reclamation and drainage of its overflowed lands, and other lands needing drainage, the conservation and development of its forests, water and hydro-electric power, the navigation of its inland and coastal waters, and the preservation and conservation of all such natural resources of the State are each and all hereby declared public rights and duties; and the Legislature shall pass all such laws as may be appropriate thereto.

(b) There may be created within the State of Texas, or the State may be divided into, such number of conservation and reclamation districts as may be determined to be essential to the accomplishment of the purposes of this amendment to the constitution, which districts shall be governmental agencies and bodies politic and corporate with such powers of government and with the authority to exercise such rights, privileges and functions concerning the subject matter of this amendment as may be conferred by law.

(c) The Legislature shall authorize all such indebtedness as may be necessary to provide all improvements and the maintenance thereof requisite to the achievement of the purposes of this amendment, and all such indebtedness may be evidenced by bonds of such conservation and reclamation districts, to be issued under such regulations as may (may) be prescribed by law and shall also, authorize the levy and collection within such districts of all such taxes, equitably distributed, as may be necessary for the payment of the interest and the creation of a sinking fund for the payment of such bonds; and also for the maintenance of such districts and improvements, and such indebtedness shall be a lien upon the property assessed for the payment thereof; provided the Legislature shall not authorize the



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issuance of any bonds or provide for any indebtedness against any reclamation district unless such proposition shall first be submitted to the qualified property tax-paying voters of such district and the proposition adopted.

(d) No law creating a conservation and reclamation district shall be passed unless notice of the intention to introduce such a bill setting forth the general substance of the contemplated law shall have been published at least thirty days and not more than ninety days prior to the introduction thereof in a newspaper or newspapers having general circulation in the county or counties in which said district or any part thereof is or will be located and by delivering a copy of such notice and such bill to the Governor who shall submit such notice and bill to the Texas Water Commission, or its successor, which shall file its recommendation as to such bill with the Governor, Lieutenant Governor and Speaker of the House of Representatives within thirty days from date notice was received by the Texas Water Commission. Such notice and copy of bill shall also be given of the introduction of any bill amending a law creating or governing a particular conservation and reclamation district if such bill (1) adds additional land to the district, (2) alters the taxing authority of the district, (3) alters the authority of the district with respect to the issuance of bonds, or (4) alters the qualifications or terms of office of the members of the governing body of the district.

To Committee on General Provisions.

Section 11. SEPARATE AND COMMUNITY PROPERTY OF HUSBAND AND WIFE. All property owned or claimed by each spouse before marriage, and that acquired afterward by gift, devise, or descent, shall be the separate property of that spouse; and laws shall be passed more clearly defining the rights of each spouse in relation to separate property as well as that held in common with one another. A husband and wife may from time to time and by written instrument partition between themselves in severalty or into equal undivided interests all or any part of their existing community property. In like manner, they may exchange between themselves the community interest of one in any property for the

community interest of the other in other community property. The portion or interest set aside to each by partition or exchange shall be and constitute a part of the separate property of such spouse. A partition or exchange under this Section shall not prejudice the rights of preexisting creditors. This provision is self-operative, but laws may be passed prescribing reasonable requirements not inconsistent herewith.

Section 12. HOMESTEAD. (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 for 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 that when the homestead is the community property or the separate property of the spouse desiring to sell, it may be sold as provided by law without the consent of the other spouse if the latter is incompetent, has disappeared, or has abandoned the homestead, 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 no 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



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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 granted 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.

Section 13. PROTECTION OF PERSONAL PROPERTY FROM FORCED SALE. The Legislature shall provide by law for the protection from forced sale of certain portions of the personal property of all adults and heads of families.

Section 14. BRANCH BANKING. There shall be no statewide branch banking.

Section 15. PRIVATE CORPORATIONS. No private corporation shall be created except by general laws.

Section 16. FOREIGN CORPORATIONS WITH BANKING AND DISCOUNTING PRIVILEGES. No foreign corporation, other than national banks of the United States, shall be permitted to exercise banking or discounting privileges in this State.

Section 17. ALCOHOLIC BEVERAGES. (a) The Legislature shall regulate the manufacture, sale, possession, and transportation of alcoholic beverages, and shall preserve the right of any county, justice precinct, or incorporated town or city to exercise local option by election to legalize or to prohibit the sale of alcoholic beverages of various types and various alcoholic content.

(b) In any county, justice precinct, or incorporated town or city in which the manufacture, sale, barter, or exchange of alcoholic beverages of any of various types and various alcoholic content was prohibited at the time of the adoption of this Constitution, the same shall continue to be unlawful unless and until a majority of the qualified voters in such political subdivision voting on the question in an election shall determine such to be lawful.

Section 18. PRACTITIONERS OF MEDICINE. The Legislature may pass laws prescribing the qualifications of practitioners of medicine in this State, and to punish persons for malpractice, but no preference shall ever be given by law to

any schools of medicine.

Section 19. GAMBLING ENTERPRISES. Neither the State nor any political subdivision thereof or any person, firm, corporation, partnership, or entity shall sponsor or operate lotteries or any other gambling enterprises.

Section 20. LIENS OF MECHANICS, ARTISANS, AND MATERIALMEN. Mechanics, artisans, and materialmen of every class shall have a lien upon the buildings and articles made or repaired by them for the value of their labor done thereon, or material furnished therefor; and the Legislature shall provide by law for the speedy and efficient enforcement of said liens.

Section 21. PENSION AND RETIREMENT SYSTEMS. Any pension or retirement system of this State, or of any political subdivision thereof, or of any governmental agency of either, now in effect shall be continued. No funds held pursuant to any such system shall be used for any purposes inconsistent therewith.

#### ARTICLE XI. MODE OF AMENDING THE CONSTITUTION OF THE STATE

To Committee on Rights and Suffrage.

Section 1. AMENDMENTS TO THE CONSTITUTION. (a) Amendments to this Constitution may be proposed to the qualified voters of the State by a record vote of two-thirds of the membership of each house. Before either house votes, a proposed amendment shall be submitted to the Attorney General who shall within twenty days of receipt of a request render an opinion on its effect on other provisions of this Constitution and on whether the proposal can be enacted without a constitutional amendment.

(b) A proposed amendment shall be submitted at the next general election following the expiration of ninety days after it is proposed by the Legislature. Procedures shall be provided by law for publicizing proposed amendments.

(c) A proposed amendment shall become a part of this Constitution on approval by a majority of the qualified voters voting on the question.

#### ARTICLE XII. CONSTITUTIONAL TRANSITION

To Committee on Submission and Transition.

Any provisions of the Texas Constitution of 1876, not directly in



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conflict with this constitution, remain in effect until amended or repealed by an act of the Legislature, which must receive the affirmative vote of at least four-fifths of the members of each house, the vote to be taken by yeas and nays and entered upon the journals.

CONSTITUTIONAL CONVENTION PROPOSAL 24

By Delegate Jones of El Paso:

To Committee on Finance.

C.C.P. 24, A PROPOSAL FOR  
INCORPORATION IN THE CONSTITUTION OF TEXAS

Relating to the state auditor.

BE IT PROPOSED BY THE CONSTITUTIONAL  
CONVENTION OF TEXAS:

That the following section be included  
in Article III:

Section \_\_\_\_\_. (a) The Legislature by a majority vote of the members elected to and serving in each house, shall appoint an Auditor, who shall be a certified public accountant licensed to practice in this State, to serve a term of eight years. He shall be ineligible for appointment or election to any other public office in this State from which compensation is derived while serving as Auditor and for two years following the termination of his service. He may be removed for cause at any time by a two-thirds vote of the members elected and serving in each house.

(b) The Auditor shall conduct post audits of financial transactions and accounts of the State and of all State governmental agencies established by this Constitution or by law, shall conduct performance post audits thereof as provided by law, and shall perform such other duties as may be provided by law.

(c) The Auditor shall report annually to the Legislature and to the Governor and at such other times as he deems necessary or as required by the Legislature.

CONSTITUTIONAL CONVENTION PROPOSAL 25

By Delegate Jones of El Paso:

To Committee on the Legislature.

C.C.P. 25, A PROPOSAL FOR

INCORPORATION IN THE CONSTITUTION OF TEXAS

Relating to the sessions of the  
Legislature.

BE IT PROPOSED BY THE CONSTITUTIONAL  
CONVENTION OF TEXAS:

That Article III, Section 7, read as  
follows:

Section 7. SESSIONS. (a) The Legislature shall meet at least once every two years and at such times and for such duration as provided by law.

(b) Special sessions of the Legislature may be called by petition of two-thirds of the membership of each house to consider matters submitted by a majority of the membership of each house.

(c) All legislative proceedings shall be open to the public.

(d) Neither house may adjourn or recess for more than three days without the consent of the other.

(e) The Legislature shall meet at the seat of government unless otherwise provided by law.

CONSTITUTIONAL CONVENTION PROPOSAL 26

By Delegate Jones of El Paso:

To Committee on the Legislature.

C.C.P. 26, A PROPOSAL FOR  
INCORPORATION IN THE CONSTITUTION OF TEXAS

Relating to qualifications of members  
of the Legislature.

BE IT PROPOSED BY THE CONSTITUTIONAL  
CONVENTION OF TEXAS:

That Article III, Section 3, read as  
follows:

Section 3. QUALIFICATION OF MEMBERS.  
(a) A person shall be eligible for election to the Senate if a citizen of the United States, a qualified voter, twenty-five years of age or older, and a resident of this State for five years and of the senatorial district for one year immediately preceding the election.

(b) A person shall be eligible for election to the House of Representatives if a citizen of the United States, a qualified voter, eighteen years of age or older, and a resident of this State for two years and of the representative district for one year immediately preceding the election.



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(c) In the general election following a redistricting, a person shall be eligible to be elected to the Legislature from any new district that contains a part of the district in which that person was eligible for election on the effective date of the redistricting, but only if within thirty days after the date of filing as a candidate in the primary election that person becomes a resident of the new district.

(d) A member of the Legislature may not hold any other office or position of profit or trust under this State, the United States, or any foreign government, except as a member of the National Guard, National Guard Reserve, or any of the armed forces reserves of the United States, as a retired member of the armed forces of the United States, or as a notary public.

#### CONSTITUTIONAL CONVENTION PROPOSAL 27

By Delegate Jones of El Paso:

To Committee on General Provisions.

C.C.P. 27, A PROPOSAL FOR INCORPORATION IN THE CONSTITUTION OF TEXAS

Relating to the environment.

BE IT PROPOSED BY THE CONSTITUTIONAL CONVENTION OF TEXAS:

That Article X, Section 10, read as follows:

Section 10. ENVIRONMENT. (a) The conservation and ecologically sound development of the natural resources of Texas and the preservation and enhancement of a clean and healthful environment for all the people of Texas are hereby declared to be of paramount public concern and to be the public policy of the State.

(b) Every person shall have a fundamental right to a clean and healthful environment; to the conservation and ecologically sound development of the natural resources of Texas; and to the preservation and enhancement of the natural, scenic, historic, and esthetic values of the environment.

(c) The State, every agency and political subdivision of the State, and every person shall have a duty to conserve and develop in an ecologically sound manner the natural resources of Texas and to

preserve and enhance a clean and healthful environment for present and future generations.

(d) Texas' public natural resources shall be conserved in trust for all the people, including generations to come. As trustees, the State and every agency and political subdivision of the State shall have a duty to conserve and to maintain these resources for the benefit of all the people.

(e) Each person may enforce all rights and duties of this Section against any party, governmental or private, in appropriate legal, equitable, administrative, or other proceeding.

(f) The Legislature shall have the power to pass all such laws as may be appropriate to enforce these rights and duties in accordance with the purpose of this Section.

#### CONSTITUTIONAL CONVENTION PROPOSAL 28

By Delegate Heatly:

To Committee on the Judiciary.

C.C.P. 28, A PROPOSAL FOR INCORPORATION IN THE CONSTITUTION OF TEXAS

Providing an article on the Judicial Department.

BE IT PROPOSED BY THE CONSTITUTIONAL CONVENTION OF TEXAS:

That Article V read as follows:

Article V. JUDICIAL DEPARTMENT

Section 1. JUDICIAL POWER; COURTS IN WHICH VESTED. The judicial power of this State shall be vested in one Supreme Court, in Courts of Civil Appeals, in a Supreme Court of Criminal Appeals, in Intermediate Courts of Criminal Appeals, in District Courts, in County Courts, in Commissioners Courts, in Courts of Justices of the Peace, and in such other courts as may be provided by law.

The Legislature may establish such other courts as it may deem necessary and prescribe the jurisdiction and organization thereof, and may conform the jurisdiction of the district and other inferior courts thereto.

Sec. 1-a. RETIREMENT, CENSURE, AND REMOVAL OF JUSTICES AND JUDGES; STATE JUDICIAL QUALIFICATIONS COMMISSION. (1) Subject to the further provisions of this Section, the Legislature shall provide for



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the retirement and compensation of Justices and Judges of the Appellate Courts and District and Criminal District Courts on account of length of service, age and disability, and for their reassignment to active duty where and when needed. The office of every such Justice and Judge shall become vacant when the incumbent reaches the age of seventy-five (75) years or such earlier age, not less than seventy (70) years, as the Legislature may prescribe; but, in the case of an incumbent whose term of office includes the effective date of this Constitution, this provision shall not prevent him from serving the remainder of said term nor be applicable to him before his period or periods of judicial service shall have reached a total of ten (10) years.

(2) There is hereby created the State Judicial Qualifications Commission, to consist of nine (9) members, to wit: (i) two (2) Justices of Courts of Civil Appeals; (ii) two (2) District Judges; (iii) two (2) members of the State Bar, who have respectively practiced as such for over ten (10) consecutive years next preceding their selection; (iiii) three (3) citizens, at least thirty (30) years of age, not licensed to practice law nor holding any salaried public office or employment; provided that no person shall be or remain a member of the Commission, who does not maintain physical residence within this State, or who resides in, or holds a judgeship within or for, the same Supreme Judicial District as another member of the Commission, or who shall have ceased to retain the qualifications above specified for his respective class of membership. Commissioners of classes (i) and (ii) above shall be chosen by the Supreme Court with advice and consent of the Senate, those of class (iii) by the Board of Directors of the State Bar under regulations to be prescribed by the Supreme Court with advice and consent of the Senate, and those of class (iiii) by appointment of the Governor with advice and consent of the Senate.

(3) The regular term of office of Commissioners shall be six (6) years; but the initial members of each of classes (i), (ii) and (iii) shall respectively be chosen for terms of four (4) and six (6) years, and the initial members of class (iiii) for respective terms of two (2), four (4) and six (6) years. Interim vacancies shall be

filled in the same manner as vacancies due to expiration of a full term, but only for the unexpired portion of the term in question. Commissioners may succeed themselves in office only if having served less than three (3) consecutive years.

(4) Commissioners shall receive no compensation for their services as such. The Legislature shall provide for the payment of the necessary expense for the operation of the Commission.

(5) The Commission may hold its meetings, hearings and other proceedings at such times and places as it shall determine but shall meet at Austin at least once each year. It shall annually select one of its members as Chairman. A quorum shall consist of five (5) members. Proceedings shall be by majority vote of those present, except that recommendations for retirement, censure, or removal of any person holding an office named in Paragraph A of Subsection (6) of this Section shall be by affirmative vote of at least five (5) members.

(6)A. Any Justice or Judge of the Appellate Courts and District and Criminal District Courts, and any County Judge, and any Judge of a County Court at Law, a Court of Domestic Relations, a Juvenile Court, a Probate Court, or a Corporation or Municipal Court, and any Justice of the Peace, and any Judge or presiding officer of any special court created by the Legislature as provided in Section 1, Article V, of this Constitution, may, subject to the other provisions hereof, be removed from office for willful or persistent conduct, which is clearly inconsistent with the proper performance of his said duties or casts public discredit upon the judiciary or administration of justice; or any person holding such office may be censured, in lieu of removal from office, under procedures provided for by the Legislature.

B. Any person holding an office named in Paragraph A of this subsection who is eligible for retirement benefits under the laws of this state providing for judicial retirement may be involuntarily retired, and any person holding an office named in that paragraph who is not eligible for retirement benefits under such laws may be removed from office, for disability seriously interfering with the performance of his duties, which is, or is likely to become, permanent in nature.

(7) The Commission shall keep itself informed as fully as may be of



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circumstances relating to the misconduct or disability of particular persons holding an office named in Paragraph A of Subsection (6) of this Section, receive complaints or reports, formal or informal, from any source in this behalf and make such preliminary investigations as it may determine. Its orders for the attendance or testimony of witnesses or for the production of documents at any hearing or investigation shall be enforceable by contempt proceedings in the District Court.

(8) After such investigation as it deems necessary, the Commission may in its discretion issue a private reprimand, or if the Commission determines that the situation merits such action, it may order a hearing to be held before it concerning the removal, or retirement of a person holding an office named in Paragraph A of Subsection (6) of this Section, or it may in its discretion request the Supreme Court to appoint an active or retired District Judge or Justice of a Court of Civil Appeals as a Master to hear and take evidence in any such matter, and to report thereon to the Commission. If, after hearing, or after considering the record and report of a Master, the Commission finds good cause therefor, it shall issue an order of public censure or it shall recommend to the Supreme Court the removal, or retirement, as the case may be, of the person in question holding an office named in Paragraph A of Subsection (6) of this Section and shall thereupon file with the Clerk of the Supreme Court the entire record before the Commission.

(9) The Supreme Court shall review the record of the proceedings on the law and facts and in its discretion may, for good cause shown, permit the introduction of additional evidence and shall order public censure, retirement or removal, as it finds just and proper, or wholly reject the recommendation. Upon an order for involuntary retirement for disability or an order for removal, the office in question shall become vacant. The rights of an incumbent so retired to retirement benefits shall be the same as if his retirement had been voluntary.

(10) All papers filed with and proceedings before the Commission or a Master shall be confidential, and the filing of papers with, and the giving of testimony before, the Commission, Master or the Supreme Court shall be privileged;

provided that upon being filed in the Supreme Court the record loses its confidential character.

(11) The Supreme Court shall by rule provide for the procedure before the Commission, Masters and the Supreme Court. Such rule shall afford to any person holding an office named in Paragraph A of Subsection (6) of this Section, against whom a proceeding is instituted to cause his retirement or removal, due process of law for the procedure before the Commission, Masters and the Supreme Court in the same manner that any person whose property rights are in jeopardy in an adjudicatory proceeding is entitled to due process of law, regardless of whether or not the interest of the person holding an office named in Paragraph A of Subsection (6) of this Section in remaining in active status is considered to be a right or a privilege. Due process shall include the right to notice, counsel, hearing, confrontation of his accusers, and all such other incidents of due process as are ordinarily available in proceedings whether or not misfeasance is charged, upon proof of which a penalty may be imposed.

(12) No person holding an office named in Paragraph A of Subsection (6) of this Section shall sit as a member of the Commission or Supreme Court in any proceeding involving his own retirement or removal.

(13) This Section 1-a is alternative to and cumulative of, the methods of removal of persons holding an office named in Paragraph A of Subsection (6) of this Section provided elsewhere in this Constitution.

Sec. 2. SUPREME COURT; JUSTICES; SECTIONS; ELIGIBILITY; ELECTION; VACANCIES. The Supreme Court shall consist of a Chief Justice and eight Associate Justices, any five of whom shall constitute a quorum, and the concurrence of five shall be necessary to a decision of a case; provided, that when the business of the court may require, the court may sit in sections as designated by the court to hear argument of causes and to consider applications for writs of error or other preliminary matters. No person shall be eligible to the office of Chief Justice or Associate Justice of the Supreme Court unless he be, at the time of his election, a citizen of the United States and of this state, and unless he shall have attained the age of thirty-five years, and shall have been a practicing lawyer, or a lawyer and judge of a court of record



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together at least ten years. Said Justices shall be elected (three of them each two years) by the qualified voters of the state at a general election; shall hold their offices six years, or until their successors are elected and qualified; and shall each receive such compensation as shall be provided by law. In case of a vacancy in the office of any Justice of the Supreme Court, the Governor shall fill the vacancy until the next general election for state officers, and at such general election the vacancy for the unexpired term shall be filled by election by the qualified voters of the state. The Justices of the Supreme Court who may be in office at the time this Constitution takes effect shall continue in office until the expiration of their term of office and until their successors are elected and qualified.

Sec. 3. JURISDICTION OF SUPREME COURT; WRITS; SESSIONS; CLERK. The Supreme Court shall have appellate jurisdiction only except as herein specified, which shall be co-extensive with the limits of the State. Its appellate jurisdiction shall extend to questions of law arising in cases of which the Courts of Civil Appeals have appellate jurisdiction under such restrictions and regulations as the Legislature may prescribe. Unless otherwise provided by law the appellate jurisdiction of the Supreme Court shall extend to questions of law arising in the cases in the Courts of Civil Appeals in which the Judges of any Court of Civil Appeals may disagree, or where the several Courts of Civil Appeals may hold differently on the same question of law or where a statute of the State is held void. The Supreme Court and the Justices thereof shall have power to issue writs of habeas corpus, as may be prescribed by law, and under such regulations as may be prescribed by law, the said courts and the Justices thereof may issue the writs of mandamus, procedendo, certiorari and such other writs, as may be necessary to enforce its jurisdiction. The Legislature may confer original jurisdiction on the Supreme Court to issue writs of quo warranto and mandamus in such cases as may be specified, except as against the Governor of the State.

The Supreme Court shall also have power, upon affidavit or otherwise as by the court may be determined, to ascertain such matters of fact as may be necessary to

the proper exercise of its jurisdiction.

The Supreme Court shall appoint a clerk, who shall give bond in such manner as is now or may hereafter, be required by law, and he may hold his office for four years and shall be subject to removal by said court for good cause entered of record on the minutes of said court who shall receive such compensation as the Legislature may provide.

Sec. 3a. SESSIONS OF COURT. The Supreme Court may sit at any time during the year at the seat of government for the transaction of business and each term thereof shall begin and end with each calendar year.

Sec. 3-b. APPEAL FROM ORDER GRANTING OR DENYING INJUNCTION. The Legislature shall have the power to provide by law, for an appeal direct to the Supreme Court of this State from an order of any trial court granting or denying an interlocutory or permanent injunction on the grounds of the constitutionality or unconstitutionality of any statute of this State, or on the validity or invalidity of any administrative order issued by any state agency under any statute of this State.

Sec. 4. SUPREME COURT OF CRIMINAL APPEALS; JUDGES. The Supreme Court of Criminal Appeals shall consist of nine Judges, one of whom shall be Presiding Judge, a majority of whom shall constitute a quorum, and the concurrence of five Judges shall be necessary to a decision of said court. Said Judges shall have the same qualifications and receive the same salaries as the Associate Justices of the Supreme Court. They shall be elected by the qualified voters of the state at a general election and shall hold their offices for a term of six years. In case of a vacancy in the office of a Judge of the Supreme Court of Criminal Appeals, the Governor shall, with the advice and consent of the Senate, fill said vacancy by appointment until the next succeeding general election.

The Judges of the Court of Criminal Appeals who may be in office at the time when this Constitution takes effect shall become Judges of the Supreme Court of Criminal Appeals and continue in office until the expiration of the term of office for which each has been elected or appointed and until his successor shall have been elected and qualified.

Sec. 5. JURISDICTION OF SUPREME COURT OF CRIMINAL APPEALS; TERMS OF COURT; CLERK. The Supreme Court of Criminal Appeals shall



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have appellate jurisdiction coextensive with the limits of the state in all criminal cases of whatever grade, with such exceptions and under such regulations as may be prescribed by law, and shall have jurisdiction to review the decisions of the Intermediate Courts of Criminal Appeals, under such regulations as may be provided by law or be prescribed by rules adopted by the Supreme Court of Criminal Appeals.

The Supreme Court of Criminal Appeals and the Judges thereof shall have the power to issue the writ of habeas corpus, and such court shall have power to issue writs of mandamus, prohibition, procedendo, and certiorari, and under such regulations as may be prescribed by law, issue such writs as may be necessary to enforce its own jurisdiction. The Supreme Court of Criminal Appeals shall have power upon affidavit or otherwise to ascertain such matters of fact as may be necessary to the exercise of its jurisdiction.

The Supreme Court of Criminal Appeals may sit for the transaction of business at any time from the first Monday in October to the last Saturday in September in each year, at the State Capitol. The Supreme Court of Criminal Appeals shall appoint a clerk of the court who shall give bond in such manner as is now or may hereafter be required by law, and who shall hold his office for a term of four years unless sooner removed by the court for good cause entered of record on the minutes of said court.

The Clerk of the Court of Criminal Appeals who may be in office at the time when this Constitution takes effect shall continue in office for the term of his appointment.

Sec. 6. COURTS OF CIVIL APPEALS; TRANSFER OF CASES; TERMS OF JUDGES. The Legislature shall divide the State into such Supreme judicial districts as the increase of population and business may require, and shall establish a Court of Civil Appeals in each of said districts, which shall consist of a Chief Justice and two Associate Justices, who shall have the qualifications as herein prescribed for Justices of the Supreme Court. Said Court of Civil Appeals shall have appellate jurisdiction co-extensive with the limits of their respective districts, which shall extend to all civil cases of which the District Courts or County Courts have original or appellate jurisdiction, under

such restrictions and regulations as may be prescribed by law. Provided, that the decision of said courts shall be conclusive on all questions of fact brought before them on appeal or error.

Each of said Courts of Civil Appeals shall hold its sessions at a place in its district to be designated by the Legislature, and at such time as may be prescribed by law. Said Justices shall be elected by the qualified voters of their respective districts at a general election, for a [a] term of six years and shall receive for their services such compensation as may be provided by law. Said courts shall have such other jurisdiction, original and appellate as may be prescribed by law. Each Court of Civil Appeals shall appoint a clerk in the same manner as the clerk of the Supreme Court which clerk shall receive such compensation as may be fixed by law.

Sec. 6a. INTERMEDIATE COURTS OF CRIMINAL APPEALS. The Legislature shall divide the State into four judicial districts with each of the cities of Fort Worth, Dallas, San Antonio, and Houston in a separate district, and shall establish an Intermediate Court of Criminal Appeals in each of the districts, which shall consist of a Chief Justice and two Associate Justices, who shall have the qualifications as herein prescribed for Justices of the Supreme Court. The Intermediate Court of Criminal Appeals shall have appellate jurisdiction co-extensive with the limits of their respective districts, which shall extend to all criminal cases of which the District Courts or County Courts have original or appellate jurisdiction, under such restrictions and regulations as may be prescribed by law. The decision of said courts shall be conclusive on all questions of fact brought before them on appeal or error.

The Intermediate Courts of Criminal Appeals shall hold their sessions in the cities of Fort Worth, Dallas, San Antonio, and Houston, and at such time as may be prescribed by law. The Justices shall be elected by the qualified voters of their respective districts at a general election for a term of six years and shall receive for their services such compensation as may be provided by law. The courts shall have such other jurisdiction as may be prescribed by law. Each Intermediate Court of Criminal Appeals shall appoint a clerk in the same manner as the clerk of the Supreme Court, which clerk shall receive



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such compensation as may be fixed by law.

All criminal cases which may be pending in the Court of Criminal Appeals shall as soon as practicable after the organization of the Intermediate Courts of Criminal Appeals be certified to, and the records thereof transmitted to the proper Intermediate Courts of Criminal Appeals to be decided by said courts.

On the effective date of the enabling legislation to establish an Intermediate Court of Criminal Appeals in each of four judicial districts, the governor, with the advice and consent of the Senate, shall appoint for each court a Chief Justice and two Associate Justices to serve until the next general election. The Chief Justice and Associate Justices first elected after this Constitution goes into effect hold office as follows: one shall serve two years, one shall serve four years, and one shall serve six years. Their terms shall be decided by lot immediately after they shall have qualified, and one Justice shall be elected every two years thereafter. In case of vacancy in said office, the governor shall fill the vacancy by appointment until the next general election.

Sec. 7. JUDICIAL DISTRICTS; DISTRICT JUDGES; TERMS OR SESSIONS; ABSENCE, DISABILITY OR DISQUALIFICATION OF JUDGE. The State shall be divided into as many judicial districts as may now or hereafter be provided by law, which may be increased or diminished by law. For each district there shall be elected by the qualified voters thereof, at a General Election, a Judge, who shall be a citizen of the United States and of this State, who shall be licensed to practice law in this State and shall have been a practicing lawyer or a Judge of a Court in this State, or both combined, for four (4) years next preceding his election, who shall have resided in the district in which he was elected for two (2) years next preceding his election, who shall reside in his district during his term of office, who shall hold his office for the period of four (4) years, and shall receive for his services an annual salary to be fixed by the Legislature. The Court shall conduct its proceedings at the county seat of the county in which the case is pending, except as otherwise provided by law. He shall hold the regular terms of his Court at the County Seat of each County in his district at least twice in each year

in such manner as may be prescribed by law. The Legislature shall have power by General or Special Laws to make such provisions concerning the terms or sessions of each Court as it may deem necessary.

The Legislature shall also provide for the holding of District Court when the Judge thereof is absent, or is from any cause disabled or disqualified from presiding.

The District Judges who may be in office when this Constitution takes effect shall hold their offices until their respective terms shall expire under their present election or appointment.

Sec. 8. JURISDICTION OF DISTRICT COURT. The District Court shall have original jurisdiction in all criminal cases of the grade of felony; in all suits in behalf of the State to recover penalties, forfeitures and escheats; of all cases of divorce; of all misdemeanors involving official misconduct; of all suits to recover damages for slander or defamation of character; of all suits for trial of title to land and for the enforcement of liens thereon; of all suits for the trial of the right of property levied upon by virtue of any writ of execution, sequestration or attachment when the property levied on shall be equal to or exceed in value five hundred dollars; of all suits, complaints or pleas whatever, without regard to any distinction between law and equity, when the matter in controversy shall be valued at or amount to five hundred dollars exclusive of interest; of contested elections, and said court and the judges thereof, shall have power to issue writs of habeas corpus, mandamus, injunction and certiorari, and all writs necessary to enforce their jurisdiction.

The District Court shall have appellate jurisdiction and general control in probate matters, over the County Court established in each county, for appointing guardians, granting letters testamentary and of administration, probating wills, for settling the accounts of executors, administrators and guardians, and for the transaction of all business appertaining to estates; and original jurisdiction and general control over executors, administrators, guardians and minors under such regulations as may be prescribed by law. The District Court shall have appellate jurisdiction and general supervisory control over the County Commissioners Court, with such exceptions and under such regulations as may be



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prescribed by law; and shall have general original jurisdiction over all causes of action whatever for which a remedy or jurisdiction is not provided by law or this Constitution, and such other jurisdiction, original and appellate, as may be provided by law.

The district court, concurrently with the county court, shall have the general jurisdiction of a probate court. It shall probate wills, appoint guardians of minors, idiots, lunatics, persons non compos mentis and common drunkards, grant letters testamentary and of administration, settle accounts of executors, transact all business appertaining to deceased persons, minors, idiots, lunatics, persons non compos mentis and common drunkards, including the settlement, partition and distribution of estates of deceased persons and to apprentice minors, as provided by law. In any proceeding involving the general jurisdiction of a probate court, including such specified proceedings, the district court shall also have all other jurisdiction conferred upon the district court by law. The legislature, however, shall have the power, by local or general law, Section 16 of Article V of this Constitution notwithstanding, to increase, diminish or eliminate the jurisdiction of either the district court or the county court in probate matters, and in cases of any such change of jurisdiction, the legislature shall also conform the jurisdiction of the other courts to such change. The legislature shall have power to adopt rules governing the filing, distribution and transfer of all such cases and proceedings as between district courts, county courts, and other courts having jurisdiction thereof, and may provide that all appeals in such matters shall be to the courts of (civil) appeals.

Sec. 9. CLERK OF DISTRICT COURT. There shall be a Clerk for the District Court of each county, who shall be elected by the qualified voters for State and county officers, and who shall hold his office for four years, subject to removal by information, or by indictment of a grand jury, and conviction of a petit jury. In case of vacancy, the Judge of the District Court shall have the power to appoint a Clerk, who shall hold until the office can be filled by election.

Sec. 10. TRIAL BY JURY. In the trial of all causes in the District Courts, the

plaintiff or defendant shall, upon application made in open court, have the right of trial by jury; but no jury shall be empaneled in any civil case unless demanded by a party to the case, and a jury fee be paid by the party demanding a jury, for such sum, and with such exceptions as may be prescribed by the Legislature.

Sec. 11. DISQUALIFICATION OF JUDGES; EXCHANGE OF DISTRICTS; HOLDING COURT FOR OTHER JUDGES. No judge shall sit in any case wherein he may be interested, or where either of the parties may be connected with him, either by affinity or consanguinity, within such a degree as may be prescribed by law, or when he shall have been counsel in the case. When the Supreme Court, the Supreme Court of Criminal Appeals, the Court of Civil Appeals, the Intermediate Court of Criminal Appeals, or any member of either, shall be thus disqualified to hear and determine any case or cases in said court, the same shall be certified to the Governor of the State, who shall immediately commission the requisite number of persons learned in the law for the trial and determination of such cause or causes. When a judge of the District Court is disqualified by any of the causes above stated, the parties may, by consent, appoint a proper person to try said case; or upon their failing to do so, a competent person may be appointed to try the same in the county where it is pending, in such manner as may be prescribed by law.

And the District Judges may exchange districts, or hold courts for each other when they may deem it expedient, and shall do so when required by law. This disqualification of judges of inferior tribunals shall be remedied and vacancies in their offices filled as may be prescribed by law.

Sec. 12. JUDGES TO BE CONSERVATORS OF THE PEACE; STYLE OF WRITS AND PROCESS; PROSECUTIONS IN NAME OF STATE; CONCLUSION. All judges of courts of this State, by virtue of their office, be conservators of the peace throughout the State. The style of all writs and process shall be, "The State of Texas." All prosecutions shall be carried on in the name and by authority of the State of Texas, and shall conclude: "Against the peace and dignity of the State."

Sec. 13. NUMBER OF GRAND AND PETIT JURORS; NUMBER CONCURRING. Grand and petit juries in the District Courts shall be composed of twelve men; but nine members of a grand jury shall be a quorum to transact



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business and present bills. In trials of civil cases, and in trials of criminal cases below the grade of felony in the District Courts, nine members of the jury, concurring, may render a verdict, but when the verdict shall be rendered by less than the whole number, it shall be signed by every member of the jury concurring in it. When, pending the trial of any case, one or more jurors not exceeding three, may die, or be disabled from sitting, the remainder of the jury shall have the power to render the verdict; provided, that the Legislature may change or modify the rule authorizing less than the whole number of the jury to render a verdict.

Sec. 14. JUDICIAL DISTRICTS AND TIME OF HOLDING COURT. The Judicial Districts in this State and the time of holding the Courts therein at the time this Constitution takes effect are fixed by this Constitution, until otherwise provided by law.

To Committee on Local Government.

Sec. 15. COUNTY COURT; COUNTY JUDGE. There shall be established in each county in this State a County Court, which shall be a court of record; and there shall be elected in each county, by the qualified voters, a County Judge, who shall be well informed in the law of the State; shall be a conservator of the peace, and shall hold his office for four years, and until his successor shall be elected and qualified. He shall receive as compensation for his services such fees and perquisites as may be prescribed by law.

Sec. 16. COUNTY COURTS; JURISDICTION; APPEALS TO COURT OF CIVIL APPEALS AND COURT OF CRIMINAL APPEALS; DISQUALIFICATION OF JUDGE. The County Court shall have original and appellate jurisdiction as provided by law, and shall have the jurisdiction of a Probate Court as provided by law. In all appeals from Justices Courts there shall be a trial de novo in the County Court, and appeals may be prosecuted from the final judgment rendered in such cases by the County Court, as well as all cases civil and criminal of which the County Court has exclusive or concurrent or original jurisdiction of civil appeals in civil cases to the Court of Civil Appeals and in such criminal cases to the Intermediate Court of Criminal Appeals, with such exceptions and under

such regulations as may be prescribed by law.

The County Court, or judge thereof, shall have power to issue writs of injunctions, mandamus and all writs necessary to the enforcement of the jurisdiction of said Court, and to issue writs of habeas corpus in cases where the offense charged is within the jurisdiction of the County Court, or any other Court or tribunal inferior to said Court. When the judge of the County Court is disqualified in any case pending in the County Court the parties interested may, by consent, appoint a proper person to try said case, or upon their failing to do so a competent person may be appointed to try the same in the county where it is pending in such manner as may be prescribed by law.

Sec. 17. PROSECUTIONS; JURIES. Prosecutions may be commenced in said court by information filed by the county attorney, or by affidavit, as may be provided by law. Grand juries empaneled in the District Courts shall inquire into misdemeanors, and all indictments therefor returned into the District Courts shall forthwith be certified to the County Courts or other inferior courts, having jurisdiction to try them for trial; and if such indictment be quashed in the County, or other inferior court, the person charged, shall not be discharged if there is probable cause of guilt, but may be held by such court or magistrate to answer an information or affidavit. A jury in the County Court shall consist of six men; but no jury shall be empaneled to try a civil case unless demanded by one of the parties, who shall pay such jury fee therefor, in advance, as may be prescribed by law, unless he makes affidavit that he is unable to pay the same.

To Committee on the Judiciary.

Sec. 18. DIVISION OF COUNTIES INTO PRECINCTS; ELECTION OF CONSTABLE AND JUSTICE OF THE PEACE; COUNTY COMMISSIONERS AND COUNTY COMMISSIONERS COURT. Each organized county in the State now or hereafter existing, shall be divided from time to time, for the convenience of the people, into precincts, not less than four and not more than eight. Divisions shall be made by the Commissioners Court provided for by this Constitution. In each such precinct there shall be elected one Justice of the Peace and one Constable, each of whom shall hold his office for four years



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and until his successor shall be elected and qualified; provided that in any precinct in which there may be a city of 8,000 or more inhabitants, there shall be elected two Justices of the Peace. Each county shall in like manner be divided into four commissioners precincts in each of which there shall be elected by the qualified voters thereof one County Commissioner, who shall hold his office for four years and until his successor shall be elected and qualified. The County Commissioners so chosen, with the County Judge as presiding officer, shall compose the County Commissioners Court, which shall exercise such powers and jurisdiction over all county business, as is conferred by this Constitution and the laws of the State, or as may be hereafter prescribed.

Sec. 19. JUSTICES OF THE PEACE; JURISDICTION; APPEALS; EX OFFICIO NOTARIES PUBLIC; TIMES AND PLACES OF HOLDING COURT. Justices of the Peace shall have such jurisdiction, criminal and civil, as may be provided by law, under such regulations as may be prescribed by law; and appeals to the County Courts shall be allowed in all cases decided in Justices' Courts where the judgment is for more than twenty dollars exclusive of costs; and in all criminal cases under such regulations as may be prescribed by law. And the justices of the peace shall be ex officio notaries public. And they shall hold their courts at such times and places as may be provided by law.

To Committee on Local Government.

Sec. 20. COUNTY CLERK. There shall be elected for each county, by the qualified voters, a County Clerk, who shall hold his office for four years, who shall be clerk of the County and Commissioners Courts and recorder of the county, whose duties, perquisites and fees of office shall be prescribed by the Legislature, and a vacancy in whose office shall be filled by the Commissioners Court, until the next general election; provided, that in counties having a population of less than 8,000 persons there may be an election of a single Clerk, who shall perform the duties of District and County Clerks.

Sec. 21. COUNTY ATTORNEYS; DISTRICT ATTORNEYS. A County Attorney, for counties in which there is not a resident Criminal District Attorney, shall be elected by the qualified voters of each county, who shall

be commissioned by the Governor, and hold his office for the term of four years. In case of vacancy the Commissioners Court of the county shall have the power to appoint a County Attorney until the next general election. The County Attorneys shall represent the State in all cases in the District and inferior courts in their respective counties; but if any county shall be included in a district in which there shall be a District Attorney, the respective duties of District Attorneys and County Attorneys shall in such counties be regulated by the Legislature. The Legislature may provide for the election of District Attorneys in such districts, as may be deemed necessary, and make provision for the compensation of District Attorneys and County Attorneys. District Attorneys shall hold office for a term of four years, and until their successors have qualified.

Sec. 22. SHERIFFS. There shall be elected by the qualified voters of each county a Sheriff, who shall hold his office for the term of four years, whose duties and perquisites, and fees of office, shall be prescribed by the Legislature, and vacancies in whose office shall be filled by the Commissioners Court until the next general election.

Sec. 23. REMOVAL OF COUNTY OFFICERS. County Judges, county attorneys, clerks of the District and County Courts, justices of the peace, constables, and other county officers, may be removed by the Judges of the District Courts for incompetency, official misconduct, habitual drunkenness, or other causes defined by law, upon the cause therefor being set forth in writing and the finding of its truth by a jury.

To Committee on the Judiciary.

Sec. 24. RULES OF COURT. The Supreme Court shall have power to make and establish rules of civil procedure not inconsistent with the laws of the State for the government of said court and the other courts of this State to expedite the dispatch of business therein, and the Supreme Court of Criminal Appeals shall have power to make and establish rules of criminal procedure not inconsistent with the laws of the State for the government of said court and the other courts of this State to expedite the dispatch of business therein.

Sec. 25. CRIMINAL CASES; NO APPEAL BY STATE. The State shall have no right of appeal in criminal cases.



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Sec. 26. VACANCIES IN JUDICIAL OFFICES. Vacancies in the office of judges of the Supreme Court, the Supreme Court of Criminal Appeals, the Court of Civil Appeals, the Intermediate Court of Criminal Appeals, and the District Courts shall be filled by the Governor until the next succeeding General Election; and vacancies in the office of County Judge and Justices of the Peace shall be filled by the Commissioners' Court until the next succeeding General Election.

Sec. 27. COUNTY COURT; TERMS OF COURT; PROBATE BUSINESS; COMMENCEMENT OF PROSECUTIONS; JURY. The County Court shall hold at least four terms for both civil and criminal business annually, as may be provided by the Legislature, or by the Commissioners' Court of the county under authority of law, and such other terms each year as may be fixed by the Commissioners' Court; provided, the Commissioners' Court of any county having fixed the times and number of terms of the County Court, shall not change the same again until the expiration of one year. Said court shall dispose of probate business either in term time or vacation, under such regulation as may be prescribed by law. Prosecutions may be commenced in said courts in such manner as is or may be provided by law, and a jury therein shall consist of six men.

Sec. 28. JUDGES OF COURTS OF COUNTY-WIDE JURISDICTION; CRIMINAL DISTRICT ATTORNEYS. The Judges of all Courts of county-wide jurisdiction heretofore or hereafter created by the Legislature of this State, and all Criminal District Attorneys now or hereafter authorized by the laws of this State, shall be elected for a term of four years, and shall serve until their successors have qualified.

#### CONSTITUTIONAL CONVENTION PROPOSAL 29

By Delegate Truan:

To Committee on General Provisions.

C.C.P. 29, A PROPOSAL FOR INCORPORATION IN THE CONSTITUTION OF TEXAS

Relating to the rights of the public to ingress to and egress from State-owned beaches bordering on the seaward shore of the Gulf of Mexico and certain other areas bordering on the Gulf of Mexico.

BE IT PROPOSED BY THE CONSTITUTIONAL CONVENTION OF TEXAS:

That the following section be included in Article X:

Section \_\_\_\_ RIGHTS IN PUBLIC BEACHES. (a) It is the public policy of this State that the public, both individually and collectively, has the free and unrestricted right of ingress to and egress from the State-owned beaches bordering on the seaward shore of the Gulf of Mexico and any larger area extending from the line of mean low tide to the line of vegetation bordering on the Gulf of Mexico if the public has acquired a right of use or easement to or over the area by prescription or dedication or has retained a right by virtue of continuous right in the public.

(b) The Legislature may pass all laws which may be appropriate to enforce the rights provided in this Section.

#### CONSTITUTIONAL CONVENTION PROPOSAL 30

By Delegate Jones of El Paso:

To Committee on General Provisions.

C.C.P. 30, A PROPOSAL FOR INCORPORATION IN THE CONSTITUTION OF TEXAS

Relating to rights of access to public records.

BE IT PROPOSED BY THE CONSTITUTIONAL CONVENTION OF TEXAS:

That the following section be included in the appropriate article:

Section \_\_\_\_ RIGHTS OF ACCESS TO PUBLIC RECORDS. Except when specifically prohibited by general law, all persons shall have the right to public inspection of any information, records, or documents gathered, collected, or prepared by any governmental body of this State or its political subdivisions for its use in formulating or implementing public policy or governmental decisions.

#### CONSTITUTIONAL CONVENTION PROPOSAL 31

By Delegate Green of Harris:

To Committee on General Provisions.

C.C.P. 31, A PROPOSAL FOR INCORPORATION IN THE CONSTITUTION OF TEXAS



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Relating to gambling enterprises.

BE IT PROPOSED BY THE CONSTITUTIONAL CONVENTION OF TEXAS:

That Article X, Section 19, read as follows:

Section 19. GAMBLING ENTERPRISES. The establishment of lotteries and gift enterprises in this State, as well as the sale of tickets in lotteries, gift enterprises or other evasions involving the lottery principle, established or existing in other States for profit shall be prohibited.

CONSTITUTIONAL CONVENTION PROPOSAL 32

By Delegate Davis:

To Committee on the Legislature.

C.C.P. 32, A PROPOSAL FOR INCORPORATION IN THE CONSTITUTION OF TEXAS

Relating to the legislative power of the State and the reservation of the power of initiative in the people.

BE IT PROPOSED BY THE CONSTITUTIONAL CONVENTION OF TEXAS:

That Article III, Section 1, read as follows:

Section 1. LEGISLATIVE POWER. (a) The legislative power of the State of Texas shall be vested in two houses, a Senate and a House of Representatives, which together shall be styled "The Legislature of the State of Texas."

(b) The people reserve to themselves the power to propose laws and amendments to this Constitution, and to enact the same at the polls independent of the Legislature. The Legislature shall provide by law the procedures by which such proposals are submitted to the people for adoption or rejection.

CONSTITUTIONAL CONVENTION PROPOSAL 33

By Delegate Cates:

To Committee on General Provisions.

C.C.P. 33, A PROPOSAL FOR INCORPORATION IN THE CONSTITUTION OF TEXAS

Relating to banking.

BE IT PROPOSED BY THE CONSTITUTIONAL CONVENTION OF TEXAS:

That Article X, Section 16, read as follows:

Section 16. FOREIGN CORPORATIONS WITH BANKING AND DISCOUNTING PRIVILEGES; BRANCH BANKING. (a) No foreign corporation, other than national banks of the United States, shall be permitted to exercise banking or discounting privileges in this State.

(b) No bank shall engage in business in more than one place, which shall be designated in its charter, nor shall it maintain any branch office not physically connected with its domicile.

CONSTITUTIONAL CONVENTION PROPOSAL 34

By Delegate Cates:

To Committee on General Provisions.

C.C.P. 34, A PROPOSAL FOR INCORPORATION IN THE CONSTITUTION OF TEXAS

Relating to gambling enterprises.

BE IT PROPOSED BY THE CONSTITUTIONAL CONVENTION OF TEXAS:

That Article X, Section 19, read as follows:

Section 19. GAMBLING ENTERPRISES. The Legislature shall pass laws prohibiting the establishment of lotteries and gift enterprises in this State, as well as the sale of tickets in lotteries, gift enterprises or other evasions involving the lottery principle, established or existing in other states.

CONSTITUTIONAL CONVENTION PROPOSAL 35

By Delegate Cates:

To Committee on Education.

C.C.P. 35, A PROPOSAL FOR INCORPORATION IN THE CONSTITUTION OF TEXAS

Relating to prohibition of aid to nonpublic schools.

BE IT PROPOSED BY THE CONSTITUTIONAL CONVENTION OF TEXAS:



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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 of the primary, secondary, or college level; nor shall public funds be provided to any students for payment of expenses incurred by attending such schools.

CONSTITUTIONAL CONVENTION PROPOSAL 36

By Delegate Reynolds:

To Committee on the Executive.

C.C.P. 36, A PROPOSAL FOR INCORPORATION IN THE CONSTITUTION OF TEXAS

Relating to the selection, terms, and residence of executive officers.

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, and Comptroller of Public Accounts shall be elected by the qualified voters of the State at general elections beginning with 1978. The Secretary of State shall be appointed by the Governor. The Commissioner of the General Land Office shall be elected or appointed as provided by law. 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. Elective officers of the Executive Department shall serve four-year terms and may not serve more than two terms in succession. All officers of the Executive Department shall reside at the seat of government.

CONSTITUTIONAL CONVENTION PROPOSAL 37

By Delegate Reynolds:

To Committee on the Executive.

C.C.P. 37, A PROPOSAL FOR INCORPORATION IN THE CONSTITUTION OF TEXAS

Relating to the Governor's veto powers.

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



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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 38

By Delegate Sherman of Tarrant:

To Committee of Education.

C.C.P. 38, A PROPOSAL FOR INCORPORATION IN THE CONSTITUTION OF TEXAS

Providing an article on schools and education.

BE IT PROPOSED BY THE CONSTITUTIONAL CONVENTION OF TEXAS:

That Article VII read as follows:

##### ARTICLE VII. EDUCATION

A general diffusion of knowledge being essential to the preservation of the liberties and rights of the people, it shall be the duty of the Legislature to establish and make suitable provision for the equitable support and maintenance of an efficient system of free public schools and to provide equal educational opportunity for each person in this state.

#### CONSTITUTIONAL CONVENTION PROPOSAL 39

By Delegate Grant:

To Committee on the Executive.

C.C.P. 39, A PROPOSAL FOR INCORPORATION IN THE CONSTITUTION OF TEXAS

Relating to the organization of the executive branch.

BE IT PROPOSED BY THE CONSTITUTIONAL CONVENTION OF TEXAS:

(1) That the following sections be included in Article IV:

Section \_\_\_\_ ADMINISTRATIVE DEPARTMENTS. Except for the office of Governor and the office of Lieutenant Governor, all executive and administrative offices, agencies, and instrumentalities of the State government, and their respective

functions, powers, and duties, shall be allocated by law among and within not more than twenty principal departments, including the departments headed by the Attorney General, Comptroller of Public Accounts, Secretary of State, Commissioner of the General Land Office, Commissioner of Agriculture, and State Board of Education, so as to group them as far as practicable according to major purposes. Regulatory, quasi-judicial, and temporary agencies established by law may, but need not, be allocated within a principal department. The Legislature shall by law prescribe the functions, powers, and duties of the principal departments and of all other agencies of the State and may from time to time reallocate offices, agencies, and instrumentalities among the principal departments, may increase, modify, diminish, or change their functions, powers, and duties and may assign new functions, powers, and duties to them; but the Governor may make such changes in the allocation of offices, agencies, and instrumentalities, and in the allocation of such functions, powers, and duties, as he considers necessary for efficient administration. If such changes affect existing law, they shall be set forth in executive orders, which shall be submitted to the Legislature while it is in session, and shall become effective and have the force of law, sixty days after submission, or at the close of the session, whichever is sooner, unless specifically modified or disapproved by a resolution concurred in by a majority of the members of each house.

Section \_\_\_\_ EXECUTIVE OFFICERS; APPOINTMENT. The Governor shall appoint, with the advice and consent of the Senate, and may remove the heads of all administrative departments, except those required or authorized by this Constitution or by law to be elected. All other officers in the administrative service of the State shall be appointed and may be removed as provided by law.

Section \_\_\_\_ MERIT SYSTEM. (a) In the civil service of the State, all offices and positions shall be classified according to duties and responsibilities, salary ranges shall be established for the various classes, and all appointments and promotions shall be made according to merit and fitness to be ascertained, so far as practicable, by examinations which, so far as practicable, shall be competitive.

(b) There shall be a department of civil service which shall, in accordance



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with the provisions of this article and the laws enacted pursuant thereto, administer the personnel functions of the State. No payment for any employment hereunder shall be made without the affirmative certification by the department, as to the legality of such employment. The Legislature shall enact laws necessary to carry out the provisions of this section and the department shall make such rules as may be necessary to carry out the provisions and intent of such laws.

(2) That the following language be excluded from Article IV:

Section 17. ADMINISTRATIVE REORGANIZATION. The Governor may from time to time submit to the Legislature written reorganization plans reassigning functions among or consolidating or abolishing any State governmental agencies. Within sixty days after submission or within sixty days after the Legislature can act as a deliberative body, whichever comes later, either house may reject a plan by resolution. Unless rejected the plan shall become effective by its terms.

Section 25. STATE AGENCIES. (a) The length of the term of members appointed by the Governor to State governmental agencies created by statute and with a life of not less than six years shall be two years, unless the number of appointed members is three or a whole multiple thereof in which case the length of the term shall be six years. Two-year terms shall expire between February 1 and April 1 of odd-numbered years. In the case of agencies with members who serve six-year terms, the terms of the members appointed by the Governor shall be staggered. The terms of one-third of such members shall expire between February 1 and April 1 of odd-numbered years.

(b) At the time of appointing members of multi-member agencies with six-year terms, the Governor may designate the chairman. If the Governor fails to designate a chairman prior to April 1, the members of an agency shall choose the chairman from among its membership.

(3) That Sections 1, 2, 6, and 7 of Article IV read as follows:

Section 1. OFFICERS CONSTITUTING THE EXECUTIVE DEPARTMENT. The Governor shall be the Chief Executive Officer of the State. The Executive Department shall consist of a Governor, Lieutenant Governor, Attorney General, Comptroller of Public

Accounts, Secretary of State, Commissioner of the General Land Office, Commissioner of Agriculture, and such other officers as may be provided by law.

Section 2. SELECTION, TERMS, AND RESIDENCE OF OFFICERS OF EXECUTIVE DEPARTMENT. The Governor, Lieutenant Governor, Attorney General, Commissioner of Agriculture, and Comptroller of Public Accounts shall be elected by the qualified voters of the State at general elections beginning with 1978. The Secretary of State shall be appointed by the Governor. The Commissioner of the General Land Office shall be elected or appointed as provided by law. 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. Elective officers of the Executive Department shall serve four-year terms. All officers of the Executive Department shall reside at the seat of government.

Section 6. DISABILITY OF ELECTIVE OFFICERS OF EXECUTIVE DEPARTMENT. The disability of any elected officer of the Executive Department to perform the duties of the office during the term for which elected shall be determined in a proceeding in the Supreme Court of the State under such rules of procedure as may be prescribed by that court. A majority vote of the Governor, Lieutenant Governor, Attorney General, Comptroller of Public Accounts, Commissioner of the General Land Office, Commissioner of Agriculture, Speaker of the House of Representatives, and President pro tempore of the Senate shall initiate such proceedings.

Section 7. COMPENSATION OF OFFICERS OF EXECUTIVE DEPARTMENT. The compensation of the Governor, Lieutenant Governor, Attorney General, Comptroller of Public Accounts, Secretary of State, Commissioner of the General Land Office, and Commissioner of Agriculture shall be as provided by law, not to exceed the amount recommended by the salary commission. The compensation of officers of the Executive Department shall not be diminished during their term of office. The Governor shall have the use of the Governor's Mansion.

#### CONSTITUTIONAL CONVENTION PROPOSAL 40

By Delegates Doggett, Traeger, Salem, Jones of El Paso, Foreman, McAlister, McKnight, Johnson, Truan, Bigham, Green of Harris, Adams of Jasper and Brooks:



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To Committee on General Provisions.

C.C.P. 40, A PROPOSAL FOR  
INCORPORATION IN THE CONSTITUTION OF TEXAS

Relating to equal rights for the  
handicapped and providing for reasonable  
exceptions thereto.

BE IT PROPOSED BY THE CONSTITUTIONAL  
CONVENTION OF TEXAS:

That the following section be included  
in Article X,  
Section 22. RIGHTS OF THE  
HANDICAPPED.

(a) No person shall be denied any  
right, benefit or opportunity on account of  
a physical or mental handicap; this  
guarantee shall include housing, access to  
public services and facilities, education,  
employment and any governmental action.

(b) This guarantee shall be  
self-operative, but it shall be subject to  
such reasonable exceptions as the  
legislature may establish.

CONSTITUTIONAL CONVENTION PROPOSAL 41

By Delegate Davis:

To Committee on the Legislature.

C.C.P. 41, A PROPOSAL FOR  
INCORPORATION IN THE CONSTITUTION OF TEXAS

Relating to sessions of the  
Legislature.

BE IT PROPOSED BY THE CONSTITUTIONAL  
CONVENTION OF TEXAS:

That the following section be included  
in Article III:

Section \_\_\_\_ SESSIONS. The  
Legislature shall convene on the second  
Tuesday in January next succeeding their  
election and shall remain in session for  
not longer than ten consecutive calendar  
days. No business can be transacted at  
such sessions except the organization of  
the Legislature, the election of officers,  
and the appointment of standing committees  
of the Senate and the House of  
Representatives. The Legislature shall  
convene in regular sessions on the second  
Tuesday in March in each odd numbered year.  
The Legislature shall not remain in session

longer than one hundred and forty days at  
any such regular session.

CONSTITUTIONAL CONVENTION PROPOSAL 42

By Delegate Reynolds:

To Committee on the Legislature.

C.C.P. 42, A PROPOSAL FOR  
INCORPORATION IN THE CONSTITUTION OF TEXAS

Relating to sessions of the  
Legislature.

BE IT PROPOSED BY THE CONSTITUTIONAL  
CONVENTION OF TEXAS:

That the following section be included  
in Article III:

Section \_\_\_\_ SESSIONS. The  
Legislature shall meet in regular session  
each year at such time as may be provided  
by law and at other times when convened by  
the Governor; provided, however, that the  
regular session to be held in each  
odd-numbered year shall meet for a period  
not to exceed 140 days' duration, and that  
the regular session to be held in each  
even-numbered year shall meet for a period  
not to exceed 60 days' duration and shall  
be limited to the consideration of fiscal  
matters and such emergency matters as may  
be submitted by the Governor.

CONSTITUTIONAL CONVENTION PROPOSAL 43

By Delegate Parker of Jefferson:

To Committee on the Legislature.

C.C.P. 43, A PROPOSAL FOR  
INCORPORATION IN THE CONSTITUTION OF TEXAS

Relating to authorization of the  
Legislature to call itself into special  
session.

BE IT PROPOSED BY THE CONSTITUTIONAL  
CONVENTION OF TEXAS:

That the following section be included  
in Article III:

Section \_\_\_\_ AUTHORITY OF  
LEGISLATURE TO CALL SPECIAL SESSION.  
Special sessions of the Legislature may be  
called by petition of two-thirds of the  
membership of each house to consider



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matters submitted by a majority of the membership of each house.

CONSTITUTIONAL CONVENTION PROPOSAL 44

By Delegates Geiger, Hutchison, Howard, Russell, Gaston, Barnhart, Presnal, Reynolds, Kaster, Allen of Gregg, Maloney, Cobb, Traeger, Bowers, Bailey, Uher, Laney, Cates, Blythe, McDonald of Hidalgo, Williamson, Dramberger, Clayton, Wilson, Hanna, Henderson, Sage, McAlister, Davis, Wolff, Tarbox, Craddick, Green of Navarro, Short, Creighton, Scoggins, Lee, Boone, Hoestenbach, Atwell, Poerner, Vick, Nowlin, McDonald of Dallas, Agnich, Doran, Donaldson, Fox, Mengden, Simmons, Harris of Dallas, Hilliard, Newton, Blake, Whitehead, Koriath, Sanchez:

To Committee on Rights and Suffrage.

C.C.P. 44, A PROPOSAL FOR INCORPORATION IN THE CONSTITUTION OF TEXAS

Relating to the right to work.

BE IT PROPOSED BY THE CONSTITUTIONAL CONVENTION OF TEXAS:

That the following section be included in the appropriate article:

Section \_\_\_\_\_. RIGHT TO WORK. (a) No person shall be denied employment on account of membership or nonmembership in a labor union or payment or nonpayment of contributions to a labor union.

(b) Any contract which requires or prescribes that employees or applicants for employment in order to work for an employer shall or shall not be or remain members of a labor union or shall or shall not pay contributions to a labor union shall be null and void and against public policy.

(c) In this section, "labor union" means an association, group, union, lodge, local, branch, or subordinate organization of any union of working people, incorporated or unincorporated, organized and existing for the purpose of protecting themselves and improving their working conditions, wages, or employment relationships in any manner, but does not include associations or organizations not commonly regarded as labor unions.

CONSTITUTIONAL CONVENTION PROPOSAL 45

By Delegate Geiger:

To Committee on General Provisions.

C.C.P. 45, A PROPOSAL FOR INCORPORATION IN THE CONSTITUTION OF TEXAS

Relating to a prohibition against lotteries and gift enterprises.

BE IT PROPOSED BY THE CONSTITUTIONAL CONVENTION OF TEXAS:

That the following section be included in the appropriate article:

Sec. \_\_\_\_\_. LOTTERIES AND GIFT ENTERPRISES. The Legislature shall pass laws prohibiting the establishment of lotteries and gift enterprises in this State, as well as the sale of tickets in lotteries, gift enterprises or other evasions involving the lottery principle, established or existing in other States.

CONSTITUTIONAL CONVENTION PROPOSAL 46

By Delegate Bird:

To Committee on Finance.

C.C.P. 46, A PROPOSAL FOR INCORPORATION IN THE CONSTITUTION OF TEXAS

Relating to exemptions from taxation for certain nonprofit corporations providing shelter and residence for persons 62 years old or over or handicapped persons.

BE IT PROPOSED BY THE CONSTITUTIONAL CONVENTION OF TEXAS:

That a provision be included in the appropriate section of Article VIII to read as follows:

(\_\_\_\_) To the extent defined and limited by general law, the Legislature may exempt from ad valorem taxation the property of a nonprofit corporation organized for the purpose of providing shelter and residence for persons 62 years old or older or for handicapped persons if the property is used for those purposes.

CONSTITUTIONAL CONVENTION RESOLUTION 13

By Delegate Davis:

To Committee on Rules.



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C.C.R. 13, BE IT RESOLVED by the Constitutional Convention of Texas, That Section 10 of Rule XII, Rules of Procedure of the Constitutional Convention of Texas, be and is hereby repealed.

#### CONSTITUTIONAL CONVENTION RESOLUTION 14

By Delegates Weddington, Garcia, Mattox, Tupper, Vick, Hudson, Sutton, Thompson, Harris of Galveston, Baker Waters, Leland, Watson, Miller, Denton, Madla, Sanchez, Menefee, Jones of El Paso, Coleman, Reyes, Poff, Hernandez, Ragsdale, Washington, Hall of Webb, Whitehead, Truan, McAlister, Hall of Harris, Wieting, Bird, Hendricks, Johnson, Nowlin, Lee, Vecchio, Montoya, Cates, Williams, Sullivant, Reynolds, Earle, Denson and Davis:

To Committee on Administration.

C.C.R. 14, BE IT RESOLVED by the Constitutional Convention of Texas, That each Delegate be allocated a sum of \$500.00 per month to be used for the employment of staff, such additional funds to be allocated from moneys appropriated for defraying expenses incidental to the Constitutional Convention.

#### CONSTITUTIONAL CONVENTION RESOLUTION 15

By Delegate Williamson:

To Committee on Administration.

C.C.R. 15, BE IT RESOLVED BY THE CONSTITUTIONAL CONVENTION OF THE STATE OF TEXAS, That the Honorable E. L. Henry, Delegate to the Constitutional Convention of the State of Louisiana, be and is hereby invited to address the Constitutional Convention of Texas at a time mutually agreeable to him and to the President of the Texas Convention; and, be it further RESOLVED, That a copy of this Resolution, be forwarded to Delegate Henry as an invitation from the Texas Constitutional Convention.

#### ADJOURNMENT

On motion of Delegate Sherman of Tarrant the Convention at 2:00 o'clock p.m. adjourned until 1:00 o'clock p.m. Tuesday, January 22.



TEXAS CONSTITUTIONAL CONVENTION

1974

YEA	N-V	NAY	YEA	N-V	NAY	YEA	N-V	NAY	YEA	N-V	NAY
Mr. President			Doyle		X	Lee			Russell		
Adams, D.			Dramberger			Leland			Sage		
Adams, H.			Earle			Lewis			Salem		
Agnich			Edwards			Lombardino			Sanchez		
Aikin			Evans			Longoria		X	Santieste'ban		X
Allen, Joe			Finnell			McAlister			Schieffer		
Allen, John			Finney			McDonald, F.			Schwartz		
Allred			Foreman			McDonald, T.			Scoggins		
Andujar			Fox			McKinnor			Semos		
Atwell			Gammac			McKnight			Sherman, M.		
Bailey			Garcia			Madla			Sherman, W.		
Baker			Gaston			Maloney			Short		
Bales			Geiger			Martin			Simmons		
Barnhart			Grant			Massey			Slack		
Bigham			Green, F.			Mattox			Snelson		X
Bird			Green, R		X	Mauzy			Spurlock		
Blake			Hale			Meier			Sullivant		
Blanchard			Hall, A.			Menefee			Sutton		
Blythe			Hall, W.			Mengden			Tarbox		
Bock		X	Hanna			Miller			Temple		
Boone			Harrington			Montoya			Thompson		
Bowers			Harris, E.			Moore			Traeger		
Braecklein			Harris, O.			Munson			Truan		
Brooks			Head			Murray			Tupper		
Bynum			Heatly			Nabers			Uher		
Caldwell			Henderson			Newton			Vale		
Calhoun			Hendricks			Nichols			Vecchio		
Canales			Hernandez			Nowlin			Vick		
Cates		X	Hightower			Nugent			Von Dohlen		
Clark			Hilliard		X	Ogg		X	Wallace		
Clayton			Hoestenbach			Olson			Washington		
Clower			Hollowell			Parker, C.			Waters		
Cobb			Howard			Parker, W.			Watson		
Cole			Hubenak			Patman			Weddington		
Coleman			Hudson			Pentony			Whitehead		
Coody			Hutchison			Peveto			Whitmire		
Cooke			Johnson			Poerner			Wieting		
Craddick			Jones, G. ne			Poff			Williams		
Creighton			Jones, Grant			Powers			Williamson		
Daniel			Jones, L.			Presnal			Willis		
Davis			Kaster			Preston			Wilson		
Denson			Korloth			Ragsdale			Wolff		
Denton			Kothmann			Reyes			Wyatt		
Doggett			Kubiak			Reynolds					
Donaldson			Laney			Rodrigue					
Doran			Lary			Rosson		X			

X Absent Excused

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Record #1 Roll Call

Yea-161 Nay-0 NV-19

TOTALS			ARTICLE			DATE: 1		
YEA	N-V	NAY	Comm.	10	SECTION	JAN	2	
100-200	100-200	100-200	Rep.	20		FEB	3	
0 0	0 0	0 0	Subs.	1	10 1	MAR	1	
1 1	1 1	1 1	Amm.	2	20 2	APR	2	
2 2	2 2	2 2	Quo.	3	30 3	MAY	3	
3 3	3 3	3 3	3 R	4	40 4	JUN	4	
4 4	4 4	4 4	Subm.	5	50 5	JUL	5	
5 5	5 5	5 5	Mino.	6	60 6	AUG	6	
6 6	6 6	6 6	Mot.	7	70 7	SEP	7	
7 7	7 7	7 7	Alt.	8	80 8	OCT	8	
8 8	8 8	8 8	Sep.	9	90 9	NOV	9	
9 9	9 9	9 9	2 R	0	00 0	DEC	0	