

OFFICIAL JOURNAL
of the
CONSTITUTIONAL CONVENTION
of the
STATE OF TEXAS

FIFTIETH DAY
(Thursday, March 28, 1974)

AFTER RECESS

The Convention met at 9:30 o'clock a.m., pursuant to recess, and was called to order by the President.

The roll was called and the following were recorded present: 166 Present, 3 Absent-Excused, 11 Absent. (Record 1, Appendix)

The Reverend Reginal King, Pastor, Tarrytown Baptist Church, Austin, Texas, offered the invocation as follows:

Good morning, Lord. Please overlook us if we seem to repeat ourselves, but forgive us if this is the first thought that we have directed toward you this day. We take for granted your attentiveness to the affairs of the world when we laid them aside last night. Now that we are back on the job, we dare not think for a moment that we can handle alone the weighty matters before us this day. Rather, we say, "Thank you" for sustaining us during the night, but heed our thoughts and frustrations during our working hours this day.

Your presence in this chamber is not sought because of who we are, but requested because we know who we are and we recognize the need of divine direction. Let us be alert to the discussions of the day so that we may recognize your divine direction in the words of men. Let us be perceptive enough to discern between the good and the best. It's easy for you to know the future, but what is good for our people in all the tomorrows remains as a heavy fog to our mortal eyes.

Lord, we took ten seconds yesterday for each delegate to voice his mental thoughts. How long those seconds seemed if we had nothing to say, but how short if we had begun to pray. Let us in the next ten seconds begin our divine communication that will continue throughout the day. Thank you for the unity we feel as we pray together. In His name we pray. Amen.

LEAVES OF ABSENCE

Delegate Coleman was granted leave of absence for today on account of important business on motion of Delegate Pentony.

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

Delegate Parker of Denton was granted

leave of absence for today on account of illness in family on motion of Delegate Hendricks.

REPORT OF THE
COMMITTEE ON ADMINISTRATION

The Honorable Price Daniel, Jr., President
Constitutional Convention of 1974

Sir:

We, your Committee on Administration, to whom was referred C.C.R. 27, have had the same under consideration and beg to report back with the recommendation that it do pass. The resolution was reported from Committee by the following record vote: 5 Yeas, 2 Nays, 1 Present-Not Voting.

Respectfully submitted,

/s/
HIGHTOWER
Chairman

Date Submitted: March 21, 1974

C.C.R. 27, WHEREAS, The Texas Constitutional Convention has operated for the first three months of its existence on a sound fiscal basis with considerable savings in most budget categories; and

WHEREAS, There is an estimated unexpended balance of approximately \$500,000 in the budget; now, therefore, be it

RESOLVED, That the Convention utilize this unexpended balance and savings for Convention expenses during the period April 1 through May 15; and, be it further

RESOLVED, That the President of the Convention, in accordance with the Rules of the Convention, be authorized to continue to commit available money for the purposes and functions specified in the budget adopted by the Convention in Constitutional Convention Resolution Number 16 in amounts that do not, in aggregate, exceed the grand total of such budget.

DANIEL	CALDWELL
AIKIN	DAVIS
WYATT	MURRAY
HIGHTOWER	TRAEGER

(Filed March 21, 1974; March 21, 1974, read first time and referred to Committee on Administration; March 22, 1974, reported favorably by a vote of 5 Yeas, 2 Nays, and 1 Present-Not Voting; March 22, 1974, sent to printer.)

ARTICLE VIII ON SECOND READING

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

Question: Shall Article VIII be adopted?

Delegate Ogg offered the following amendment to Article VIII:

Amend Article VIII, Finance, by substituting the following for the Finance

March 28, 1974

Committee Report:

ARTICLE VIII
FINANCE

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

Sec. 2. AD VALOREM TAXATION. (a) Taxation shall be equal and uniform on all real property and tangible personal property and all such property shall be taxed in proportion to market value.

(b) For all ad valorem tax purposes, the legislature by general law shall provide for the establishment and enforcement of appraisal standards and procedures which shall be applied uniformly throughout the state.

(c) Each county shall provide for an appraisal of all taxable property within its boundaries. All taxing authorities imposing a tax on property within the county shall tax in proportion to this appraisal. The costs and expenses of the appraisal shall be allocated among the taxing authorities as shall be provided by general law.

(d) The legislature may not release ad valorem taxes unless delinquent at least 10 years.

(e) The rolling stock of railroads may be assessed in gross in the county where the principal office of the company is located, and the county tax paid upon it shall be apportioned by the Comptroller, in proportion to the distance such road may run through any such county, among the several counties through which the road passes, as a part of their tax assets.

(f) The Legislature, by general law, may provide for ad valorem property tax exemptions.

Sec. 3. AD VALOREM TAX APPEALS. In addition to other remedies and appeals provided by law, every person owning property subject to ad valorem taxation is entitled, after the exhaustion of administrative remedies, to pay ad valorem taxes due on such property under protest and to appeal to a court of record of competent jurisdiction for rehearing in trial de novo of the appraisal of the property and the assessment of the tax. The court shall make all such orders as necessary to insure equal treatment under the law including refunds of taxes, equalization of property appraisals and assessments within the taxing authority, and such other orders as may be provided by law.

Sec. 4. STATE DEBT. (a) No state debt shall be incurred unless authorized as provided in this constitution.

(b) State debt shall mean bonds or other evidences of indebtedness which are secured by the general credit of the state or are to be repaid from tax revenues, fees, tuition, or other charges of the state, a state senior college or university, or a state agency or institution having statewide jurisdiction. State debt shall not include bonds or other evidences of indebtedness authorized by law which are to be payable solely from the revenues to be generated by the charges of the project to be financed.

(c) State debt may be authorized by law 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.

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

Sec. 5. APPROPRIATIONS. (a) No money shall be drawn from the state treasury except in accordance with specific appropriation made by law.

(b) No appropriation of money from the state treasury shall be made for a term longer than two years.

(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.

(e) A report shall be prepared by the Comptroller of Public Accounts in advance of each regular session of the legislature and submitted to the governor and legislature upon its convening which shows the condition of the state treasury at the close of the last fiscal period and an estimate of the probable receipts and disbursements for the then current fiscal year. The report shall contain an itemized estimate of the anticipated revenue based on the laws then in effect that will be received by the state from all sources, showing the fund accounts to be credited during the succeeding biennium, and said report shall contain such other information as may be required by law. Supplemental statements shall be submitted at any special session of the legislature and at such other times as may be necessary to show probable changes.

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

Sec. 7. PUBLIC PURPOSES. Public purposes, as that term is used in this constitution, include, but are not limited to, purposes for which taxes could be levied or public money or public credit could be used before the adoption of this constitution.

Sec. 8. REPORT OF DEDICATED FUNDS. The legislature shall provide by general law for an annual report of the receipts and expenditures of all constitutionally dedicated funds.

The amendment was read.

Delegate Caldwell moved to table the amendment.

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

Article VIII as amended was then adopted by the following vote: 93 Yeas, 67 Nays, 3 Present-Not Voting, 17 Not Voting. (Record 2, Appendix)

REASON FOR VOTE

I voted against this article for these reasons:

1. There are a number of inequities in

March 28, 1974

the property tax section dealing with agriculture land evaluation. The wording of the article will continue the inequity of the property tax that places the burden on the urban small property owner.

2. Another reason is the highway gasoline tax fund was left intact which will provide no funding for much needed urban mass transit systems; and also

3. There is no provision allowing a vote before the imposing of a state personal income tax, and I felt the people should decide whether they wanted an income tax.

GREEN OF HARRIS

ARTICLE VIII REFERRED

The President then referred Article VIII to the Committee on Style and Drafting.

ADJOURNMENT

On motion of Delegate Caldwell the Convention at 10:05 o'clock a.m. adjourned until 10:10 o'clock a.m. today.

TEXAS CONSTITUTIONAL CONVENTION

YEA N-V NAY

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

YEA N-V NAY

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

YEA N-V NAY

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

YEA N-V NAY

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

X-EXCLUDED ABSENCE

RECORD #1 ROLL CALL

YEA

166

TOTALS MAY-0

PNV-0

NV-14

ARTICLE

DATE: 1

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

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

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

Comm. 10
 Rep. 20
 Subs. 1
 Amm. 2
 Quo. 3
 3 R 4
 Subm. 5
 Mino. 6
 Mot. 7
 Alt. 8
 Sep. 9
 2 R 0

SECTION
 10 1
 20 2
 30 3
 40 4
 50 5
 60 6
 70 7
 80 8
 90 9
 00 0

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

TEXAS CONSTITUTIONAL CONVENTION

868

1974

YEA N-V NAY

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

YEA N-V NAY

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

YEA N-V NAY

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

YEA N-V NAY

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

X-EXCUSED ABSENCE

RECORD #2 ADOPTION OF ART. VIII

YEA-93

TOTALS NAY-

67 PN-3

NV-17

ARTICLE

DATE: 1

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

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

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

Comm.
Rep.
Subs.
Amm.
Quo.
3 R
Subm.
Mino.
Mot.
Alt.
Sep.
2 R

10
20
1
2
3
4
5
6
7
8
9
0

SECTION
10 1
20 2
30 3
40 4
50 5
60 6
70 7
80 8
90 9
00 0

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