

OFFICIAL JOURNAL
of the
CONSTITUTIONAL CONVENTION
of the
STATE OF TEXAS

SIXTY-SECOND DAY
(Wednesday, May 8, 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: 151 Present, 5 Absent-excused, 24 Absent. (Record 1, Appendix)

The Reverend Thomas L. Sneed, Pastor, Rising Star Baptist Church, Austin, Texas, offered the invocation as follows:

Almighty God, we begin our tasks this day in Thy name, asking Thy help and Thy blessing on the work of our hands. In whatever occupation or profession we may be, we can accomplish nothing without Thy help. As thou hast kept us in the past night from all harm and danger, so we pray thee to keep us this day also under the shadow of Thy wings. O God, give understanding to those people who have responsibility in our local, state, and federal governments. Grant peace among the nations of the world if it is Thy will. Guide our governor and state officers to develop our state in Thy ways. This we ask in the name of the Savior. Amen.

LEAVES OF ABSENCE

Delegate Thompson was granted leave of absence for today on account of illness on motion of Delegate Sutton.

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

Delegate Snelson was granted leave of absence for today on account of important state business on motion of Delegate Sherman of Potter.

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

Delegate Green of Harris was granted leave of absence for today on account of illness in family on motion of Delegate Williams.

VOTES RECORDED

Delegates Bowers, Wyatt and Henderson requested to be recorded as voting "Nay" on Brooks amendment to Section 10, Article III

on May 6, 1974.

ARTICLE III ON SECOND READING

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

Question: Shall Article III as amended be adopted?

Delegate Madla offered the following amendment to Section 3 of Article III:

Amend Section 3, Subsection (e), of Article III, to read as follows:

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 or of the armed forces reserve of the United States, retired state public employee, or as a notary public, or as provided by law.

The amendment was read.

Delegate Geiger moved to table the amendment. The motion to table prevailed by a non-record vote.

LEAVES OF ABSENCE

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

Delegate Mauzy was granted leave of absence for the remainder of today on account of illness on motion of Delegate Bryant.

Delegate Blanchard was granted leave of absence for the balance of the week on account of illness on motion of Delegate McKnight.

Delegate Madla offered the following amendment to Section 3 of Article III:

Amend Subsection (e), Section 3, Article III to read as follows:

(e) 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 or of the armed forces reserve of the United States, as a notary public or as a public school teacher or, a teacher at a public institution of higher education, provided that the salary of a teacher serving in the legislature shall be adjusted to prevent dual compensation in a manner prescribed by law.

The amendment was read.

DELEGATES PRESENT

Delegates Schwartz and Vick who had previously been recorded as "Absent" were

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announced "Present".

Delegate Geiger moved to table the amendment. The motion to table prevailed by the following vote: 80 Yeas, 56 Nays, 3 Present-Not Voting, 41 Not Voting. (Record 2, Appendix)

DELEGATES PRESENT

Delegates Gammage, Reyes and Temple who had previously been recorded as "Absent" were announced "Present".

Delegate Bynum offered the following amendment to Section 5 of Article III:

Amend Article III, Section 5, Subsection (e) by deleting the last sentence thereof and adding a new Subsection (f) to read as follows:

(f) If the legislature fails to enact a new redistricting plan during the special session or within the first 30 days of the regular session after it has been held invalid, whichever is applicable, a legislative redistricting board shall convene within ten days to redistrict the state. The board shall consist of the lieutenant governor, the speaker of the house of representatives, the attorney general, the comptroller of public accounts, and the commissioner of the general land office. The board shall redistrict the state within 30 days of its convening. The legislature shall provide funds for the board's clerical, technical, and other expenses.

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

Delegate Munson offered the following amendment to Section 6 of Article III:

(1) Amend Section 6 to read as follows:
Section 6. COMPENSATION. (a) The salary commission consists of nine members. The governor, lieutenant governor, speaker of the house of representatives, attorney general, and chief justice of the supreme court, acting together, appoint the members of the commission and designate the chairman. Members shall be selected on a nonpartisan basis with due regard to representation of both sexes and of the ethnic groups and geographical regions of the state.

(b) Members serve six-year terms that are staggered so that one-third of the members are appointed every two years. Vacancies are filled by the appointing officers to fill the unexpired term. A person who has served one full term on the commission is ineligible to serve on that body again.

(c) No member of the commission may hold another public office or an office of a political party while serving on the commission.

(d) Members of the legislature receive compensation and allowances as ordered by the commission. The commission shall review the compensation and allowances annually. No change in compensation may take effect sooner than January 1 of the year after it is ordered, and no increase in compensation may

take effect until it is approved by both houses of the legislature.

(2) Amend the alternative provision at the end of the committee report by striking all below the proposing clause and substituting the following:

That the following be submitted to the voters as a separate proposal:

PROPOSAL NO. ---

(1) That in the event the proposed new constitution is adopted, the following provision be substituted for Section 6 of Article III:

Section 6. COMPENSATION. Each member of the legislature shall receive as compensation \$8,750 annually, plus per diem and travel allowances as provided by law.

(2) That unless and until the proposed new constitution is adopted and takes effect, Article III, Section 24, of the Constitution of 1876 be amended to read as follows:

Section 24. COMPENSATION. Each member of the legislature shall receive as compensation \$8,750 annually, plus per diem and travel allowances as provided by law. No regular session shall be of longer duration than 140 days.

MUNSON
KASTER
CALDWELL
AGNICH
AIKIN
WASHINGTON
BIGHAM
POWERS
DOYLE
HENDRICKS
VALE

The amendment was read.

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

LEAVES OF ABSENCE

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

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

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

Delegate Munson offered the following amendment to Section 6 of Article III:

(1) Amend Section 6 to read as follows:
Section 6. COMPENSATION. (a) The salary commission consists of nine members. The governor, lieutenant governor, speaker of the house of representatives, attorney general, and chief justice of the supreme court, acting together, appoint the members of the commission and designate the chairman. Members shall be selected on a nonpartisan basis with due regard to representation of

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both sexes and of the ethnic groups and geographical regions of the state.

(b) Members serve six-year terms that are staggered so that one-third of the members are appointed every two years. Vacancies are filled by the appointing officers to fill the unexpired term. A person who has served one full term on the commission is ineligible to serve on that body again.

(c) No member of the commission may hold another public office or an office of a political party while serving on the commission.

(d) Members of the legislature receive compensation and allowances not to exceed the amount recommended by the commission. The commission shall review the compensation and allowances annually. No change in compensation may take effect sooner than the first legislative session after a general election, and no increase in compensation may take effect until the ordered amount or a lesser amount is approved by both houses of the legislature.

Transition Provision:

(a) Section 6 of Article III of this constitution becomes effective on January 1, 1975. The salary commission established by that section shall be organized and perform its duties as provided by Section 6. An initial change in compensation, if any is recommended by the Commission, may become effective upon approval by the legislature. Any subsequent changes in compensation must conform to the requirements of Subsection (d) of Section 6.

(2) Amend the alternative provision at the end of the committee report by striking all below the proposing clause and substituting the following:

That the following be submitted to the voters as a separate proposal:

PROPOSAL NO. ____

(1) That in the event the proposed new constitution is adopted, the following provision be substituted for Section 6 of Article III:

Sec. 6. COMPENSATION. Each member of the legislature shall receive as compensation \$8,750 annually, plus per diem and travel allowances as provided by law.

(2) That unless and until the proposed new constitution is adopted and takes effect, Article III, Section 24, of the Constitution of 1876 be amended to read as follows:

Sec. 24. COMPENSATION. Each member of the legislature shall receive as compensation \$8,750 annually, plus per diem and travel allowances as provided by law.

MUNSON
CALDWELL
VALE
KASTER
AGNICH
AIKIN
WASHINGTON
POWERS
BIGHAM
DOYLE
HENDRICKS

The amendment was read.

Delegate Davis moved to table the amendment.

The motion to table was lost by the following vote: 35 Yeas, 100 Nays, 1 Present-Not Voting, 44 Not Voting. (Record 3, Appendix)

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

DELEGATES PRESENT

Delegates Hernandez and Doyle who had previously been recorded as "Absent" were announced "Present".

Delegate Reynolds offered the following amendment to the amendment to Article III:

Amend Munson amendment to Section 6, Article III by striking last sentence in Subsection (a) "Members shall be selected on a nonpartisan basis...."

The amendment to the amendment was read.

Delegate Munson moved to table the amendment to the amendment. The motion to table prevailed by a non-record vote.

Question: Shall the amendment by Delegate Munson be adopted?

Delegate Bynum offered the following amendment to the amendment to Article III:

Amend the amendment by deleting all of Section 1 and substituting the following:

Sec. 6. COMPENSATION. (a) A salary commission is established to recommend rates of compensation for members of the legislature and to perform such other duties 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 any other public office.

The amendment to the amendment was read.

DELEGATE PRESENT

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

Delegate Munson moved to table the amendment to the amendment. The motion to table prevailed by a non-record vote.

Question: Shall the amendment by Delegate Munson be adopted?

Delegate Hutchison offered the following amendment to the amendment to Article III:

Amend Munson, et al., amendment by

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placing a comma at the end of Subsection (a) and add the following:

"and shall not be related to the member of the commission by blood, marriage or present or prior business association."

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

Question: Shall the amendment as amended be adopted?

DELEGATE PRESENT

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

LEAVE OF ABSENCE

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

Delegate Reynolds offered the following amendment to the amendment to Article III:

Amend Munson amendment to Section 6, Article III by adding a new subsection to read as follows:

() No member of the commission may hold any other public office or be an employee of the state.

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

Question: Shall the amendment as amended be adopted?

The amendment as amended was then adopted by the following vote: 93 Yeas, 42 Nays, 2 Present-Not Voting, 43 Not Voting. (Record 4, Appendix)

PAIRED VOTE

Delegate Green of Navarro (present), who would vote "Yea", with Delegate Ogg (absent), who would vote "Nay".

LEAVE OF ABSENCE

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

Delegate Reynolds offered the following amendment to Section 7 of Article III:

Amend Article III, Section 7 by adding a new Subsection (b) as follows and redesignating subsequent subsections:

(b) The regular session of the legislature to be held in each even numbered year shall be limited to the consideration of general appropriation bills, revenue and taxation bills, redistricting bills and matters submitted by the governor.

The amendment was read.

DELEGATE PRESENT

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

Delegate Parker of Jefferson moved to table the amendment.

The motion to table prevailed by the following vote: 70 Yeas, 63 Nays, 1 Present-Not Voting, 46 Not Voting. (Record 5, Appendix).

DELEGATES PRESENT

Delegates Simmons and Denson who had previously been recorded as "Absent" were announced "Present".

Delegate Jones of Taylor offered the following amendment to Section 7 of Article III:

Amend Article III, Section 7, Subsection (b), by striking the period at the end of said subsection, and adding the following: ", except the Senate when in Executive Session."

The amendment was read.

LEAVES OF ABSENCE

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

Delegate Parker of Denton was granted leave of absence for the remainder of today on account of important business on motion of Delegate Preston.

Delegate Weddington moved to table the amendment.

The motion to table prevailed by the following vote: 79 Yeas, 46 Nays, 1 Present-Not Voting, 54 Not Voting. (Record 6, Appendix)

Question: Shall Article III as amended be adopted?

RECESS

On motion of Delegate Maloney the Convention at 12:08 o'clock p.m. took recess until 1:30 o'clock p.m.

AFTER RECESS

The President called the Convention to order at 1:30 o'clock p.m., pursuant to recess.

REPORT OF THE COMMITTEE ON GENERAL PROVISIONS

May 7, 1974

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

Sir:

We, your Committee on General Provisions to whom was referred Article X of Constitutional Convention Proposal 1, have

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had the same under consideration and beg to report back with the recommendation that it be considered by the Convention in the form attached.

The proposal was reported from committee by the following record vote: 13 Yeas, 2 Nays, 1 Present-Not Voting.

Respectfully submitted,

/s/
GAMMAGE
Chairman

(January 11, 1974, filed; January 14, 1974, referred to Committee on General Provisions; April 17, 1974, reported favorably by a vote of 13 Yeas, 2 Nays and 1 Present-Not Voting; May 7, 1974, minority reports attached; May 7, 1974, sent to printer.)

April 17, 1974

The Honorable Price Daniel, Jr.
President, Texas Constitutional Convention

The Committee on General Provisions submits its report containing recommended sections to be included as an Article on General Provisions in the proposed constitution for Texas. This recommended article is intended to replace in their entirety those provisions of the present constitution that were assigned to this committee for study.

The General Provisions Committee had original jurisdiction over 52 sections of the 1876 Constitution. Starting with Constitutional Convention Proposal Number 1, which was Article X of the Constitutional Revision Commission's document, the committee had before it for consideration 21 sections. As a result of Attorney General's Constitutional Convention Advisory Letter No. 3, President Price Daniel, Jr., on January 19, 1974, referred all additional "rights" proposals to this committee. Altogether the General Provisions Committee received and studied 75 proposals in addition to Constitutional Convention Proposal Number 1. These proposals covered 31 subject headings.

The committee heard 231 witnesses, including 32 delegates, in 22 open meetings, including Friday evening and Saturday sessions. Subsequently the committee conducted numerous and lengthy additional meetings to arrive at the decisions reflected in this report.

The recommended article deals with a variety of subjects, ranging from a section which sets forth the official oath for state and local officials to one which establishes protection of the environment as a public right and responsibility. Some of the provisions are recommended because they are necessary due to sections contained elsewhere in the proposed constitution. Others are recommended because in the opinion of a majority of the committee they reflect fundamental statements of law that should be part of the contract between the people of Texas and their government.

Two minority reports are attached to the majority report and deal with provisions relating to protection of the homestead from forced sale and protection of the environment.

During its work, the committee was assisted by the following staff members: Paul Wehrle, Lee Moncrief, Craig Hudgins, Pat Newton, Judy Simmons, Oscar Thompson, and Breck Watson.

/s/
GAMMAGE
Chairman

BE IT PROPOSED BY THE COMMITTEE ON GENERAL PROVISIONS,

That there be a new article on general provisions to read as follows:

ARTICLE X GENERAL PROVISIONS

Sec. 1. OFFICIAL OATH. All state and local officials elected and appointed 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 _____ 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 for the securing of this office, so help me God."

Sec. 2. RESIDENCE OF CIVIL OFFICIALS. All elected and appointed officials shall reside within the state. All elected and appointed officials of a political subdivision or district shall reside and shall keep their offices at such places as required by law. Failure to comply with these conditions shall vacate the office.

Sec. 3. FORFEITURE OF RESIDENCE BY ABSENCE ON PUBLIC BUSINESS. No person shall forfeit the right of suffrage or of election or appointment to any office because of absence from the state or a political subdivision or district on business of the United States, this state, or a political subdivision or district.

Sec. 4. VACANCIES FILLED FOR UNEXPIRED TERM. Elections to fill vacancies in office shall be for the remainder of the term only.

Sec. 5. 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.

Sec. 6. ENVIRONMENT AND NATURAL RESOURCES. The state, all governmental agencies and entities, and each person shall maintain and protect a clean and healthful environment in Texas and shall conserve and develop all natural resources and energy sources in the state. The protection of the

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environment and the conservation and development of the natural resources of this state, including, but not limited to, the control, storing, preservation, and distribution of the state's storm and flood waters, waters of its rivers and streams for all useful purposes; the preservation and improvement of the ambient air of the state and the collection and disposal or recycling of solid wastes; the development of all energy resources of the state including hydroelectric power and fossil and other fuel sources; the conservation and development of the state's forests; and the navigation of its inland and coastal waters are each and all hereby declared public rights, responsibilities, and purposes; and the legislature shall pass all such laws as may be appropriate thereto.

Sec. 7. COASTAL NATURAL RESOURCES. (a) In order to preserve the coastal natural resources of this state for the public, including future generations, the state holds in trust for the use and benefit of the public and may not by sale deliver the fee simple absolute title to the public beaches, islands, or submerged lands bordering or within the Gulf of Mexico.

(b) "Public beach" shall mean any publicly or privately owned beach bordering on the Gulf of Mexico which extends inland from the line of mean low tide to the natural line of vegetation bordering on the seaward shore of the Gulf of Mexico, or such larger contiguous area to which the public has acquired a right of use or easement to or over by prescription, dedication, or estoppel, or has retained a right by virtue of continuous right in the public since time immemorial as recognized by law or custom.

(c) The public, both individually and collectively, has the free and unrestricted right of use and benefit of the public beaches.

(d) The state and its subdivisions shall provide reasonable access avenues to the public beaches.

Sec. 8. SEPARATE AND COMMUNITY PROPERTY OF HUSBAND AND WIFE. (a) 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; within the principles of that definition, more precise rules and definitions may be prescribed by law, and laws may be passed more clearly defining the rights of each spouse in relation to separate and community property.

(b) The above definition does not limit the power of the spouses to enter into contracts or other transactions between themselves which affect their property rights. Subject to restrictions imposed by law, and without prejudice to the rights of preexisting creditors, the spouses may enter into contracts or other transactions which change community property into separate property or separate property into community property. Without a partition or exchange, they may, by an express provision in a document of title, dispositive instrument, or written agreement, change community property into property owned by them as joint tenants with right of survivorship or create between themselves a right of survivorship in

community property.

Sec. 9. HOMESTEADS. (a) The homestead of a family or of a single adult is protected from forced sale for the payment of all debts, except for purchase money therefor, taxes due thereon, and work and material used in constructing improvements thereon, if the work and material are contracted for in writing by the owner and if, in the case of married persons, both spouses consent to the contract in the manner required for sale of a homestead. Nothing in this section shall prohibit any person from refinancing the original mortgage on his homestead, the spouse, if any, joining therein nor shall any protections provided by this section be waived thereby, as provided by law. A homestead of married persons may be sold or abandoned only with the consent of both spouses, except as provided by law. No mortgage, trust deed, or other lien on a residential homestead may be valid except for the purchase money therefor or improvements made thereon, as provided above. Liens may be created on nonresidential homesteads but only in the manner required for conveyances thereof. All pretended sales of a homestead involving any condition of defeasance shall be void.

(b) The homestead not in a city, town, or village consists of not more than 200 acres of land, which may be in one or more parcels, with the improvements thereon. Of the 200 acres, only 50 acres on which the home is located may be classified as residential, and the rest shall be classified as nonresidential. Once acquired, a homestead not in a city, town, or village may not lose its status as a rural homestead without the owner's consent so long as it is used for agricultural purposes. The homestead in a city, town, or village consists of land valued at the time of establishment thereof, without reference to the value of any improvements thereon, at not more than \$10,000 or any larger sum as may be provided by law. A homestead in a city, town, or village may be a residential homestead if used as a home and a nonresidential homestead if used as a place for the exercise of the calling or business of the homestead claimant, whether a single adult or a married person. A home remains a homestead while temporarily rented only so long as no other homestead is acquired.

(c) The homestead of married persons shall descend and vest as does any other real property, except that the homestead may 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 an appropriate court.

Sec. 10. 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.

Sec. 11. WAGES NOT SUBJECT TO GARNISHMENT. No current wages for personal service shall ever be subject to garnishment.

Sec. 12. PRIVATE CORPORATIONS. No private corporation shall be created except by general laws.

Sec. 13. BRANCH BANKING; BANK HOLDING COMPANIES. (a) No bank shall engage in

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business in more than one place, which shall be designated in its charter.

(b) Bank holding companies shall be regulated as provided by law.

Sec. 14. ALCOHOLIC BEVERAGES. (a) The legislature shall continue to regulate the manufacture, packaging, sale, possession, and transportation of alcoholic beverages, shall have the power to establish a state monopoly on the sale of distilled liquors, and shall preserve the right of local option by a law or laws whereby the qualified voters of any county, justice precinct, or incorporated town or city, may, by a majority of those voting in a local option election, determine from time to time whether the sale of alcoholic beverages shall be prohibited or legalized within the prescribed limits of such county, justice precinct, or incorporated town or city; such laws shall contain provisions for voting on the sale of alcoholic beverages of various types and various alcoholic content, including mixed beverages.

(b) Each county, justice precinct, or incorporated town or city shall retain the local option status in existence on the date of the adoption of this provision unless and until a majority vote of those voting in a local option election in such political subdivision shall determine otherwise.

Sec. 15. 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.

Sec. 16. 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, but may exempt by general law lotteries conducted by and for the benefit of nonprofit charitable organizations.

Sec. 17. 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.

Sec. 18. RETIREMENT BENEFITS FOR PUBLIC EMPLOYEES. (a) General Provisions. (1) The legislature may enact general laws establishing systems and programs of retirement, disability, and death benefits for public employees and officers. Financing of benefits shall be based on sound actuarial principles, and the funds or assets of any system shall be held in trust for the benefit of members and may not be diverted for any other purpose.

(2) No person for the same service may receive benefits from more than one system; but the legislature may provide that a person who has service in several employments covered by more than one system or program shall be entitled to a fractional benefit from each system or program in which he has service, based on service rendered in

that system or program and calculated as to amount upon the benefit formula used in that system or program. Transfer of service credit between the Employees Retirement System of Texas and the Teacher Retirement System of Texas may also be authorized by the legislature.

(3) Each statewide benefit system shall have a board of trustees which shall be responsible for the general administration of that system and may invest the funds and assets of that system in such securities as the board may deem prudent investments. In making each and all of such investments, the boards of trustees shall exercise the judgment and care under the circumstances then prevailing that persons 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 disposition of their funds, considering the probable income therefrom as well as the probable safety of their capital.

(4) General laws establishing retirement systems and optional retirement programs for public employees and officers, in effect at the time of the adoption of this constitution, shall remain in effect, subject to the general powers of the legislature established in this subsection.

(b) State Retirement Systems. The legislature shall provide the following:

(1) a Teacher Retirement System of Texas to provide benefits for persons employed in the public schools, colleges and universities supported wholly or partly by the state, and such other employees as the legislature may include; and

(2) an Employee Retirement System of Texas to provide benefits for officers and employees of the state and, as deemed advisable by the legislature, officers and employees of judicial districts of the state who are or have been compensated in whole or in part directly or indirectly by the state.

(3) The amount to be contributed by persons participating in the Employees Retirement System of Texas and the Teacher Retirement System of Texas shall be established by the legislature and the amount contributed by the state shall be at least 6 percent of the aggregate compensation paid to the individuals participating in the system; but the legislature may appropriate additional sums as may be actuarially determined to be required to fund benefits authorized by law.

(c) Local Retirement Systems. The legislature shall provide for the following:

(1) the creation by any city or county of a system of benefits for its officers and employees;

(2) a system of benefits for the officers and employees of counties or other political subdivisions of the state to operate statewide in which counties or other political subdivisions may participate on a voluntary basis; and

(3) a system of benefits for officers and employees of cities to operate statewide in which cities may participate on a voluntary basis.

(4) Benefits shall be reasonably related to participant tenure and contributions.

(d) Judicial Retirement System. (1)

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Notwithstanding any other provision of this section, the system of retirement, disability, and survivors' benefits established in the constitution or by law for justices, judges, and commissioners of the appellate courts and judges of the district and criminal district courts and in effect at the time of adoption hereof shall be continued. The legislature shall provide for inclusion in the system of judges of all courts in the unified judicial system and such other elected state officials as now or hereafter provided by law.

(2) General administration of the Judicial Retirement System of Texas shall be by the Board of Trustees of the Employees Retirement System of Texas under such regulations as may be provided by law.

Sec. 19. AUTHORITY OF THE LEGISLATURE TO CLASSIFY LOANS AND LENDERS, LICENSE AND REGULATE LENDERS, DEFINE INTEREST, AND FIX MAXIMUM RATES OF INTEREST; USURY; RATE OF INTEREST WHERE ABSENT IN CONTRACT; POWERS NONDELEGABLE. The legislature shall have the authority to classify loans and lenders, license and regulate lenders, define interest, and fix maximum rates of interest.

In the absence of legislation fixing maximum rates of interest, all contracts for a greater rate of interest than 10 percent per annum shall be deemed usurious.

In contracts where no rate of interest is agreed upon, the rate shall not exceed 6 percent per annum.

The powers of the legislature to classify loans and lenders, define interest, and fix maximum rates of interest shall not be subject to delegation by the legislature to any board or governmental agency.

Sec. 20. RIGHTS OF THE HANDICAPPED.

(a) No person shall be denied any right, benefit, responsibility, or opportunity on account of a physical or mental handicap, including the opportunity for employment of an otherwise qualified individual.

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

Sec. 21. RIGHT TO PRIVACY. The absolute necessity of a right of privacy to the free exercise of rights and liberties is recognized. The state and its political subdivisions shall not pass any law, make any policy, issue any regulations, or spend any public funds in a manner which infringes on a person's right to privacy, except that the state and its political subdivisions may collect, maintain, and disseminate information for legitimate governmental purposes to the extent necessary to achieve those purposes. No private person may infringe on a person's right to privacy, except as provided by law.

Sec. 22. RIGHT TO WORK. (a) No person shall be denied employment on account of membership or nonmembership in a labor organization or payment or nonpayment of any dues, fees, or other sums of money or things of value to a labor organization.

(b) Any contract, agreement, understanding, or practice, written or oral, which requires or prescribes that employees or applicants for employment as a condition of employment shall or shall not be or remain members of a labor organization or shall or

shall not make payments to a labor organization shall be null and void and against public policy.

(c) In this section, "labor organization" means any organization of any kind, or any agency or employee representation committee or plan, in which employees participate and which exists for the purpose, in whole or in part, of dealing with employers concerning grievances, labor disputes, wages, rates of pay, hours of employment, or conditions of work.

Sec. 23. HOUSING FOR ELDERLY. Notwithstanding Section 7 of Article VIII of this constitution, the legislature by law may obligate the state credit for the purpose of providing housing for elderly persons.

Sec. 24. STATE PURCHASING BY COMPETITIVE BIDDING. The legislature shall establish by law a central procurement system for the purchase of supplies, materials, and equipment, paid for out of state funds, for all agencies in the executive, legislative, and judicial branches of state government. All such purchases, except those products manufactured by state agencies, shall be based on competitive bids. No responsible bidder, or group of bidders, who desire to bid, shall be excluded. The legislature shall enact laws consistent with the provisions of this section.

Sec. 25. DEEPWATER PORT. The legislature by law may obligate the state credit for the purpose of providing a deepwater port.

SECTION-BY-SECTION ANALYSIS OF COMMITTEE REPORT

A. Introduction

The General Provisions Committee had original jurisdiction over 52 sections of the 1876 Constitution. Starting with Constitutional Convention Proposal Number 1, which was Article X of the Constitutional Revision Commission's document, the committee had before it for consideration 21 sections. As a result of Attorney General's Constitutional Convention Advisory Letter No. 3, President Price Daniel, Jr., on January 19, 1974, referred all additional "rights" proposals to this committee. Altogether the General Provisions Committee received and studied 75 proposals in addition to Constitutional Convention Proposal Number 1. These proposals covered 31 subject headings. The committee heard 231 witnesses, including 32 delegates, in 22 open meetings, including Friday evening and Saturday sessions. Subsequently the committee conducted numerous and lengthy additional meetings to arrive at the decisions reflected in this report.

The following sections that were part of Constitutional Convention Proposal Number 1 are not contained in this report: Section 3. Officials to Serve Until Successor Qualified; Section 7. Qualification for and Disqualification from Statutory Office; Section 8. Appointments to State Agencies; and Section 9. Salary Commission.

The following sections of this report are new and were not contained in Constitutional Convention Proposal Number 1: Section 7. Coastal Natural Resources; Section 19. Authority of the Legislature to Classify Loans and Lenders, License and

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Regulate Lenders, Define Interest, and Fix Maximum Rates of Interest; Usury; Rate of Interest Where Absent in Contract; Powers Nondelegable; Section 20. Rights of the Handicapped; Section 21. Right to Privacy; Section 22. Right to Work; Section 23. Housing for Elderly; Section 24. State Purchasing by Competitive Bidding; and Section 25. Deepwater Port.

B. Section-by-section Analysis

Sec. 1. OFFICIAL OATH. All state and local officials elected and appointed 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 _____ 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 for the securing of this office, so help me God."

COMMENTS

This section revises Article XVI, Section 1 of the 1876 Constitution, as amended, and retains the requirement that elected and appointed officials take an oath of office to execute their duties faithfully. The Constitutional Revision Commission proposal shortened the 1876 version, consolidating the separate oaths for elected and appointed officials, and eliminating the language relating to bribery and undue influence. In addition to Constitutional Convention Proposal 1, the committee also considered Constitutional Convention Proposals 23, by Clayton, and 54, by Reynolds, which would have retained the 1876 language, as amended, in part. The new Section 1 is a compromise drawn by the committee to ensure that the taking of the single oath applies to both elected and appointed officials and that the language relating to bribery or undue influence is retained.

The phrase "(or affirm)" was inserted for the benefit of those who object to invoking the name of God. As the commentary in the Constitutional Revision Commission's document states,

Under federal law, no person may be denied the right to hold office because of a refusal to recite the words "so help me God" in the oath of office. Consequently, this phrase is a formality to be sworn to by those who do not object, but is unenforceable for those who do not wish to observe it.

The vote on the substitute motion was 16 yeas, 1 nay, and 1 present not voting.

Sec. 2. RESIDENCE OF CIVIL OFFICIALS. All elected and appointed officials shall reside within the state. All elected and appointed officials of a political subdivision or district shall reside and shall keep their offices at such places as required by law. Failure to comply with these conditions shall vacate the office.

COMMENTS

Section 2 revises Article III, Section 23, and Article XVI, Section 14 of the 1876

Constitution and requires that all elected and appointed officials be residents of the state in order to retain their offices. Otherwise, a person could be elected or appointed to an office, and then move out of the state. This section revises the language of the Constitutional Revision Commission proposal.

Because of current case law regarding the interpretation of the words "political subdivision," the committee felt that inclusion of the word "district" was necessary to encompass legislative and other special districts which are not technically considered as political subdivisions. More significantly, the second sentence grants to the legislature the authority to set residence requirements by statute. The Constitutional Revision Commission language would have required all elected and appointed officials to reside within the political subdivision which they serve. It was pointed out by several members of the committee that in certain special districts, including but not limited to irrigation districts and water districts, residence within the political subdivision is impracticable if not impossible.

The third sentence tracks the Constitutional Revision Commission language providing that the office is automatically vacated when the officeholder fails to comply with the constitutional or statutory residence requirements for the office.

The section was adopted by a vote of 16 yeas and 2 nays.

Sec. 3. FORFEITURE OF RESIDENCE BY ABSENCE ON PUBLIC BUSINESS. No person shall forfeit the right of suffrage or of election or appointment to any office because of absence from the state or a political subdivision or district on business of the United States, this state, or a political subdivision or district.

COMMENTS

This section revises Article XVI, Section 9 of the 1876 Constitution and ensures constitutional protection of rights of suffrage or election or appointment to office for persons who are absent from the state or political subdivision or district on public business. Approximately 26 other states have similar provisions stating that absence from one's residence for certain stated causes will not affect the right to vote or hold office. This section tracks the language of Section 4, Article X of the Constitutional Revision Commission draft with the addition of the words "or district" to ensure that the protection covers legislative and other special districts to be consistent with Section 2 of this proposed article.

The vote on the proposal was 16 yeas and 0 nays.

Sec. 4. VACANCIES FILLED FOR UNEXPIRED TERM. Elections to fill vacancies in office shall be for the remainder of the term only.

COMMENTS

This section revises Article XVI, Section 27 of the 1876 Constitution but makes no substantive changes. The purpose of this section is to keep the beginning and end of terms of office uniform. It is the exact language of Article X, Section 5 of Constitutional Convention Proposal 1. Under common law, the person elected to fill a vacancy was entitled to serve the full term

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prescribed for the office. The expiration of terms of various offices would therefore be scattered randomly throughout the year, making it virtually impossible to hold a general election.

The section was adopted by a vote of 16 yeas and 0 nays.

Sec. 5. 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.

COMMENTS

This section revises Article XV, Section 7, Article IV, Section 25, Article XVI, Section 2, Article XVI, Section 5, Article XVI, Section 10, and Article XVI, Section 41 of the 1876 Constitution. It permits the legislature to prescribe grounds and procedures for disqualification, suspension, and removal from any constitutional office. The committee adopted the language of Constitutional Convention Proposal 1, Article X, Section 6, with one change. The last portion of the sentence was designed to prohibit ex post facto laws. The effect of this language was to create a hiatus in the exclusions of constitutional provisions prior to the enactment of statutory provisions. This gap between constitutional status and statutory provisions could excuse certain conduct and was therefore deleted.

The 1876 Constitution describes in detail the conduct on the part of a public official that will result in disqualification from office. Article IV, Section 25 of that document permits suspension of custodians of public funds for reasonable cause. Article XVI, Section 2 allows persons convicted of certain crimes to be excluded from any public office. Sections 5 and 41 of Article XVI concentrate on the offense of bribery and prescribe disqualification and exclusion from office for persons guilty of that offense. Article XVI, Section 10 permits deductions from the salary of public officials who neglect their duties. Article XV, as amended, concerns procedures for impeachment and removal. Except in the case of bribery, the 1876 Constitution does not disqualify anyone from office, but permits the legislature to do so.

Since it is virtually impossible to predict what conduct may occur in the future, a sensible approach is to permit the legislature the flexibility to deal with grounds on which an official may be removed from office. Therefore, Section 5 of this proposed article allows the legislature to disqualify public officials from holding office for reasons which it deems necessary.

The section was adopted by a vote of 14 yeas and 0 nays.

Sec. 6. ENVIRONMENT AND NATURAL RESOURCES. The state, all governmental agencies and entities, and each person shall maintain and protect a clean and healthful environment in Texas and shall conserve and develop all natural resources and energy sources in the state. The protection of the environment and the conservation and development of the natural resources of this

state, including, but not limited to, the control, storing, preservation, and distribution of the state's storm and flood waters, waters of its rivers and streams for all useful purposes; the preservation and improvement of the ambient air of the state and the collection and disposal or recycling of solid wastes; the development of all energy resources of the state including hydroelectric power and fossil and other fuel sources; the conservation and development of the state's forests; and the navigation of its inland and coastal waters are each and all hereby declared public rights, responsibilities, and purposes; and the legislature shall pass all such laws as may be appropriate thereto.

COMMENTS

This new section is an expression of a basic responsibility of the state for the protection of the environment and its natural resources. The second sentence enumerates specific resources which are already included in Article XVI, Section 59(a) of the present constitution (conservation and development of forests, water and hydroelectric power, navigation of the inland and coastal waters) and adds fossil and other fuel sources, the preservation and improvement of the ambient air, and the collection and disposal or recycling of solid wastes.

The legislature is directed to enact appropriate laws to carry out the intent which is expressed in stating the public policy to "maintain and protect a clean and healthful environment" and to "conserve and develop all natural resources and energy sources in the state."

There was a specific inclusion of the words "but not limited to" in this enumeration so that future sources of energy and other technological considerations could be included constitutionally when the need arises.

The section was adopted by a vote of 11 yeas and 7 nays.

Sec. 7. COASTAL NATURAL RESOURCES. (a) In order to preserve the coastal natural resources of this state for the public, including future generations, the state holds in trust for the use and benefit of the public and may not by sale deliver the fee simple absolute title to the public beaches, islands, or submerged lands bordering or within the Gulf of Mexico.

(b) "Public beach" shall mean any publicly or privately owned beach bordering on the Gulf of Mexico which extends inland from the line of mean low tide to the natural line of vegetation bordering on the seaward shore of the Gulf of Mexico, or such larger contiguous area to which the public has acquired a right of use or easement to or over by prescription, dedication, or estoppel, or has retained a right by virtue of continuous right in the public since time immemorial as recognized by law or custom.

(c) The public, both individually and collectively, has the free and unrestricted right of use and benefit of the public beaches.

(d) The state and its subdivisions shall provide reasonable access avenues to the public beaches.

COMMENTS

This proposal affirms longstanding statutory and case law relating to the

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public's right to a free and unrestricted use of public beaches bordering on the Gulf of Mexico and represents an attempt to perpetuate public policy concerning these beaches and to insure the continued protection and preservation of public beaches for the citizens of Texas.

Subsection (a) declares the coastal natural resources to be a public trust to be held by the State of Texas in a fiduciary capacity for present and future generations. This approach of the State of Texas to its coastal resources had its origin in both the common law and civil law and was judicially recognized in the landmark case of City of Galveston v. Menard, 23 Tex. 349, 392, when the court stated that under the civil law, the sea and its shores were common and "belong to the class of public things" and that according to the common law, the right to the shores of the sea "is vested in the King, as trustee for the public...and he cannot grant it." This case did not create law but merely restated the law existing at that time.

The Subsection (b) definition of public beach reflects an attempt to carry forward the existing state policy. In recent years, "the portion of the public beach seaward of the line of vegetation but landward of the line of mean high tide, while remaining in private hands has assumed a public character." (Footprints on the Sands of Time, p. 14, Interim Beach Study Committee (1970).) The Open Beaches Act, Art. 5415d, Vernon's Texas Civil Statutes, Sec. 1, is the fundamental legislative statement of the rights of the public on the beaches of Texas and it declares the public policy of Texas to be:

... that the public, individually and collectively, shall have the free and unrestricted right of ingress and egress to and from the state-owned beaches bordering on the seaward shore of the Gulf of Mexico, or such larger area extending from the line of mean low tide to the line of vegetation bordering on the Gulf of Mexico, in the event the public has acquired a right of use or easement to or over such area by prescription, dedication, or has retained a right by virtue of continuous right in the public.

The Open Beaches Act, Art. 5415d, Vernon's Texas Civil Statutes, is the present legislative pronouncement of the rights of the public on the beaches of Texas. The most significant aspect of the Open Beaches Act is its declaration of public policy that the beaches should be open to the people of Texas and that any obstruction of public use constitutes an offense against public policy. In its 1970 report, Footprints on the Sands of Time, p. 10, the Interim Beach Study Committee stated that:

It seems fair to describe State policy concerning coastal resources as one that has consistently recognized the paramount rights of the public to the use and enjoyment of coastal land. This proposed declaration of public trust represents an attempt to insure the continuity of this policy.

The prohibition on delivery by sale of fee simple absolute title does not prohibit

the leasing of land for purposes approved by the General Land Office or other authorized state agencies including but not restricted to oil and gas and other mineral leasing, shell dredging, etc. This provision prohibits the delivery of fee simple absolute title to any person or corporation, but does not prohibit the exchange of certain lands when such exchange is necessary and is deemed to be in the public interest and consistent with the concept of public trust.

Subsection (c) grants the free and unrestricted right of use and benefit of the public beaches. The grant is self-enacting but the legislature may further protect this right by future legislation. The use of the term "unrestricted" will not affect the inherent police power of the state to control public use. The legislature will still be able to exercise its power to provide legislation enabling the state and local political subdivisions to regulate traffic and littering and to impose other necessary and reasonable restrictions relating to health or welfare. According to Caruthers v. Board of Adjustment, (Civil Appeals) 20 S.W.2d 340, rehearing denied, "The police power changes to meet the needs of the people and it may never be abdicated or bargained away."

Subsection (d) is designed to authorize the expenditure of funds by the state and its political subdivisions for the acquisition of easements and rights-of-way in order that the public may have a means of reasonable access to the public beaches. To protect a public beach to which the public has no means of access and no means of use and enjoyment is merely to perpetuate a legal fiction. This section incorporates by implication the language of the Open Beaches Act, Art. 5415d, Vernon's Texas Civil Statutes, Section 1:

The requirements of free and unrestricted rights of ingress and egress over areas landward of the line of vegetation shall be deemed to be fully satisfied by access roads or ways, now existing and available to the public, or which by or with the approval of any governmental authority having jurisdiction, may be provided in the future.

Although the proposal is framed in the form of a mandate, the use of the term "reasonable" allows the exercise of discretion and a balancing of need versus cost by the appropriate governmental authority.

This section is necessary to safeguard the property interests of the littoral landowner; and nothing in this section shall be construed to permit illegal trespass over private property to gain access to a public beach.

The section was adopted by a vote of 15 yeas and 0 nays.

Sec. 8. SEPARATE AND COMMUNITY PROPERTY OF HUSBAND AND WIFE. (a) 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; within the principles of that definition, more precise rules and definitions may be prescribed by law, and laws may be passed more clearly defining the rights of each spouse in relation to separate and community property.

(b) The above definition does not limit

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the power of the spouses to enter into contracts or other transactions between themselves which affect their property rights. Subject to restrictions imposed by law, and without prejudice to the rights of preexisting creditors, the spouses may enter into contracts or other transactions which change community property into separate property or separate property into community property. Without a partition or exchange, they may, by an express provision in a document of title, dispositive instrument, or written agreement, change community property into property owned by them as joint tenants with right of survivorship or create between themselves a right of survivorship in community property.

COMMENTS

This section revises Article XVI, Section 15 of the 1876 Constitution.

Historically, because of the constitutional definition of the wife's separate estate, the courts have held invalid legislative attempts to add to or subtract from the definition of the wife's separate estate and also have held invalid agreements and transactions between the spouses which would change separate property into community property or community property into separate property by a method that would not conform to the definition. (Arnold v. Leonard, 114 Tex. 535, 273 S.W. 799 (1925); King v. Bruce, 145 Tex. 647, 201 S.W.2d 803 (1947).) In Hilley v. Hilley, 342 S.W.2d 565 (1961), the court held that stock purchased with community funds issued in the names of the husband and wife "with right of survivorship and not as tenants in common" was community property and that on the death of the husband the wife owned only her community interest in the stock, the survivorship provision being invalid.

By changing the wording of the 1876 Constitution, the committee intended that the definition of separate property would be a limitation only upon the legislature and not upon the ability of spouses to make agreements between themselves as to their property. This section defines the separate property of both spouses and permits further clarification and definition by the legislature so long as the statutes are not inconsistent with the constitutional definition.

Subsection (b) is a clear and unequivocal grant of authority to the spouses to enter into contracts and other transactions which change the character of their property, separate or community, including changes by gift, sale, exchange, or partition, so long as the transactions meet formal statutory requirements and do not prejudice rights of preexisting creditors.

This section also allows a husband and wife to provide for a right of survivorship between themselves as to community property, without first partitioning or exchanging the community property into separate property as required in Hilley v. Hilley, supra, and Williams v. McKnight, 402 S.W.2d 505 (1966).

This section was adopted by a vote of 14 yeas and 0 nays.

Sec. 9. HOMESTEADS. (a) The homestead of a family or of a single adult is protected from forced sale for the payment of all

debts, except for purchase money therefor, taxes due thereon, and work and material used in constructing improvements thereon, if the work and material are contracted for in writing by the owner and if, in the case of married persons, both spouses consent to the contract in the manner required for sale of a homestead. Nothing in this section shall prohibit any person from refinancing the original mortgage on his homestead, the spouse, if any, joining therein nor shall any protections provided by this section be waived thereby, as provided by law. A homestead of married persons may be sold or abandoned only with the consent of both spouses, except as provided by law. No mortgage, trust deed, or other lien on a residential homestead may be valid except for the purchase money therefor or improvements made thereon, as provided above. Liens may be created on nonresidential homesteads but only in the manner required for conveyances thereof. All pretended sales of a homestead involving any condition of defeasance shall be void.

(b) The homestead not in a city, town, or village consists of not more than 200 acres of land, which may be in one or more parcels, with the improvements thereon. Of the 200 acres, only 50 acres on which the home is located may be classified as residential, and the rest shall be classified as nonresidential. Once acquired, a homestead not in a city, town, or village may not lose its status as a rural homestead without the owner's consent so long as it is used for agricultural purposes. The homestead in a city, town, or village consists of land valued at the time of establishment thereof, without reference to the value of any improvements thereon, at not more than \$10,000 or any larger sum as may be provided by law. A homestead in a city, town, or village may be a residential homestead if used as a home and a nonresidential homestead if used as a place for the exercise of the calling or business of the homestead claimant, whether a single adult or a married person. A home remains a homestead while temporarily rented only so long as no other homestead is acquired.

(c) The homestead of married persons shall descend and vest as does any other real property, except that the homestead may 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 an appropriate court.

COMMENTS

This section revises Article XVI, Section 50, Section 51, and Section 52 of the 1876 Constitution and is a revision of Article X, Section 12 of the Constitutional Revision Commission proposal. It extends the constitutional protection to single persons as well as families (as adopted in an amendment to the present constitution in November, 1973) and continues the present requirement that abandonment of the homestead of married persons requires the consent of both spouses with certain exceptions to be provided by the legislature (such as those presently set out in Sections 5.82, 5.83, 5.84, and 5.85 of Title 1, Family Code).

In addition Subsection (a) permits the refinancing of the homestead in order to

obtain funds for purposes to be provided by statute. In refinancing, the owner acquires another original mortgage so that the homestead protection does not lapse. All homestead rights under the original mortgage are passed on to the new mortgage after refinancing. This new provision allows additional financial flexibility for homeowners. It encourages investment in the homestead, especially since the owner could refinance even after the original mortgage had been paid off. In addition the owner could take advantage of the increased market value of his home and refinance for more money than the original purchase price.

Subsection (b) uses the language of the 1876 Constitution to define the rural homestead, which consists of one or more parcels of land equaling 200 acres. Fifty acres of this land is classified as residential; the remaining amount is classified as nonresidential. This subsection adds an additional protection for rural homesteads which are subsequently incorporated into a municipality. So long as the rural homestead is used for agricultural purposes, it retains its rural character. Subsection (b) also defines the urban homestead as land valued at the time of establishment at not more than \$10,000 "or any larger sum as may be provided by law." This gives the legislature the flexibility to increase the value of the homestead without having a constitutional amendment.

Subsection (c) provides for the descent and distribution of the homestead. It is simply a rewording of the present constitutional provision, and there is no substantive change.

This section adopts the Constitutional Revision Commission language relating to rural homesteads permitting 50 of the 200 acres to be classified as residential. The remaining 150 acres can be classified nonresidential, and the nonresidential portion can be used as collateral, leaving the remaining 50 acres constitutionally protected.

The section was adopted by a vote of 11 yeas and 7 nays.

Sec. 10. 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.

COMMENTS

This section rewords Article XVI, Section 49 of the present constitution, which directs the legislature to provide statutory exemptions of certain personal property from forced sale.

Texas had similar exemption statutes in 1839 and 1870 before the present language was added to the constitution in 1875.

The present statutory exemption was modified by the 63rd Legislature (Article 3836, as amended, Vernon's Texas Civil Statutes) to exempt defined personal property up to \$15,000 fair market value for a single person or \$30,000 for a family.

Eleven other states have similar constitutional exemptions of personal property from forced sale.

The section was adopted by a vote of 15

yeas and 0 nays.

Sec. 11. WAGES NOT SUBJECT TO GARNISHMENT. No current wages for personal service shall ever be subject to garnishment.

COMMENTS

This section retains the present language of Article XVI, Section 28 of the 1876 Constitution and retains the absolute prohibition against garnishment of wages.

There was a lengthy discussion about providing a limited exception to the prohibition in order to permit garnishment for child support. Numerous witnesses appeared who advocated limited garnishment because they felt that the present contempt remedies were not providing the funds necessary for court-ordered child support. The consensus of the committee was that if the county and district attorneys were vigilant in enforcing the present legal remedies, an additional remedy would not be needed. If the nonpaying spouse has disappeared, abandoned the family, and perhaps gone out of the state, the remedy of garnishment of wages would not be effective. At present, the court which ordered child support can hold the spouse in contempt of court and impose a jail sentence for nonpayment of court-ordered child support; the person can be prosecuted for criminal nonsupport under Article 25.05, Penal Code of Texas, or an action can be instituted under the Uniform Reciprocal Enforcement of Support Act, Chapter 21, Title 2, Family Code. Though the concept of garnishment of a percent of wages as an additional remedy has merit, the committee felt the disadvantages outweigh the advantages. Employers have proved hesitant to retain or employ workers whose wages have been garnished since their work records as a whole have proved unsatisfactory and because of the accounting problems in making the court-ordered deductions. The garnishment remedy could actually cause unemployment. If the inability to pay has been because the person has remarried and had other children, then garnishment might yield one or more additions to the welfare rolls.

The section was adopted by a vote of 11 yeas and 6 nays.

Sec. 12. PRIVATE CORPORATIONS. No private corporation shall be created except by general laws.

COMMENTS

This section retains unchanged Article XII, Section 1 of the 1876 Constitution and tracks the language of the Constitutional Revision Commission proposal.

In the early 1800s, the prevailing practice was to establish corporations by special acts of the legislature. This practice led to pressure on members of the legislature to enact new special laws granting additional powers to these corporations. This often led to abuses. In order to curb this legislative propensity, the first three Texas constitutions required a two-thirds vote of both houses of the legislature on all incorporation bills. In 1869 this provision was discontinued but was later revived when Article XII, Section 1 was included in the Constitution of 1876.

The effect of this provision has been a desirable one. The Texas Business Corporation Act, as amended, affords wide latitude for the formation of corporations,

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so that no general benefit would result from holding out the possibility of certain businesses gaining preferential treatment from the legislature. To permit such practice might do significant harm to the competitive system of free enterprise, since in that way undue advantage might flow to the favored corporation to the detriment of others. Access to the corporate structure should be available on an equal basis to all, and retention of that limitation will further this goal.

The section was adopted by a vote of 17 yeas and 1 nay.

Sec. 13. BRANCH BANKING; BANK HOLDING COMPANIES. (a) No bank shall engage in business in more than one place, which shall be designated in its charter.

(b) Bank holding companies shall be regulated as provided by law.

COMMENTS

This section revises Article XVI, Section 16 of the 1876 Constitution, as amended, but retains the absolute prohibition against branch banking contained in that constitution.

Subsection (b) gives constitutional recognition to bank holding companies and provides that the legislature shall regulate bank holding companies. Bank holding companies have developed since the prohibition against branch banking was first included in the Texas Constitution. Because such companies have many of the same undesirable characteristics as branch banks, the committee felt that the holding companies should be regulated, but that the specifics of the regulation should be in statute. Although Subsection (b) speaks only of "bank holding companies," it is not intended to restrict in any manner the ability of the legislature to regulate lending institutions other than banks.

This section deletes the constitutional prohibition against foreign banking. The omission of any reference to foreign banking leaves the question of enabling legislation and regulation of foreign banks to the legislature. The committee specifically requested language in the commentary to make this grant of authority clear, so that it does not conflict with the present statutory grant of authority to the Texas Banking Commission. The transition schedule will carry over the prohibition until the legislature acts. If foreign banking is permitted at some future time, then foreign banks would be subject to this constitutional branch-banking prohibition.

The Constitutional Revision Commission proposal contained no prohibition against branch banking nor did it include any regulation on holding companies. It did contain a prohibition against foreign banking.

The section was adopted by a vote of 11 yeas and 4 nays.

Sec. 14. ALCOHOLIC BEVERAGES. (a) The legislature shall continue to regulate the manufacture, packaging, sale, possession, and transportation of alcoholic beverages, shall have the power to establish a state monopoly on the sale of distilled liquors, and shall preserve the right of local option by a law or laws whereby the qualified voters of any

county, justice precinct, or incorporated town or city, may, by a majority of those voting in a local option election, determine from time to time whether the sale of alcoholic beverages shall be prohibited or legalized within the prescribed limits of such county, justice precinct, or incorporated town or city; such laws shall contain provisions for voting on the sale of alcoholic beverages of various types and various alcoholic content, including mixed beverages.

(b) Each county, justice precinct, or incorporated town or city shall retain the local option status in existence on the date of the adoption of this provision unless and until a majority vote of those voting in a local option election in such political subdivision shall determine otherwise.

COMMENTS

This section revises Article XVI, Section 20 of the 1876 Constitution but makes no substantive change in the present law. Testimony from both "wet" factions and "dry" factions has endorsed this section. It specifically provides that the legislature shall "continue" to regulate the manufacture, packaging, sale, possession, and transportation of alcoholic beverages. It preserves the right of local option elections from time to time so that a majority of those voting in a county, justice precinct, or incorporated town or city may determine by election whether or not to allow the sale of various alcoholic beverages of specific alcoholic content.

Subsection (b) guarantees that the present local option status of every political subdivision in this state will remain as it presently stands until a subsequent local option election is held in that same area. A clarifying amendment was added which specifically provided that in order to change the local option status a vote by a majority of the qualified voters actually voting in a local option election is required. The earlier draft left some ambiguity as to whether a majority of persons registered in the political subdivision would be required to vote before the present status could be changed.

In addition, the language of the 1876 Constitution as adopted by amendment in 1970, giving the legislature the power to establish a state-owned monopoly on the sale of distilled liquors was added to the present proposal by amendment. Although Texas does not presently have a state monopoly, several other states have adopted such schemes. While the legislature would have this power under this constitutional provision without a specific grant of authority, the committee felt that the inclusion of this language would prevent any argument over the necessity for a constitutional amendment to adopt such a plan in the future.

Finally, the committee noted that there are at present no provisions in the local option statutes for calling elections in cities and towns which are in two political subdivisions. The prevailing sentiment of the committee was that a city or town located in two counties could hold a local option election, and this omission should be answered by the 64th Legislature and not by constitutional provision.

The section was adopted by a vote of 16

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yeas and 0 nays.

Sec. 15. 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.

COMMENTS

This section tracks the language of the 1876 Constitution from Article XVI, Section 31 and the Constitutional Revision Commission proposal. This section was retained primarily because of the extensive body of case law which has construed the term "schools of medicine."

In prescribing qualifications for the practitioners of medicine every person who diagnoses and treats any disease of the body must meet uniform minimal educational requirements and must pass a uniform qualifying test by the board of medical examiners. The law recognizes other specialized professions such as optometry and dentistry whose practitioners deal with particular organs of the body and do not treat the entire body. These specialized professions do not involve the practice of medicine, and therefore can be licensed and regulated differently without violating the constitutional prohibition against preferential treatment.

In deciding to retain this portion of the present constitution, the committee relied heavily on the Attorney General's Constitutional Convention Advisory Opinion No. 3, which finds that the present Chiropractic Act, as amended (Article 4512b, Vernon's Texas Civil Statutes), does not violate the constitutional prohibition against the preferential treatment contained in Article XVI, Section 31 of the present constitution.

Because its practitioners [chiropractors] cannot lawfully treat the body generally for disease or disorder, but are limited to treatment to ascertain the alignment and the practice of adjusting the vertebrae to correct any subluxation and misalignment, we believe that the courts following Halsted will hold that chiropractic no longer is a branch of the practice of medicine. Instead, under the 1949 Act, it will be held to be a specialized profession, limited to a particular portion of the anatomy and not involving the practice of medicine. As such, it can be licensed under separate provisions with less burdensome conditions without violating the constitutional prohibition against preferential treatment.

(Attorney General's Constitutional Convention Advisory Opinion No. 3, p. 6.)

The section was adopted by a vote of 17 yeas and 1 nay.

Sec. 16. 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, but may exempt by general law lotteries conducted by and for the benefit of nonprofit charitable organizations.

COMMENTS

This section revises Article III, Section 47 of the 1876 Constitution. It tracks the language of the present constitution in "prohibiting the establishment of lotteries and gift enterprises" but permits the legislature to exempt lotteries conducted by and for the benefit of nonprofit charitable organizations. The purpose of this exception is to allow for the prevailing practice of church affiliated, fraternal, and other charitable lotteries and games which are solely for the benefit of these nonprofit organizations.

The Constitutional Revision Commission proposal on gambling merely speaks to state sponsorship of lotteries or any other gambling enterprises. It does not reinstate the general prohibition against lotteries.

The section was adopted by a vote of 11 yeas and 6 nays.

Sec. 17. 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.

COMMENTS

This section adopts the language of Article XVI, Section 37 of the 1876 Constitution, which gives a constitutional lien to mechanics, artisans, and materialmen who deal directly with the owner of the real property. They acquire the lien automatically by virtue of the constitutional provision without the necessity of filing an affidavit claiming a lien. Under the present statutory provision, a person would have to file an affidavit to perfect the lien within 120 days after the indebtedness comes due.

The consensus of the committee was that this section should be retained in order to provide continuity and consistency in the law. Persons in the industry have come to rely on the constitutional lien as it has been construed by the courts. Under the statutory lien provision, the owner would be required to put a cloud on the title by filing a lien. In many instances this would be required prior to the time of ascertaining that the person will default.

It was argued that interim financing is not given until the lien has been filed, but this constitutional provision speaks to any number of small jobs which would not require interim financing.

The section was adopted by a vote of 15 yeas, 2 nays, and 1 present not voting.

Sec. 18. RETIREMENT BENEFITS FOR PUBLIC EMPLOYEES. (a) General Provisions. (1) The legislature may enact general laws establishing systems and programs of retirement, disability, and death benefits for public employees and officers. Financing of benefits shall be based on sound actuarial principles, and the funds or assets of any system shall be held in trust for the benefit of members and may not be diverted for any other purpose.

(2) No person for the same service may receive benefits from more than one system; but the legislature may provide that a person who has service in several employments covered by more than one system

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or program shall be entitled to a fractional benefit from each system or program in which he has service, based on service rendered in that system or program and calculated as to amount upon the benefit formula used in that system or program. Transfer of service credit between the Employees Retirement System of Texas and the Teacher Retirement System of Texas may also be authorized by the legislature.

(3) Each statewide benefit system shall have a board of trustees which shall be responsible for the general administration of that system and may invest the funds and assets of that system in such securities as the board may deem prudent investments. In making each and all of such investments, the boards of trustees shall exercise the judgment and care under the circumstances then prevailing that persons 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 disposition of their funds, considering the probable income therefrom as well as the probable safety of their capital.

(4) General laws establishing retirement systems and optional retirement programs for public employees and officers, in effect at the time of the adoption of this constitution, shall remain in effect, subject to the general powers of the legislature established in this subsection.

(b) State Retirement Systems. The legislature shall provide the following:

(1) a Teacher Retirement System of Texas to provide benefits for persons employed in the public schools, colleges and universities supported wholly or partly by the state, and such other employees as the legislature may include; and

(2) an Employees Retirement System of Texas to provide benefits for officers and employees of the state and, as deemed advisable by the legislature, officers and employees of judicial districts of the state who are or have been compensated in whole or in part directly or indirectly by the state.

(3) The amount to be contributed by persons participating in the Employees Retirement System of Texas and the Teacher Retirement System of Texas shall be established by the legislature and the amount contributed by the state shall be at least 6 percent of the aggregate compensation paid to the individuals participating in the system; but the legislature may appropriate additional sums as may be actuarially determined to be required to fund benefits authorized by law.

(c) Local Retirement Systems. The legislature shall provide for the following:

(1) the creation by any city or county of a system of benefits for its officers and employees;

(2) a system of benefits for the officers and employees of counties or other political subdivisions of the state to operate statewide in which counties or other political subdivisions may participate on a voluntary basis; and

(3) a system of benefits for officers and employees of cities to operate

statewide in which cities may participate on a voluntary basis.

(4) Benefits shall be reasonably related to participant tenure and contributions.

(d) Judicial Retirement System. (1) Notwithstanding any other provision of this section, the system of retirement, disability, and survivors' benefits established in the constitution or by law for justices, judges, and commissioners of the appellate courts and judges of the district and criminal district courts and in effect at the time of adoption hereof shall be continued. The legislature shall provide for inclusion in the system of judges of all courts in the unified judicial system and such other elected state officials as now or hereafter provided by law.

(2) General administration of the Judicial Retirement System of Texas shall be by the Board of Trustees of the Employees Retirement System of Texas under such regulations as may be provided by law.

COMMENTS

This section revises Article III, Sections 48a, 48b, 51e, and 51f; Article V, Section 1a; and Article XVI, Sections 62, 63, and 66 of the 1876 Constitution.

The purpose of this section is to continue in effect the public retirement and benefit systems and programs established under the existing constitution and laws, to authorize the legislature to create other systems and programs, and to require funding and fiduciary standards necessary to maintain such systems and programs on a sound actuarial basis.

The legislature is authorized to establish systems and programs of retirement, disability, and death benefits for public employees and officials. A new requirement that benefits must be financed on sound actuarial principles is intended to place a high level of fiscal and fiduciary responsibility upon the legislative and administrative bodies concerned with the creation, funding, and management of public retirement systems in Texas. Diversion of funds held in trust by the systems is also prohibited.

The legislature is authorized to provide that persons who perform service in more than one system may receive fractional benefits from each, based upon service and a benefit formula applicable to each system. This provision offers protection to persons who perform service under two or more systems and who are frequently ineligible for benefits under the present constitution. The provision for reciprocity between the Teacher Retirement System and the Employees Retirement System is retained.

Each statewide benefit system shall be administered by a board of trustees who shall make investments under the "prudent person" rule as established by prevailing case law.

The existing optional retirement programs are given constitutional status subject to the power of the legislature to alter and expand benefit systems and programs in the future.

The legislature shall provide for a Teacher Retirement System and an Employees Retirement System. This section requires minimum funding at the present state contribution rate of 6 percent of aggregate

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compensation paid to participants, and provides that the legislature may appropriate additional sums actuarially determined to be required to fund benefits provided by law.

The legislature shall provide for the creation of local retirement systems including (a) authorization for cities and counties to establish separate local systems; (b) authorization for counties and other political subdivisions of the state to participate voluntarily in a statewide system for such participants; and (c) authorization for cities to participate voluntarily in a statewide municipal system. The present prohibition against legislative appropriations for local retirement systems is deleted, and a new provision requires that benefits be reasonably related to tenure and contributions.

The Judicial Retirement System is specifically retained and exempted from the requirements of other systems.

The section was adopted by a vote of 13 yeas and 1 nay.

Sec. 19. AUTHORITY OF THE LEGISLATURE TO CLASSIFY LOANS AND LENDERS, LICENSE AND REGULATE LENDERS, DEFINE INTEREST, AND FIX MAXIMUM RATES OF INTEREST; USURY; RATE OF INTEREST WHERE ABSENT IN CONTRACT; POWERS NONDELEGABLE. The legislature shall have the authority to classify loans and lenders, license and regulate lenders, define interest, and fix maximum rates of interest.

In the absence of legislation fixing maximum rates of interest, all contracts for a greater rate of interest than 10 percent per annum shall be deemed usurious.

In contracts where no rate of interest is agreed upon, the rate shall not exceed 6 percent per annum.

The powers of the legislature to classify loans and lenders, define interest, and fix maximum rates of interest shall not be subject to delegation by the legislature to any board or governmental agency.

COMMENTS

This section revises Article XVI, Section 11, as amended, and maintains the substance of the present constitution with two exceptions:

1. it removes the provision relating to trial de novo; and

2. it stipulates that the legislative power to classify loans and lenders, define interest, and set maximum rates is nondelegable.

The section carries over the legislative grant of authority to set maximum rates of interest but provides a constitutional ceiling of 10 percent per annum where interest is stated in the contract.

In contracts when no interest rate is stated, the constitutional ceiling is 6 percent per annum.

Though the Consumer Credit Code provides interest rates for most agreements, it does not cover all contracts. Therefore, it is necessary to retain the constitutional protection.

The section was adopted by a vote of 13 yeas and 5 nays.

Sec. 20. RIGHTS OF THE HANDICAPPED. (a) No person shall be denied any right, benefit, responsibility, or opportunity on account of a physical or mental handicap,

including the opportunity for employment of an otherwise qualified individual.

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

COMMENTS

The provision is not designed to create special rights or privileges but to guarantee equal rights and equal treatment for more than 1.5 million Texans who experience some physical or mental handicap. The provision's general intent is to provide an explicit guarantee similar to Article I, Section 3a of the present constitution, which, by its specificity, implicitly excludes grounds for discriminatory treatment that are not enumerated.

Subsection (a) provides that the handicapped shall be free from discriminatory treatment in both governmental and private actions. Inclusion of the word "responsibility" confirms the right of qualified handicapped persons to serve in fiduciary and similar capacities and is not intended to jeopardize specific protective legislation benefiting the handicapped. The specific reference to "employment of an otherwise qualified individual" ensures the right of an employer to refuse to hire a person who is not able to perform the job being sought. If a person is unable to perform a particular job because of a physical or mental handicap, an employer's refusal to hire is justified. However, the specific reference to employment is not intended to limit the scope of the prohibition of discriminatory treatment. Subsection (a) prohibits governmental denial of the fundamental rights of citizenship in such areas as political participation and education as well as private denial of equal rights or opportunities in such areas as employment and housing.

Subsection (b) specifies that this section requires no legislation to be enforceable but permits the legislature to make limited exceptions. However, the legislature's ability to make exceptions may not limit the substance of the protections provided by Subsection (a) and must be based on appropriate criteria. With regard to fundamental governmental rights, such as the right to vote and the right to education, the legislature may make exceptions only where justified by a compelling state interest. In less fundamental areas of governmental action and in private areas such as housing and employment practices, exceptions may be based on broader criteria. In any case, the legislature shall make no exception which substantially undermines the substance of Subsection (a) of this proposed section.

The section was adopted by a vote of 15 yeas and 3 nays.

Sec. 21. RIGHT TO PRIVACY. The absolute necessity of a right of privacy to the free exercise of rights and liberties is recognized. The state and its political subdivisions shall not pass any law, make any policy, issue any regulations, or spend any public funds in a manner which infringes on a person's right to privacy, except that the state and its political subdivisions may collect, maintain, and disseminate information for legitimate governmental purposes to the extent necessary to achieve those purposes. No private person may

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infringe on a person's right to privacy, except as provided by law.

COMMENTS

This new section is added to grant a specific right of privacy. Prior to the age of technocracy, the only real threat of invasion of privacy was an illegal search and seizure. Now more subtle invasions through wiretapping, recording devices, and compilation and computer storage of personal information need to be included under the rationale of the Fourth Amendment to the United States Constitution.

Four states have enacted constitutional provisions protecting a citizen's right to privacy since 1968: Hawaii, California, Alaska, and Montana.

This section prohibits the state and its political subdivisions from passing any laws, making any policies or regulations, or expending any public funds in a manner which infringes on a person's right to privacy. The only exception relates to legitimate governmental purposes.

The second prohibition protects invasions of privacy from private persons, giving the legislature the power to make exceptions by general law.

This section is designed to protect the individual's privacy from unauthorized and unreasonable invasions in areas such as wiretapping, recording, and the compilation, storage, and retrieval of personal information in government and private computer banks.

As presently regulated by the Federal Communications Commission, wiretapping can be conducted by court order for governmental purposes or with consent of one party.

The section was adopted by a vote of 12 years and 4 nays.

Sec. 22. RIGHT TO WORK. (a) No person shall be denied employment on account of membership or nonmembership in a labor organization or payment or nonpayment of any dues, fees, or other sums of money or things of value to a labor organization.

(b) Any contract, agreement, understanding, or practice, written or oral, which requires or prescribes that employees or applicants for employment as a condition of employment shall or shall not be or remain members of a labor organization or shall or shall not make payments to a labor organization shall be null and void and against public policy.

(c) In this section, "labor organization" means any organization of any kind, or any agency or employee representation committee or plan, in which employees participate and which exists for the purpose, in whole or in part, of dealing with employers concerning grievances, labor disputes, wages, rates of pay, hours of employment, or conditions of work.

COMMENTS

At the present time Arizona, Arkansas, Florida, Kansas, Mississippi, Nebraska, and South Dakota have right-to-work provisions in their constitutions. Twelve other states, including Texas, have statutory right-to-work provisions.

This new section gives constitutional status to Texas's present "right-to-work" statute (Article 5207a, as amended, Vernon's

Texas Civil Statutes). The statutory provisions were adopted in 1947, shortly after Congress adopted Section 14b of the Taft-Hartley Act. This new section incorporates the substance of the present statute, modernizing the language.

Subsection (a) states a broad policy which explicitly prohibits discriminatory hiring policies based upon membership or nonmembership in a "labor organization" as defined in Subsection (c).

Subsection (b) invalidates any written or oral contract, agreement, understanding, or practice which would require membership in or payments to a labor organization as a condition for employment.

These sections prohibit all forms of "union security" agreements including:

1. union shop - all workers hired by the employer must join the union within a specified time after they are hired;

2. closed shop - only union members may be hired;

3. maintenance of membership - workers who are union members when the union-management agreement is signed and nonmembers who join the union later, must remain members of the union for the duration of the contract; and

4. agency shop - workers must either join the union, or if they choose not to, pay to the union the amount of dues paid by union members.

The section was adopted by a vote of 12 years and 8 nays.

Sec. 23. HOUSING FOR ELDERLY. Notwithstanding Section 7 of Article VIII of this constitution, the legislature by law may obligate the state credit for the purpose of providing housing for elderly persons.

COMMENTS

This new section is added to authorize the legislature to pledge the credit of the state to provide housing for elderly persons. The section is intended as an exception to the requirement of Section 7(c) of Article VIII of the proposed constitution that bonds which pledge the credit of the state be issued only if authorized by the approval of two-thirds of the membership of each house of the legislature and a majority vote of the qualified electors of the state voting on the question. Under Section 23, bonds pledging the credit of the state could be issued pursuant to a law passed by majority vote of the legislature.

Elderly persons, who often must exist on fixed and limited incomes and are especially subject to inflation, have a particularly critical need for available housing at affordable monetary rates. The federal government has acknowledged this need, but the federal programs have been very limited in scope and availability. Recognizing this deficiency, 15 states have established housing finance administrations between 1960 and 1972. Other states have moved toward implementation of similar programs.

If Texas chooses to undertake a housing program for the elderly, it will be necessary to borrow funds for the initial capital expenditures. This section would allow the legislature to borrow the necessary funds at the least overall expense to the state because it would permit the issuance of general obligation bonds, which could be sold at a lower rate of interest than bonds

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payable solely from the revenues of the project itself.

This section was adopted by a vote of 11 yeas and 4 nays.

Sec. 24. STATE PURCHASING BY COMPETITIVE BIDDING. The legislature shall establish by law a central procurement system for the purchase of supplies, materials, and equipment, paid for out of state funds, for all agencies in the executive, legislative, and judicial branches of state government. All such purchases, except those products manufactured by state agencies, shall be based on competitive bids. No responsible bidder, or group of bidders, who desire to bid, shall be excluded. The legislature shall enact laws consistent with the provisions of this section.

COMMENTS

This section revises Article XVI, Section 21 of the present constitution. The section requires a central procurement system for all supplies, deriving language from the present State Purchasing Act of 1957 (Art. 664-3, Vernon's Texas Civil Statutes). Products manufactured by state agencies, including the correctional institutions, are exempt from the competitive bidding requirement.

Recognizing that the legislature has the inherent power to provide a central procurement system, the section was adopted in light of recent practices in some other states giving preferred treatment to certain classes of bidders and the public desire for economy and impartiality in the granting of governmental contracts.

The section was adopted by a vote of 13 yeas and 4 nays.

Sec. 25. DEEPWATER PORT. The legislature by law may obligate the state credit for the purpose of providing a deepwater port.

COMMENTS

This new section is added to authorize the legislature to pledge the credit of the state to provide a deepwater port for Texas. The section is intended as an exception to the requirement of Section 7(c) of Article VIII of the proposed constitution that bonds which pledge the credit of the state be issued only if authorized by the approval of two-thirds of the membership of each house of the legislature and a majority vote of the qualified electors of the state voting on the question. Under Section 25, bonds pledging the credit of the state could be issued pursuant to a law passed by majority vote of the legislature.

This section also acknowledges that construction and operation of a deepwater port are permissible uses of public money and public credit. It is uncertain, under the Constitution of 1876 and the one thus far approved by this convention, whether such a deepwater port would constitute a "public purpose" for which public money or credit could be used. By specifically authorizing such a project in the constitution, the question is resolved, and the decision of whether to use public funds for the purpose is left to the legislature rather than to the courts.

If Texas chooses to develop a deepwater port at public expense, it will be necessary

to borrow funds for the initial capital expenditure. This section would allow the legislature to borrow the necessary funds at the least overall expense to the state because it would permit the issuance of general obligation bonds which could be sold at a lower rate of interest than bonds payable solely from the revenues of the project itself.

The section was adopted by a vote of 13 yeas and 5 nays.

GENERAL PROVISIONS COMMITTEE Minority Report Number 1

BE IT PROPOSED,

That the following be substituted for Article X, Section 9 of the majority proposal:

Sec. 9. HOMESTEADS. (a) The homestead of a family or of a single adult is protected from forced sale for the payment of all debts, except for purchase money therefor, taxes due thereon, and work and material used in constructing improvements thereon, if the work and material are contracted for in writing by the owner and if, in the case of married persons, both spouses consent to the contract in the manner required for sale of a homestead. A homestead of married persons may be sold or abandoned only with the consent of both spouses, except as provided by law. No mortgage, trust deed, or other lien on a residential homestead may be valid except for the purchase money therefor or improvements made thereon, as provided above. Liens may be created on nonresidential homesteads but only in the manner required for conveyances thereof. All pretended sales of a homestead involving any condition of defeasance shall be void.

(b) The homestead not in a city, town, or village consists of not more than 200 acres of land, which may be in one or more parcels, with the improvements thereon. Of the 200 acres, only 50 acres on which the home is located may be classified as residential, and the rest shall be classified as nonresidential. Once acquired, a homestead not in a city, town, or village may not lose its status as a rural homestead without the owner's consent so long as it is used for agricultural purposes. The homestead in a city, town, or village consists of land valued at the time of establishment thereof, without reference to the value of any improvements thereon, at not more than \$10,000 or any larger sum as may be provided by law. A homestead in a city, town, or village may be a residential homestead if used as a home and a nonresidential homestead if used as a place for the exercise of the calling or business of the homestead claimant, whether a single adult or a married person. A home remains a homestead while temporarily rented only so long as no other homestead is acquired.

(c) The homestead of married persons shall descend and vest as does any other real property, except that the homestead may 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 an appropriate court.

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COMMENTS

This section revises Article XVI, Section 50, Section 51, and Section 52 of the 1876 Constitution and is a revision of Article X, Section 12 of the Constitutional Revision Commission proposal. It extends the constitutional protection to single persons as well as families (as adopted in an amendment to the present constitution in November, 1973) and continues the present requirement that abandonment of the homestead of married persons requires the consent of both spouses with certain exceptions to be provided by the legislature (such as those presently set out in Sections 5.82, 5.83, 5.84, and 5.85 of Title 1, Family Code).

Subsection (b) uses the language of the 1876 Constitution to define the rural homestead, which consists of one or more parcels of land equaling 200 acres. Fifty acres of this land is classified as residential; the remaining amount is classified as nonresidential. This subsection adds an additional protection for rural homesteads which are subsequently incorporated into a municipality. So long as the rural homestead is used for agricultural purposes, it retains its rural character. Subsection (b) also defines the urban homestead as land valued at the time of establishment at not more than \$10,000 "or any larger sum as may be provided by law." This gives the legislature the flexibility to increase the value of the homestead without having a constitutional amendment.

Subsection (c) provides for the descent and distribution of the homestead. It is simply a rewording of the present constitutional provision, and there is no substantive change.

This section adopts the Constitutional Revision Commission language relating to rural homesteads permitting 50 of the 200 acres to be classified as residential. The remaining 150 acres can be classified nonresidential, and the nonresidential portion can be used as collateral, leaving the remaining 50 acres constitutionally protected.

GENERAL PROVISIONS COMMITTEE Minority Report Number 2

BE IT PROPOSED

(1) That the following be substituted for that portion of Article X, Section 6 before the words "the conservation" on line 18:

Sec. 6. ENVIRONMENT. State agencies and political subdivisions shall act as trustees to conserve and maintain for the benefit of all the people the beach, park, historic site, air, and water resources and other resources designated by law. Every person has a fundamental right to protect these resources from pollution, impairment, or destruction, enforceable against any party, governmental or private, subject to reasonable limitations as may be provided by law.

(2) That the balance of Section 6, now beginning "The conservation," be renumbered as Section 7 with the title of NATURAL

RESOURCES and that succeeding sections be renumbered accordingly.

EXPLANATION

Section 6 of the General Provisions Committee report adds unnecessary verbiage by making a meaningless reference to the environment. It does not grant any new rights to citizens, impose legally enforceable duties on government, or grant any new powers to the legislature.

Some members claim that, despite the language in Sections 9 and 10 of the Finance Article (VIII), the portion of the committee report on page 2, lines 1-12, is necessary to protect the bonding authority of certain governmental units. While this is unlikely, the minority report permits the convention to vote separately on that matter. First, however, the minority report seeks a clear vote on the question of whether or not a real environmental provision should be included in the constitution.

COMMENTS

This proposal provides effective constitutional protection of the state's natural resources. Since air, water, and certain other resources are public property, their conservation and maintenance are the duty and responsibility of public officials. If government breaches its duty, the people may legally enforce their rights as beneficiaries of the public trust. Such a public trust is currently imposed regarding certain waters of the state by Article III, Section 49(d) of the present constitution. By omitting this language, the General Provisions Committee report actually provides less protection to our natural resources than the 1876 Constitution.

Although this proposal enumerates the major resources included in the public trust, the legislature may add others subject to due process requirements.

The term "fundamental" is employed to emphasize the importance of the right granted. Each citizen may protect the enumerated resources from damaging activity by any party, governmental or private. Although similar provisions in the statutes and constitutions of other states have not damaged the economy or opened any floodgates of litigation, the concluding language of the section recognizes this remote possibility by empowering the legislature to enact any reasonable limitations that may be necessary to prevent harrasing or frivolous litigation.

ARTICLE III ON SECOND READING

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

Question: Shall Article III as amended be adopted?

DELEGATES PRESENT

Delegates McAlister, Parker of Denton, Hendricks and Schieffer, who had previously been recorded as "Absent-excused" were announced "Present".

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

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LEAVES OF ABSENCE

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

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

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

Delegate Jones of Harris for Delegate Caldwell offered the following amendment to Section 8 of Article III:

Amend Article III, Section 8(d) by adding a sentence as follows:

A limitation on the number of terms a speaker of the house of representatives can serve may be prescribed by law.

The amendment was read.

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

Delegate Nabers offered the following amendment to Article III:

Amend Article III by striking Subsection (d) of Section 8, renumbering the following subsections accordingly, and adding a new section, appropriately numbered, to read as follows:

Section _____. ELECTION OF SPEAKER. (a) At general elections beginning in 1978, the qualified voters of the state shall elect the speaker of the house of representatives for a term of four years beginning on the date the legislature convenes in its next regular session.

(b) Election returns for the office of speaker shall be tabulated and certified in a public forum in a manner provided by law.

(c) To be eligible to serve as speaker, a person must have the qualifications as prescribed for a member of the house of representatives.

(d) In case of a vacancy in the office of speaker, the house shall elect a speaker from its members to serve for the unexpired portion of the term.

(e) The speaker is subject to removal only by impeachment and trial in the manner provided for executive officers.

(f) The speaker shall be the presiding officer of the house, and when the house is equally divided, he may cast the deciding vote.

(g) The speaker shall receive salary and compensation as provided by law.

The amendment was read.

Delegate Maloney moved to table the amendment.

The motion to table prevailed by the

following vote: 88 Yeas, 42 Nays, 1 Present-Not Voting, 49 Not Voting. (Record 7, Appendix)

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

Amend Article III, Section 8(d) by adding a sentence as follows:

A limitation on the number of terms a speaker of the house of representatives can serve may be prescribed by law.

The amendment was read.

DELEGATES PRESENT

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

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

Delegate Schieffer moved to table the amendment.

The motion to table was lost by the following vote: 49 Yeas, 91 Nays, 1 Present-Not Voting, 39 Not Voting. (Record 8, Appendix)

Question recurring on the adoption of the amendment.

The amendment was adopted by the following vote: 91 Yeas, 55 Nays, 34 Not Voting. (Record 9, Appendix)

Delegate Waters offered the following amendment to Section 13 of Article III:

Amend Article III by including the following as a new Subsection (b) in Section 13 and relettering the succeeding sections as necessary:

(b) Cause for impeachment shall include treason, bribery, felony, crime or gross malfeasance in office.

The amendment was read.

Delegate Clower moved to table the amendment.

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

(Delegate Wolff in Chair)

Delegate Reynolds offered the following amendment to Article III:

Amend Article III by adding the following new section:

Section ____.

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

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

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dealings.

The amendment was read.

(President in Chair)

Delegate Maloney moved to table the amendment.

The motion to table prevailed by the following vote: 103 Yeas, 32 Nays, 5 Present-Not Voting, 40 Not Voting. (Record 10, Appendix)

PAIRED VOTE

Delegate Agnich (present), who would vote "Nay", with Delegate Washington (absent), who would vote "Yea".

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

Amend Article III, Section 8(b) by adding a sentence as follows:

A limitation on the number of terms a Chairman of the Appropriations Committee of the house of representatives can serve may be prescribed by law.

The amendment was read.

Delegate Maloney moved to table the amendment.

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

Delegate Short offered the following amendment to Article III:

Amend Article III by adding the following:

BE IT FURTHER PROPOSED:

That the following be submitted to the voters as an alternative issue:

PROPOSAL NO. ____

(1) That in the event the proposed new constitution is adopted, the following be substituted for Subsections (b) and (c) of Article III, Section 4:

(b) Each senator and representative serves a term of four years beginning on the date provided by law for convening the legislature in regular session of each odd-numbered year. The qualified voters shall elect a new senate after each statewide redistricting of the senate and a new house of representatives after each statewide redistricting of the house of representatives. The members of each house shall decide by lot which members serve four-year terms and which serve two-year terms, so that one-half of the members of each house will be elected every two years thereafter.

(c) Except in the case of an election to fill a vacancy, if a member of the house of representatives becomes a candidate for elective office and has more than one year remaining in his term, that member's seat in the house of representatives becomes vacant on the last day of the calendar year in which the election is held, and the unexpired term of such house member shall be filled at the

general election prior to the occurrence of the vacancy, as provided by law.

(2) That in the event the proposed new constitution is not adopted, Section 4 of Article III of the Constitution of 1876 be amended and Section 4a added to read as follows:

Section 4. The Members of the House of Representatives shall be chosen by the qualified electors for the term of ~~four~~ two years; but a new House of Representatives shall be chosen after every apportionment, and the members elected after each apportionment shall be divided by lot into two classes. The seats of the members of Class A shall be vacated at the expiration of the first two years, and those of Class B at the expiration of four years, so that one-half of the members of the House of Representatives shall be chosen biennially thereafter. Representatives shall take office following their election, on the day set by law for the convening of the Regular Session of the Legislature, and shall serve thereafter for the full term of years to which elected and until their successors shall have been elected and qualified. Except in the case of an election to fill a vacancy, if a Member of the House of Representatives becomes a candidate for elective office and has more than one year remaining in his term, that Member's seat in the House of Representatives becomes vacant on the last day of the calendar year in which the election is held, and the unexpired term of such Representative shall be filled at the general election prior to the occurrence of the vacancy, as provided by law.

Section 4a. The four-year terms provided in Section 4 of this Article first apply to the House of Representatives of the 64th Legislature. For the purposes of Section 4, that House of Representatives will be treated as if it were elected after an apportionment. This section expires when it is executed.

SHORT
PRESTON
TRAEGER
RUSSELL
PRESNAL
AIKIN
LELAND
AGNICH
REYES
MALONEY

The amendment was read.

LEAVES OF ABSENCE

Delegate Adams of Jasper was granted leave of absence for the remainder of today on account of important business on motion of Delegate Nabers.

Delegate Calhoun was granted leave of absence for the remainder of today on account of illness on motion of Delegate Bailey.

Delegate Davis moved to table the amendment.

The motion to table was lost by the following vote: 45 Yeas, 90 Nays, 4 Present-Not Voting, 41 Not Voting. (Record

May 8, 1974

11, Appendix)

PAIRED VOTES

Delegate Leland (present), who would vote "Nay", with Delegate Ogg (absent), who would vote "Yea".

Delegate Henderson (present), who would vote "Yea", with Delegate Washington (absent), who would vote "Nay".

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

LEAVES OF ABSENCE

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

Delegate Allen of Gregg was granted leave of absence for the remainder of today on account of doctor's appointment on motion of Delegate Blake.

Delegate Kubiak offered the following amendment to the amendment to Article III:

Amend Short amendment, page 3, line 18 by substituting 65th for 64th session.

KUBIAK
TUPPER

The amendment to the amendment was read and failed of adoption by the following vote: 61 Yeas, 76 Nays, 3 Present-Not Voting, 40 Not Voting. (Record 12, Appendix)

PAIRED VOTES

Delegate Hanna (present), who would vote "Nay", with Delegate Washington (absent), who would vote "Yea".

Delegate Leland (present), who would vote "Nay", with Delegate Ogg (absent), who would vote "Yea".

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

Delegate Gammage offered the following amendment to the amendment to Article III:

Amend the Short amendment to Article III, Section 4 by striking Section 4(a).

The amendment to the amendment was read and failed of adoption by the following vote: 59 Yeas, 79 Nays, 2 Present-Not Voting, 40 Not Voting. (Record 13, Appendix)

PAIRED VOTES

Delegate Leland (present), who would vote "Nay", with Delegate Ogg (absent), who would vote "Yea".

Question again recurring on the adoption of the amendment.

The amendment was then adopted by the following vote: 78 Yeas, 64 Nays, 2 Present-Not Voting, 36 Not Voting. (Record 14, Appendix)

PAIRED VOTES

Delegate Leland (present), who would vote "Yea", with Delegate Ogg (absent), who would vote "Nay".

Delegate Geiger (present), who would vote "Nay", with Delegate Washington (absent), who would vote "Yea".

Delegate Gammage offered the following amendment to Article III:

Amend Article III by adding the following:

BE IT FURTHER PROPOSED:

That the following be submitted to the voters as an alternative issue:

PROPOSAL NO. ____

(1) That in the event the proposed new constitution is adopted, the following be substituted for Subsection 7(a) of Article III:

(a) The legislature shall meet annually in regular sessions and at such times and for such duration as provided by law.

(2) That in the event the proposed new constitution is not adopted, Article III, Section 5, of the 1876 Texas Constitution be amended to read as follows:

Section 5. The Legislature shall meet annually in regular sessions ~~(every two years)~~ and at such times and for such duration as ~~[may be]~~ provided by law and at other times when convened by the Governor or by petition of two-thirds of the membership of each house. ~~[When convened in regular session, the first thirty days thereof shall be devoted to the introduction of bills and resolutions, acting upon emergency appropriations, passing upon the confirmation of recess appointees of the Governor and such emergency matters as may be submitted by the Governor in special messages to the legislature, provided that during the succeeding thirty days of the regular session of the legislature the various committees of each House shall hold hearings to consider all bills and resolutions and other matters then pending, and such emergency matters as may be submitted by the Governor, provided further that during the following sixty days the legislature shall set upon such bills and resolutions as may be then pending and upon such emergency matters as may be submitted by the Governor in special messages to the legislature, provided, however, either House may otherwise determine its order of business by an affirmative vote of four-fifths of its membership.]~~

The amendment was read.

Delegate Maloney moved to table the amendment.

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

LEAVE OF ABSENCE

May 8, 1974

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

Delegate Wyatt offered the following amendment to Section 3 of Article III:

Amend Article III, Section 3, by deleting Subsection (f).

The amendment was read.

Delegate Bynum moved to table the amendment.

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

Delegate Bynum moved to reconsider the vote by which the Traeger amendment to Section 7 of Article III was adopted on April 5.

Delegate Sherman of Tarrant raised the Point of Order that Delegate Bynum had not voted on the prevailing side and therefore was not eligible to make such a motion.

The President sustained the Point of Order.

Delegate Meier (he having voted on the prevailing side) moved to reconsider the vote by which the Vecchio amendment to Section 11 of Article III was adopted on May 6.

The motion to reconsider prevailed by the following vote: 94 Yeas, 40 Nays, 2 Present-Not Voting, 44 Not Voting. (Record 15, Appendix)

PAIRED VOTE

Delegate Leland (present), who would vote "Nay", with Delegate Ogg (absent), who would vote "Yea".

Question: Shall the amendment be adopted?

The amendment failed of adoption by the following vote: 50 Yeas, 88 Nays, 1 Present-Not Voting, 41 Not Voting. (Record 16, Appendix)

On motion of Delegate Brooks and by unanimous consent, the vote by which his amendment to Section 14 of Article III was adopted was reconsidered.

Question: Shall the amendment be adopted?

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

LEAVE OF ABSENCE

Delegate Russell was granted leave of absence for the remainder of today on account of important business on motion of Delegate Parker of Denton.

Delegate Brooks offered the following amendment to Section 14 of Article III:

Amend Article III, Section 14 to read as follows:

An affirmative vote of two-thirds of the membership present constitutes consent to any appointment which this constitution requires to be with the advice and consent of the senate. A person appointed to an office requiring advice and consent of the senate ceases to serve upon rejection by the senate or, if the appointment fails to be voted upon at the session to which the appointment is submitted, upon adjournment sine die. The legislature may provide by law for interim appointments made when the senate is not in session.

BROOKS
VON DOHLEN

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

Delegate Bynum offered the following amendment to Article III:

Amend Article III to read as follows:

BE IT PROPOSED BY THE COMMITTEE ON THE LEGISLATURE,

That there be a new article on the legislature to read as follows:

ARTICLE III THE LEGISLATURE

Sec. 1. THE LEGISLATIVE POWER. The legislative power of the State of Texas is vested in a senate and a house of representatives, together styled "The Legislature of Texas."

Sec. 2. COMPOSITION. (a) The senate consists of 31 members. However, when the state is divided into senatorial districts following each federal decennial census, the senate shall consist of a number of members equal to the whole number nearest to the ratio of the population of the state to 350,000, but not fewer than 31 nor more than 50 members.

(b) The house of representatives consists of 150 members. However, the legislature may increase the number by not more than four following each federal decennial census, to a maximum of 160 members.

Sec. 3. QUALIFICATION OF MEMBERS. (a) A person to be eligible to serve in the senate must be a qualified voter, 25 years of age or older, and immediately preceding election, have been a resident of this state for five years and of the senatorial district for one year.

(b) A person to be eligible to serve in the house must be a qualified voter, 21 years of age or older, and immediately preceding election, have been a resident of this state for two years and of the representative district for one year.

(c) In the general election following a redistricting, a person is 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

May 8, 1974

redistricting, but only if within 60 days after the filing deadline that person becomes a resident of the new district.

(d) The office of a member of the legislature becomes vacant if the member changes residence from the district from which the member was elected unless the change is to comply with Subsection (c) of this section.

(e) 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 or of the armed forces reserve of the United States, or as a notary public.

(f) No person holding a lucrative office under the United States, or this state and its subdivisions, or any foreign government, may, during the term for which he is elected or appointed, be eligible to the legislature.

Sec. 4. ELECTION AND TERMS OF MEMBERS.

(a) Senators and representatives are elected at a general election.

(b) Each senator serves a term of four years beginning on the date provided by law for convening the legislature in regular session following the general election at which elected. The qualified voters shall elect a new senate after each statewide senatorial redistricting. The senators shall decide by lot which serve four-year terms and which serve two-year terms, so that one-half will be elected every two years thereafter.

(c) Each representative serves a term of two years beginning on the date provided by law for convening the legislature in regular session following the general election at which elected.

(d) Vacancies in the senate and house of representatives shall be filled by special election in the manner prescribed by law.

Sec. 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 must contain as nearly as practicable an equal number of inhabitants. All representative districts must contain as nearly as practicable an equal number of inhabitants. All districts must be composed of compact and contiguous territory.

(c) A county entitled to one or more senators or representatives must be divided into the required number of districts. Population in excess of that required for complete districts within the county must be joined with population of another county or counties to form one or more districts. If the excess population is 50 percent or more of a district, such excess population shall be in one district.

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

(e) If by final decree the Supreme Court of Texas or a federal court finds a

redistricting plan enacted by the legislature invalid, or a court-ordered redistricting plan is to take effect prior to any final decree, the legislature, if not then in regular session, shall meet in special session within 14 days of the court's ruling, on a date set by the secretary of state or on the 14th day, to consider enactment of a new redistricting plan. If a regular session of the legislature convenes within 45 days of the court's ruling of invalidity, consideration and enactment of a new redistricting plan are postponed until that regular session.

(f) If the legislature fails to enact a new redistricting plan during the special session or within the first 30 days of the regular session after it has been held invalid, whichever is applicable, a legislative redistricting board shall convene within 10 days to redistrict the state. The board shall consist of the lieutenant governor, the speaker of the house of representatives, the attorney general, the comptroller of public accounts, and the commissioner of the general land office. The board shall redistrict the state within 30 days of its convening. The legislature shall provide funds for the board's clerical, technical, and other expenses.

Sec. 6. COMPENSATION. (a) The salary commission consists of nine members. The governor, lieutenant governor, speaker of the house of representatives, attorney general, and chief justice of the supreme court, acting together, appoint the members of the commission and designate the chairman. Members shall be selected on a nonpartisan basis with due regard to representation of both sexes and of the ethnic groups and geographical regions of the state, and shall not be related to the members of the commission by blood, marriage, or present or prior business association.

(b) Members serve six-year terms that are staggered so that one-third of the members are appointed every two years. Vacancies are filled by the appointing officers to fill the unexpired term. A person who has served one full term on the commission is ineligible to serve on that body again.

(c) No member of the commission may hold another public office or an office of a political party while serving on the commission.

(d) No member of the commission may hold any other public office or be an employee of the state.

(e) Members of the legislature receive compensation and allowances not to exceed the amount recommended by the commission. The commission shall review the compensation and allowances annually. No change in compensation may take effect sooner than the first legislative session after a general election, and no increase in compensation may take effect until the ordered amount or a lesser amount is approved by both houses of the legislature.

Sec. 7. SESSIONS. (a) The legislature shall meet in regular session each year at such time as may be provided by law. Sessions in odd-numbered years shall not exceed 180 consecutive days duration. Sessions in even-numbered years shall not exceed 90 consecutive days duration.

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(b) Sessions of the legislature must be open to the public.

(c) Neither house may adjourn or recess for more than ten days without the consent of the other while in regular and special session.

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

(e) Special sessions, other than those required to consider redistricting plans, of the legislature may be called by the governor or by petition of two-thirds of the membership of each house. A special session may not exceed 30 days duration and may consider only the matters contained in the governor's proclamation or the membership petition or such other matters as may be presented by the governor.

(f) If the governor vetoes any bill within the last 10 days before adjournment of a legislative session or prevents a bill from becoming law by filing it with the secretary of state with his objections within 20 days after the adjournment, the legislature upon petition of a majority of the membership of each house may be convened on the first Monday following the 50th day after the date of the previous adjournment for a period of not more than 15 days for the sole purpose of reconsidering such bills for passage over veto.

Sec. 8. ORGANIZATION AND PROCEDURE.

(a) Each house is the judge of the qualifications and election of its own members, but contested elections are determined as provided by law.

(b) At the beginning of the first session of each odd-numbered year, each house may by majority vote adopt or amend its rules of procedure. The legislature by majority vote of the membership of each house shall adopt joint rules. Rules of procedure and joint rules, once adopted, remain in effect until amended, repealed, or otherwise changed by the same or succeeding legislatures.

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

(d) Unless previously accomplished in an organizational assembly, 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 lieutenant governor when the lieutenant governor is absent or disabled, or when the office is vacant.

(e) Unless previously accomplished in an organizational assembly, when first assembled the house of representatives shall organize and shall elect a speaker from its members. A limitation on the number of terms a speaker of the house of representatives can serve may be prescribed by law.

(f) 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.

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

(h) 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.

Sec. 9. LEGISLATIVE IMMUNITY. (a) A member may not be questioned in any other place for speech or debate during a legislative proceeding.

(b) A member is privileged from arrest, except for treason, felony, or breach of the peace, while attending a session of the legislature and while traveling to and from its meeting place for that purpose.

Sec. 10. 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 is ineligible for (1) any civil office of profit under this state which shall have been created, or the emoluments of which may have been substantially increased, during that term, or (2) any office or position the appointment to which may be made, in whole, by either house of the legislature. The ineligibility terminates 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 not vote on the bill, resolution, or other matter.

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

Sec. 11. 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 must be limited to a single subject, which must be expressed in its title, but if any subject is embraced in an act which is not expressed in the title, such act is void only to so much thereof as is not so expressed. 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, must 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, except upon the vote of four-fifths of its members present and voting, either house may suspend this five-day requirement.

(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 present and voting 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 may be passed during the same session.

(h) The presiding officer of each house must certify the final passage of each bill or resolution requiring the concurrence of

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both houses. The fact of certification must be recorded in the journal.

(i) No law except general appropriation acts and redistricting acts may take effect until 90 days after it becomes a law or 90 days after adjournment of the session at which it was enacted, whichever is earlier. The legislature, by two-thirds record vote of the membership of each house, may authorize an earlier effective date.

(j) If a bill introduced during the 140-day session is not reached for consideration due to the expiration of the session, said bill shall be carried over for consideration by the legislature at the subsequent shorter session without the necessity of having to refile said bill and shall be taken up for consideration at the same stage of the legislative process it had reached when the prior session expired. If not reached for consideration at the subsequent shorter session before said session expires, said bill would no longer be pending before the legislature.

Sec. 12. LOCAL AND SPECIAL LAWS. (a) Except as expressly authorized by this constitution, 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 is a question subject to judicial determination.

(b) The legislature may enact local laws to regulate the taking of wildlife resources. No local bill may be passed under the authority of this section unless notice of the intention to introduce the bill has been given as provided by law in the locality affected. Evidence that the notice was given must be exhibited in the legislature before the bill is passed. Compliance with these notice requirements is subject to judicial review.

(c) Each local law and each special law must identify the area to which it applies by the name or other official designation of such area, and no such law may be enacted which determines the area of application by the use of population figures or other statistical data.

(d) No bill shall be considered and no law shall be enacted which limits or defines the area to which it applies by the use of population figures or other statistical data, except bills having statewide application wherein all counties are classified on the basis of population.

Sec. 13. IMPEACHMENT. (a) The house of representatives has the sole power to conduct legislative investigations to determine the existence of cause for impeachment and, by the record vote of a majority of its membership, to impeach executive officers and justices of the supreme court.

(b) An 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, except in the case of the impeachment of a governor, in which case the lieutenant governor shall serve as governor during the pendency of the

impeachment.

(c) Impeachments are 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) Upon conviction by the senate, the office becomes vacant; however, 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.

Sec. 14. ADVICE AND CONSENT OF THE SENATE. An affirmative vote of two-thirds of the membership present constitutes consent to any appointment which this constitution requires to be with the advice and consent of the senate. If an appointment requiring consent fails to be voted upon by the legislative session to which the appointment is submitted, a vacancy in office will occur as of the day of sine die adjournment. The legislature may provide by law for interim appointments made when the senate is not in session.

TRANSITION PROVISION

Section 6 of Article III of this constitution becomes effective on January 1, 1975. The salary commission established by that section shall be organized and perform its duties as provided by Section 6. An initial change in compensation, if any is recommended by the commission, may become effective upon approval by the legislature. Any subsequent changes in compensation must conform to the requirements of Subsection (e) of Section 6.

The amendment was read.

Delegate Maloney moved to table the amendment.

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

Article III as amended was then adopted by the following vote: 117 Yeas, 26 Nays, 2 Present-Not Voting, 35 Not Voting. (Record 17, Appendix)

PAIRED VOTE

Delegate Leland (present), who would vote "Yea", with Delegate Ogg (absent), who would vote "Nay".

ARTICLE III REFERRED

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

ARTICLE II ON SECOND READING

The President laid before the Convention Article II on second reading.

DELEGATE PRESENT

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

Delegate Von Dohlen offered the following amendment to Article II:

Amend Article II by substituting in lieu thereof the following:

The government of the State of Texas is divided into three branches: legislative, executive and judicial. The powers of government are distributed in accordance with this division and those exceptions to this division authorized by this constitution.

VON DOHLEN
KASTER
JOHNSON

The amendment was read and failed of adoption by the following vote: 34 Yeas, 108 Nays, 2 Present-Not Voting, 36 Not Voting. (Record 18, Appendix)

PAIRED VOTE

Delegate Laney (present), who would vote "Nay", with Delegate Washington (absent), who would vote "Yea".

Delegate Bird offered the following amendment to Article II:

Amend Article II by:

Deleting Article II in its entirety and renumber subsequent articles accordingly.

The amendment was read and failed of adoption by the following vote: 10 Yeas, 132 Nays, 1 Present-Not Voting, 37 Not Voting. (Record 19, Appendix)

Delegate Hale offered the following amendment to Article II:

Amend Article II by deleting the last six words in Section 1 and substituting in lieu thereof the following:

"except as otherwise authorized by this Constitution".

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

Article II was then adopted by the following vote: 138 Yeas, 3 Nays, 2 Present-Not Voting, 37 Not Voting. (Record 20, Appendix)

PAIRED VOTE

Delegate Harris of Galveston (present), who would vote "Nay", with Delegate Washington (absent), who would vote "Yea".

ARTICLE II REFERRED

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

UNANIMOUS CONSENT TO RECORD VOTE

The following delegates requested

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

Delegate Allred requested to be recorded as voting "Yea" on Record Votes 4, 5, 6, 7 and 9.

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

Delegate Atwell requested to be recorded as voting "Nay" on Record Vote 3.

Delegate Bales requested to be recorded as voting "Yea" on Record Votes 10, 11, 12, 13 and 16.

Delegate Bales requested to be recorded as voting "Nay" on Record Votes 14 and 15.

Delegate Bird requested to be recorded as voting "Yea" on Record Vote 7.

Delegate Calhoun requested to be recorded as voting "Yea" on Record Vote 17.

Delegate Cole requested to be recorded as voting "Nay" on Record Vote 3.

Delegate Cole requested to be recorded as voting "Yea" on Record Votes 4, 5 and 7.

Delegate Clayton requested to be recorded as voting "Yea" on Record Votes 6, 7 and 10.

Delegate Clayton requested to be recorded as voting "Nay" on Record Votes 3 and 5.

Delegate Davis requested to be recorded as voting "Yea" on Record Vote 7.

Delegate Denton requested to be recorded as voting "Yea" on Record Vote 11.

Delegate Earle requested to be recorded as voting "Yea" on Record Vote 13.

Delegate Evans requested to be recorded as voting "Yea" on Record Votes 7 and 8.

Delegate Evans requested to be recorded as voting "Nay" on Record Vote 10.

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

Delegate Geiger requested to be recorded as voting "Yea" on Record Votes 7, 8, 10 and 15.

Delegate Geiger requested to be recorded as voting "Nay" on Record Votes 9 and 16.

Delegate Hall of Webb requested to be recorded as voting "Yea" on Record Vote 14.

Delegate Hall of Webb requested to be recorded as voting "Nay" on Record Votes 2 and 13.

Delegate Heatly requested to be recorded as voting "Yea" on Record Vote 7.

Delegate Hernandez requested to be

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recorded as voting "Yea" on Record Vote 17.

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

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

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

Delegate Laney requested to be recorded as voting "Nay" on Record Votes 5 and 6.

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

Delegate Madla requested to be recorded as voting "Yea" on Record Vote 7.

Delegate Massey requested to be recorded as voting "Yea" on Record Votes 19 and 20.

Delegate Massey requested to be recorded as voting "Nay" on Record Vote 18.

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

Delegate Nichols requested to be recorded as voting "Yea" on Record Votes 7 and 9.

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

Delegate Poerner requested to be recorded as voting "Nay" on Record Votes 7, 8 and 9.

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

Delegate Sutton requested to be recorded as voting "Nay" on Record Vote 17.

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

Delegate Vick requested to be recorded as voting "Nay" on Record Vote 16.

Delegate Von Dohlen requested to be recorded as voting "Yea" on Record Votes 2 and 7.

Delegate Von Dohlen requested to be recorded as voting "Nay" on Record Vote 3.

Delegate Whitmire requested to be recorded as voting "Yea" on Record Vote 18.

Delegate Wyatt requested to be recorded as voting "Yea" on Record Vote 15.

Delegate Wyatt requested to be recorded as voting "Nay" on Record Vote 1.

RECESS

On motion of Delegate Aikin the Convention at 5:30 o'clock p.m. took recess until 2:00 o'clock p.m. on Monday, May 13, 1974.

TEXAS CONSTITUTIONAL CONVENTION

YEA	N-V	NAY	YEA	N-V	NAY	YEA	N-V	NAY	YEA	N-V	NAY
• Mr. President			• Doyle			• Lee			• Russell		
• Adams, D.			• Dramberger			• Leland			• Sage		
• Adams, H.			• Earle			• Lewis			• Salem		
• Agnich			• Edwards			• Lombardino			• Sanchez		
• Aikin			• Evans			• Longoria			• Santiesteban	X	
• Allen, Joe			• Finnell			• McAlister	X		• Schieffer		
• Allen, John			• Finney			• McDonald, F.			• Schwartz		
• Allred			• Foreman			• McDonald, T.			• Scoggins		
• Andujar			• Fox			• McKinnon			• Semos		
• Atwell			• Gammage			• 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			• Hanna			• Miller			• Temple		
• Boone			• Harrington			• Montoya			• Thompson	X	
• 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			• Hightower			• Nugent			• Von Dohlen		
• Clark			• Hilliard			• Ogg			• 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, Gene			• Poff			• Williams		
• Creighton			• Jones, Grant			• Powers			• Williamson		
• Daniel			• Jones, L.			• Presnal			• Willis		
• Davis			• Kaster			• Preston			• Wilson		
• Denison			• Koriath			• Ragsdale			• Wolff		
• Denton			• Kothmann			• Reyes			• Wyatt		
• Doggett			• Kubiak			• Reynolds			• Bryant		
• Donaldson			• Laney			• Rodriguez					
• Doran			• Lary			• Rosson		X-EXCUSED ABSENCE			

Phone (714) 355-0872 International ROLL CALL & Corporation, Richmond, Va. 23130

RECORD #1 ROLL CALL

YEA-151	TOTALS	NAY-0	PNV-0	NU-29	ARTICLE	DATE: 1
YEA	N-V	NAY		Comm.	10	JAN 2
100-200	100-200	100-200		Rep.	20	FEB 3
0 0	0 0	0 0		Subs.	1	MAR 1
1 1	1 1	1 1		Amm.	2	APR 2
2 2	2 2	2 2		Quo.	3	MAY 3
3 3	3 3	3 3		3 R	4	JUN 4
4 4	4 4	4 4		Subm.	5	JUL 5
5 5	5 5	5 5		Mino.	6	AUG 6
6 6	6 6	6 6		Mot.	7	SEP 7
7 7	7 7	7 7		Alt.	8	OCT 8
8 8	8 8	8 8		Sep.	9	NOV 9
9 9	9 9	9 9		2 R	0	DEC 0

TEXAS CONSTITUTIONAL CONVENTION

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1974



YEA	N-V	NAY	YEA	N-V	NAY	YEA	N-V	NAY	YEA	N-V	NAY
Mr. President			Doyle			Lee			Russell		
Adams, D.			Dramberger			Leland			Sage		
Adams, H.			Earle			Lewis			Salem		
Agnich			Edwards			Lombardino			Sanchez		
Aikin			Evans			Longoria			Santiestevan	X	
Allen, Jo			Finnell			McAliste	X		Schieffer		
Allen, John			Finney			McDonald, F.			Schwartz		
Allred			Foreman			McDonald, T.			Scoggins		
Andujar			Fox			McKinnon			Semos		
Atwell			Gammag			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	X		Spurlock		
Blake			Hale			Meier			Sullivant		
Blanchard			Hall, A.			Menefee			Sutton		
Blythe			Hall, W.			Mengden			Tarbox		
Bock			Hanna			Miller			Temple		
Boone			Harrington			Montoya			Thompson	X	
Bowers			Harris, E.			Moore			Traeger		
Braecklein			Harris, O.			Munson			Truan		
Brooks			Head			Murray			Tupper		
Bynum			Heatly			Nabers			Uher		
Caldwell			Henderson			Newton			Vale		
Calhoun			Hendrick			Nichols			Vecchio		
Canales			Hernandez			Nowlin			Vick		
Cates			Hightower			Nugent			Von Dohien		
Clark			Hilliard			Ogg			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			Pe veto			Whitmire		
Cooke			Johnson			Poerner			Wieting		
Craddick			Jones, Gene			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			Bryant		
Donaldson			Laney			Rodriguez					
Doran		X	Lary			Rosson		X-EXCUSED ABSENCE			

RECORD #2 MOTION TO TABLE MADLA AMENDMENT TO
ART. III, SEC. 3

YEA-80	TOTALS	NAY-56	PNV-3	NV-41	ARTICLE	SECTION	DATE: 1
YEA	N-V	NAY					JAN 2
100-200	100-200	100-200					FEB 3
0 0	0 0	0 0		Comm.	10		MAR 1
1 1	1 1	1 1		Rep.	20		APR 2
2 2	2 2	2 2		Subs.	1	10 1	MAY 3
3 3	3 3	3 3		Amm.	2	20 2	JUN 4
4 4	4 4	4 4		Quo.	3	30 3	JUL 5
5 5	5 5	5 5		3 R	4	40 4	AUG 6
6 6	6 6	6 6		Subm.	5	50 5	SEP 7
7 7	7 7	7 7		Mino.	6	60 6	OCT 8
8 8	8 8	8 8		Mot.	7	70 7	NOV 9
9 9	9 9	9 9		Alt.	8	80 8	DEC 0
				Sep.	9	90 9	
				2 R	0	00 0	

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1974

TEXAS CONSTITUTIONAL CONVENTION

YEA N-V NAY

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

YEA N-V NAY

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

YEA N-V NAY

Lee ●
Leland ●
Lewis ●
Lombardino ●
Longoria ●
McAlister X
McDonald, F. ●
McDonald, T. ●
McKinnor X
McKnight ●
Madla ●
Maloney ●
Martin ●
Massey ●
Mattox ●
Mauzy X
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 ●
Rodriguez ●
Rosson ●

YEA N-V NAY

Russell ●
Sage ●
Salem ●
Sanchez ●
Santieste'an X
Schieffer ●
Schwartz ●
Scoggins ●
Semos ●
Sherman, M. ●
Sherman, W. ●
Short ●
Simmons ●
Slack ●
Snelson X
Spurlock ●
Sullivant ●
Sutton ●
Tarbox ●
Temple ●
Thompson X
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

Revised 10/1/74 355-0872 International R.O.L. Call & Corporation, Richmond, Va. 23230

RECORD #3 MOTION TO TABLE MUNSON AMENDMENT TO ART. III, SEC. 6

YEA-35

TOTALS NAY-100

PNV-1

NV-44

ARTICLE

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

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

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

TEXAS CONSTITUTIONAL CONVENTION

1974

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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
Gammage
Garcia
Gaston
Geiger
Grant
Green, F.
Green, R.
Hale
Hall, A.
Hall, W.
Hanna
Harrington
Harris, E.
Harris, O.
Head
Heatly
Henderson
Hendrick
Hernandez
Hightower
Hilliard
Hoestenbach
Hollowell
Howard
Hubenak
Hudson
Hutchison
Johnson
Jones, Gene
Jones, Grant
Jones, L.
Kaster
Korioth
Kothmann
Kubiak
Laney
Lary

YEA N-V NAY

Lee
Leland
Lewis
Lombardino
Longoria
McAlister
McDonald, F.
McDonald, T.
McKinno
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
Rodriguez
Rosson

YEA N-V NAY

Russell
Sage
Salem
Sanchez
Santistevan
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 # 4 ADOPTION OF THE MUNSON AMENDMENT

AS AMENDED TO ART. III, SEC 6

YEA-93

TOTALS NAY-42 PNV-2

NV-43

ARTICLE

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

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

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
Coody
Cooke
Craddick
Creighton
Daniel
Davis
Denson
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
Hendrick
Hernandez
Hightower
Hilliard
Hoestenbach
Hollowell
Howard
Hubenak
Hudson
Hutchison
Johnson
Jones, Gene
Jones, Grant
Jones, L.
Kaster
Korioth
Kothmann
Kubiak
Laney
Lary

YEA N-V NAY

Lee
Leland
Lewis
Lombardino
Longoria
McAliste
McDonald, F.
McDonald, T.
McKinno
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, W.
Patman
Pentony
Peveo
Poerner
Poff
Powers
Presnal
Preston
Ragsdale
Reyes
Reynolds
Rodriguez
Rosson

YEA N-V NAY

Russell
Sage
Salem
Sanchez
Santiestevan
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
Whitmore
Wieting
Williams
Williamson
Willis
Wilson
Wolff
Wyatt
Bryant

X-EXCUSED ABSENCE

RECORD #5 MOTION TO TABLE REYNOLDS AMENDMENT TO ART. III,

SEC. 7

YEA-70

TOTALS NAY-63

PNV-1

NV-46

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

1090

1974

YEA N-V NAY

Mr. President
Adams, J.
Adams, J. L.
Agnich
Aikin
Allen, Jo
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
Gammage
Garcia
Gaston
Geiger
Grant
Green, F.
Green, R.
Hale
Hall, A.
Hall, W.
Hanna
Harrington
Harris, E.
Harris, C.
Head
Heatly
Henderson
Hendrick
Hernandez
Hightower
Hilliard
Hoestenbach
Hollowell
Howard
Hubenak
Hudson
Hutchison
Johnson
Jones, Gene
Jones, G. ant
Jones, L.
Kaster
Korioth
Kothmann
Kubiak
Laney
Lary

YEA N-V NAY

Lee
Leland
Lewis
Lombard
Longoria
McAlister
McDonald, F.
McDonald, T.
McKinno
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, W.
Patman
Pentony
Peveto
Poerner
Poff
Powers
Presnal
Preston
Ragsdale
Reyes
Reynolds
Rodrigue
Rosson

YEA N-V NAY

Russell
Sage
Salem
Sanchez
Santiestevan
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
Whitmore
Wieting
Williams
Williamson
Willis
Wilson
Wolff
Wyatt
Bryant

X-EXCUSED ABSENCE

RECORD #6 MOTION TO TABLE JONES OF TAYLOR AMENDMENT
TO ART. III, SEC. 7

YEA-79

TOTALS NAY-46

PNV-1

NU-54

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

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 X
Bigham
Bird
Blake
Blanchard X
Blythe ●
Bock
Boone
Bowers
Braecklein
Brooks
Bynum ●
Caldwell
Calhoun
Canales
Cates ●
Clark
Clayton
Clower
Cobb X
Cole
Coleman
Coody
Cooke
Craddick
Creighton
Daniel
Davis
Denson
Denton
Doggett
Donaldson
Doran X

YEA N-V NAY

Doyle
Dramberger ●
Earle ●
Edwards ●
Evans
Finnell ●
Finney
Foreman ●
Fox
Gammage
Garcia ●
Gaston ●
Geiger
Grant ●
Green, F. ●
Green, R. X
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
Korloth ●
Kothmann
Kubiak ●
Laney ●
Lary ●

YEA N-V NAY

Lee ●
Leland ●
Lewis ●
Lombard, no X
Longoria
McAliste
McDonald, F. ●
McDonald, T. ●
McKinno X
McKnight ●
Madla
Maloney
Martin ●
Massey
Mattox ●
Mauzy X
Meier
Menefee
Mengden
Miller
Montoya
Moore ●
Munson
Murray ●
Nabers ●
Newton
Nichols
Nowlin
Nugent ●
Ogg ●
Olson
Parker, C. ●
Parker, W. ●
Patman
Pentony
Peveto X
Poerner
Poff ●
Powers
Presnal
Preston
Ragsdale
Reyes ●
Reynolds
Rodriguez X
Rosson ●

YEA N-V NAY

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

X-EXCLUDED ABSENCE

RECORD # 7 MOTION TO TABLE NABERS AMENDMENT
TO ART. III, SEC. 8

YEA-88

TOTALS NAY-42

PNV-1

NV-49

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

1092

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
 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.
 McKinnor
 McKnight
 Madla
 Maloney
 Martin
 Massey
 Mattox
 Maury
 Meier
 Menefee
 Mengden
 Miller
 Montoya
 Moore
 Munson
 Murray
 Nabers
 Newton
 Nichols
 Nowlin
 Nugent
 Ogg
 Olson
 Parker, C.
 Parker, W.
 Patman
 Pentony
 Peveto
 Poerner
 Poff
 Powers
 Presnal
 Preston
 Ragsdale
 Reyes
 Reynolds
 Rodrigue
 Rosson

YEA N-V NAY

Russell
 Sage
 Salem
 Sanchez
 Santiestevan
 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 #8 MOTION TO TABLE CALDWELL AMENDMENT TO

ART. III, SEC. 8

YEA-49

TOTALS MAY-91

PN-1

NU-39

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

1093
1974

TEXAS CONSTITUTIONAL CONVENTION

2

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
• 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
• Lombard
• Longoria
• McAlister
• McDonald, F.
• McDonald, T.
• McKinno
• 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, W.
• Patman
• Pentony
• Peveto
• Poerner
• Poff
• Powers
• Presnal
• Preston
• Ragsdale
• Reyes
• Reynolds
• Rodrigue
• Rosson

YEA N-V NAY

• Russell
• Sage
• Salem
• Sanchez
• Santiestejan
• 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

Phone: (512) 335-0872, International ROLL CALL, Corporation, Richmond, Va. 23230

#9 Motion to Adopt the Caldwell Amendment
to Art III, Sec 8.

Yea-91

TOTALS

May-55

PNV-0

NU-34

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
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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

TEXAS CONSTITUTIONAL CONVENTION

1094

1974



YEA N-V NAY

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

YEA N-V NAY

● Doyle
 Dramberger ●
 ● Earle
 Edwards ●
 Evans
 ● Finnell
 Finney
 Foreman ●
 Fox ●
 Gammas
 ● Garcia
 ● Gaston
 Geiger
 ● Grant
 ● Green, F.
 Green, R X
 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
 ● Karioth
 ● Kothmann
 Kubiak ●
 Laney ●
 ● Lary

YEA N-V NAY

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

YEA N-V NAY

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

X-EXCUSED ABSENCE

RECORD 10 MOTION TO TABLE REYNOLDS AMENDMENT TO ART. III

YEA-103

TOTALS NAY-32

PNV-5

NV-40

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

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

YEA N-V NAY

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

YEA N-V NAY

Doyle
Dramberger
Earle
Edwards
Evans
Finnell
Finney
Foreman
Fox
Gammage
Garcia
Gaston
Geiger
Grant
Green, F.
Green, R. X
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
Kothmann
Kubiak
Laney
Lary

YEA N-V NAY

Lee
Leland
Lewis
Lombard, 10 X
Longoria
McAlister
McDonald, F.
McDonald, T.
McKinno X
McKnight
Madla
Maloney
Martin
Massey
Mattox
Mauzy X
Meier
Menefee
Mengden
Miller
Montoya
Moore
Munson
Murray
Nabers
Newton
Nichols
Nowlin
Nugent
Ogg
Olson
Parker, C.
Parker, W.
Patman
Pentony
Peveto X
Poerner
Poff
Powers
Presnal
Preston
Ragsdale
Reyes
Reynolds
Rodriguez
Rosson

YEA N-V NAY

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

X-EXCUSED ABSENCE

RECORD # 11 MOTION TO TABLE SHORT AMENDMENT TO ART III

YEA-45

TOTALS

NAY-90

PNV-4

NV-41

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

1096

1974

YEA N-V NAY

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

YEA N-V NAY

Doyle
Dramberger
Earle
Edwards
Evans
Finnell
Finney
Foreman
Fox
Gammage
Garcia
Gaston
Geiger
Grant
Green, F.
Green, R. X
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
Korloth
Kothmann
Kubiak
Laney
Lary

YEA N-V NAY

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

YEA N-V NAY

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

X-EXCUSED ABSENCE

RECORD # 12 ADOPTION OF KUBIAK AMENDMENT TO THE SHORT AMENDMENT TO ART. III

YEA-61

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

TOTALS NAY-76

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

PNV-3

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

NV-40

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

ARTICLE

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

DATE: 1

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

1097
1974

TEXAS CONSTITUTIONAL CONVENTION

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

X-EXCUSED ABSENCE

RECORD #13 ADOPTION OF GAMMAGE AMENDMENT TO THE
SHORT AMENDMENT TO ART. III

YEA-59	TOTALS MAY-79	PAU-2	NO-40	ARTICLE	DATE: 1
YEA	N-V	NAY			JAN 2
100-200	100-200	100-200		SECTION	FEB 3
0 0	0 0	0 0	• Comm.	10	MAR 1
1 1	1 1	1 1	• Rep.	20	APR 2
2 2	2 2	2 2	• Subs.	1	MAY 3
3 3	3 3	3 3	• Amm.	2	JUN 4
4 4	4 4	4 4	• Quo.	3	JUL 5
• 5 5	• 5 5	• 5 5	3 R	4	AUG 6
6 6	6 6	6 6	• Subm.	5	SEP 7
7 7	7 7	7 7	• Mino.	6	OCT 8
8 8	8 8	8 8	• Mot.	7	NOV 9
9 9	9 9	9 9	• Alt.	8	DEC 0
			• Sep.	9	
			• 2 R	0	

1974

TEXAS CONSTITUTIONAL CONVENTION

1098

YEA	N-V	NAY	YEA	N-V	NAY	YEA	N-V	NAY	YEA	N-V	NAY
Mr. President			Doyle			Lee			Russell		
Adams, T.	X		Dramberger			Leland			Sage		
Adams, H.			Earle			Lewis			Salem		
Agnich			Edwards			Lombard	X		Sanchez		
Aikin			Evans			Longoria			Santistevan	X	
Allen, Joe			Finnell			McAlister			Schieffer		
Allen, Jo'n	X		Finney			McDonald, F.			Schwartz		
Allred			Foreman			McDonald, T.			Scoggins		
Andujar			Fox			McKinno	X		Semos		
Atwell			Gammage			McKnight			Sherman, M.		
Bailey			Garcia			Madla			Sherman, W.		
Baker			Gaston			Maloney			Short		
Bales			Geiger			Martin			Simmons		
Barnhart	X		Grant			Massey			Slack		
Bigham			Green, F.			Mattox			Slack		
Bird			Green, R.	X		Mauzy	X		Snelson	X	
Blake			Hale			Meier			Spurlock		
Blanchard	X		Hall, A.			Menefee			Sullivan		
Blythe			Hall, W.			Mengden			Sutton		
Bock			Hanna			Miller			Tarbox		
Boone			Harrington			Montoya			Temple		
Bowers	X		Harris, E.			Moore			Thompson	X	
Braecklein			Harris, O.			Munson			Traeger		
Brooks			Head			Murray			Truan		
Bynum			Heatly			Nabers			Tupper		
Caldwell			Henderson			Newton			Uher		
Calhoun	X		Hendricks			Nichols			Vale		
Canales			Hernandez			Nowlin			Vecchio		
Cates			Hightower			Nugent			Vick		
Clark			Hilliard			Ogg			Von Dohlen		
Clayton			Hoestenbach			Olson			Wallace		
Clover			Hollowell			Parker, C.			Washington	X	
Cobb	X		Howard			Parker, W.			Waters		
Cole			Hubenak			Patman			Watson		
Coleman			Hudson			Pentony			Weddington		
Coody			Hutchison			Peveto	X		Whitehead		
Cooke			Johnson			Poerner			Whitmire		
Craddick			Jones, Gene			Poff			Wieting		
Creighton			Jones, Grant			Powers			Williams		
Daniel			Jones, L.			Presnal			Williamson		
Davis			Kaster			Preston			Willis		
Denson			Korloth			Ragsdale			Wilson		
Denton			Kothmann			Reyes			Wolff		
Doggett			Kubiak			Rodriguez			Wyatt		
Donaldson			Laney			Rosson			Bryant		
Doran	X		Lary								

X-EXCUSED ABSENCE

RECORD # 14 ADOPTION OF THE SHORT AMENDMENT TO
ART. III

YEA-78

TOTALS NAY-64

PNV-2

NU-36

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

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

1099
1974

TEXAS CONSTITUTIONAL CONVENTION

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

X-EXCUSED ABSENCE

RECORD # 15 MOTION TO RECONSIDER THE VOTE BY WHICH
THE VECCHIO AMENDMENT WAS ADOPTED

YEA-94

TOTALS NAY-40

PNV-2

NV-44

ARTICLE

DATE: 1

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

TEXAS CONSTITUTIONAL CONVENTION

1100

1974



YEA N-V NAY

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

YEA N-V NAY

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

YEA N-V NAY

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

YEA N-V NAY

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

Phone (714) 335-0872, International ROT-CALL * Corporation, Richmond, Va. 23230

RECORD #16 ADOPTION OF THE VECCHIO AMENDMENT TO ART. III

YEA-50

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

TOTALS NAY-88

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

PNV-1

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

NV-41

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

ARTICLE

SECTION

10
20
1
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20
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40
50
60
70
80
90
00

DATE: 1

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

TEXAS CONSTITUTIONAL CONVENTION

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

X-EXCUSED ABSENCE

Phone (409) 355-0872 International ROLL CALL & Corporation, Richmond, Va. 23230

RECORD #17 ADOPTION OF ART. III, AS AMENDED

YEA-117

TOTALS NAY-26

PNV-2

NV-35

ARTICLE

DATE: 1.

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

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

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

1974

1102

YEA N-V NAY

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

YEA N-V NAY

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

YEA N-V NAY

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

YEA N-V NAY

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

X-EXCUSED ABSENCE

RECORD #18 ADOPTION OF THE VON DOHLEN AMENDMENT ART. II

YEA-34

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

TOTALS NAY-108

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

PNV-2

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

NU-36

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

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

1103
1974

TEXAS CONSTITUTIONAL CONVENTION

YEA N-V NAY

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

YEA N-V NAY

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

YEA N-V NAY

Lee
Leland
Lewis
Lombard, no X
Longoria
McAlister
McDonald, F.
McDonald, T.
McKinno X
McKnight
Madla
Maloney
Martin
Massey
Mattox
Mauzy X
Meier
Menefee
Mengden
Miller
Montoya
Moore
Munson
Murray
Nabers
Newton
Nichols
Nowlin
Nugent
Ogg
Olson
Parker, C.
Parker, W.
Patman
Pentony
Pevento X
Poerner
Poff
Powers
Presnal
Preston
Ragsdale
Reyes
Reynolds
Rodriguez
Rosson

YEA N-V NAY

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

X-EXCUSED ABSENCE

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RECORD # 19 ADOPTION OF THE BIRD AMENDMENT TO ART. II

YEA-10

TOTALS NAY-132

PNN-1

NV-37

ARTICLE

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

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

TEXAS CONSTITUTIONAL CONVENTION

1104

1974

YEA N-V NAY

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

YEA N-V NAY

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

YEA N-V NAY

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

YEA N-V NAY

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

X-EXCUSED ABSENCE

RECORD #20 ADOPTION OF ART. II, AS AMENDED

YEA-138

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

TOTALS NAY-3

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

PNV-2

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

NV-37

ARTICLE	SECTION
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

DATE: 1	DATE: 2
JAN	JAN
FEB	FEB
MAR	MAR
APR	APR
MAY	MAY
JUN	JUN
JUL	JUL
AUG	AUG
SEP	SEP
OCT	OCT
NOV	NOV
DEC	DEC