

**OFFICIAL JOURNAL**  
**of the**  
**CONSTITUTIONAL CONVENTION**  
**of the**  
**STATE OF TEXAS**  
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ELEVENTH DAY  
(Friday, January 25, 1974)

The Convention met at 1:00 o'clock p.m., pursuant to adjournment, and was called to order by the President.

The roll was called and the following were recorded present: 156 Present, 17 Absent-excused, 17 Absent. (Record 1, Appendix)

The Reverend Dr. Samuel N. Baxter, Episcopal Church of the Good Shepherd, Austin, offered the invocation as follows:

Our Father, give us the faith to believe that the words now spoken, and the yearnings of the hearts now open before Thee, are heard and understood in Thy presence.

We pray for all the people of our state, that they may learn to appreciate more the goodly heritage that is ours. We need to learn that to every right there is attached a duty, and to every privilege an obligation. We believe that Thou hast so ordained it, and what Thou hast joined together let us not try to put assunder.

Teach us what freedom is. May we all learn the lesson that it is not the right to do as we please, but the opportunity to please to do what is right. Above all, may we discover that wherever the Spirit of the Lord is, there is freedom. May we have that freedom now, in His presence here, to lead us and to help us.

We, the members and officers and servants of this body, unite our petitions for Thy blessing, Thy guidance and Thy help, that we faithfully may do what is best for the people, and what is right in Thy sight, O God. Give to these, Thy servants, the representatives of the people in different parts of our state, the will to work together as a team for the welfare of all our people. Give them courage to withstand the pressure of the selfish, and give to the people the vision to see that sacrifice must be shared by all, that there is no substitute for hard work and no joy in unmerited reward. May we fear nothing, save that, knowing what is right, we fail to do it.

So help us God. Amen.

**LEAVES OF ABSENCE**

Delegate Hanna was granted leave of absence for today on account of important business on motion of Delegate Nabers.

Delegate Harris of Galveston was granted leave of absence for today on account of important business on motion of Delegate

Watson.

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

Delegate Lewis was granted leave of absence for today on account of important business on motion of Delegate Nabers.

Delegate McDonald of Dallas was granted leave of absence for today on account of death in the family on motion of Delegate Simmons.

Delegate Newton was granted leave of absence for today on account of important business on motion of Delegate Simmons.

Delegate Sherman of Tarrant was granted leave of absence for today on account of important business on motion of Delegate Tarbox.

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

Delegate Cobb was granted leave of absence for today on account of important business on motion of Delegate Atwell.

Delegate Hall of Webb was granted leave of absence for today on account of illness in the family on motion of Delegate Head.

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

Delegate Adams of Jasper was granted leave of absence for today on account of important business on motion of Delegate Jones of Taylor.

Delegate Leland was granted leave of absence for today on account of illness on motion of Delegate Vick.

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

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

Delegate Boone was granted leave of absence for today on account of death in the family on motion of Delegate Hoestenbach.

**REPORT OF PROCEDURAL COMMITTEE**

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

C.C.R. 16 (amended)

**CONSTITUTIONAL CONVENTION RESOLUTION 16**

The President laid before the Convention the following Resolution:

C.C.R. 16, Proposing budget for Convention.



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The President laid before the Convention the following Committee Amendment:

Amend C.C.R. 16, "Exhibit A" Sec. IV, F.2. (c) by striking the figure \$33,333.00 in the monthly column and the figure \$100,000.00 in the three months column, and by adjusting the subtotals and total to conform.

HOLLOWELL

The Committee Amendment was read and was adopted.

#### CORRECTION OF AMENDMENT

On motion of Delegate Hollowell and by unanimous consent, Committee Amendment 1 was corrected to include the words "and total" between the words "subtotals" and "to conform".

The President laid before the Convention the following Committee Amendment:

Amend Constitutional Convention Resolution 16, by designating "uncommitted balance" on page 13 as line item "J".

CALDWELL

The Committee Amendment was read and was adopted.

Delegate Weddington offered the following amendment to the resolution:

Amend C.C.R. 16 by adding to the last resolving clause ", and be it further" and by adding a new resolving clause to read as follows:

"Resolved, that there shall be allocated an amount from the funds available for convention purposes a sum of at least \$250 per month to each delegate for staff if such delegate requests same".

Amend C.C.R. 16 further by adding to Section II on page 1 a new subsection E. to read as follows:

"E. Staff for Delegates--for two months only \$45,250.00/month \$90,500 for two months

Amend C.C.R. 16 further by omitting on page 13 the following language "Uncommitted Balance" and the sums indicated and by omitting item 2. "Staff and Expert Witness Per Diem and Travel" under each substantive committee (pages 5, 6, 7, 8, 9, 10, 11, and 12); and by adding to each item 8. "Professional Services (Advisors)" on such pages the following language "and for Staff and Expert Witness Per Diem and Travel"; and by making such conforming amendments as are necessary.

The amendment was read.

Question on the adoption of the amendment, "Yeas" and "Nays" were demanded.

The amendment failed of adoption by the following vote: 72 Yeas, 79 Nays, 12 Absent, 17 Absent-excused. (Record 2, Appendix)

#### LEAVES OF ABSENCE

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

Delegate Hightower was granted leave of absence for today on account of important business on motion of Delegate Brooks.

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

#### CONSTITUTIONAL CONVENTION RESOLUTION 16

Delegate Green of Harris moved to reconsider the vote by which the Weddington amendment to C.C.R. 16 failed of adoption.

Delegate Clower moved to table the motion to reconsider.

Question on the motion to table, "Yeas" and "Nays" were demanded.

The motion prevailed by the following vote: 74 Yeas, 69 Nays, 20 Absent, 17 Absent-excused. (Record 3, Appendix)

#### PAIRED VOTE

Delegate Brooks (present) who would vote "Nay," with Delegate Hightower (absent) who would vote "Yea."

Delegate Whitmire requested a verification of Record 3. The verification was ordered and reflected the following: 74 Yeas, 68 Nays, 1 Present-Not voting.

Delegate Weddington offered the following amendment to the resolution:

Amend C.C.R. 16 by adding to the last resolving clause ", and be it further" and by adding a new resolving clause to read as follows:

"Resolved, that there shall be allocated an amount from the funds available for convention purposes a sum of at least \$225 per month to each delegate for staff if such delegate requests same.

Amend C.C.R. 16 further by adding to Section II on page 1 a new subsection E. to read as follows:

"E. Staff for Delegates--for two months only \$45,250.00/month \$90,500 for two months

Amend C.C.R. 16 further by omitting on page 13 the following language "Uncommitted Balance" and the sums indicated and by reducing item 2. "Staff and Expert Witness Per Diem and Travel" under each substantive committee (pages 5, 6, 7, 8, 9, 10, 11, and 12) to \$1,250 and by adding to each item 8. "Professional Services (Advisors)" on such pages the following language "and for Staff and Expert Witness Per Diem and Travel"; and by making such conforming amendments as are necessary.

The amendment was read.

Delegate Clower moved to table the amendment.

Question on the motion to table, "Yeas" and "Nays" were demanded.



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The motion to table was lost by the following vote: 69 Yeas, 75 Nays, 18 Absent, 18 Absent-excused. (Record 4, Appendix)

Question recurring on adoption of the amendment, "Yeas" and "Nays" were demanded.

The amendment was adopted by the following vote: 72 Yeas, 70 Nays, 20 Absent, 18 Absent-excused. (Record 5, Appendix)

Delegate Hollowell requested a verification of Record 5. The verification was ordered and reflected the following: 72 Yeas, 69 Nays.

#### DELEGATE PRESENT

Delegate Wolff, who was previously recorded "Absent", was announced "Present" by the President.

The Resolution as amended was then adopted by the following vote: 91 Yeas, 53 Nays, 18 Absent, 18 Absent-excused. (Record 6, Appendix)

#### PAIRED VOTE

Delegate Brooks (present) who would vote "Nay," with Delegate Hightower (absent) who would vote "Yea."

#### VOTES RECORDED

Delegate Kothmann requested to be recorded as Present-Not voting on Records 2, 3 and 6.

Delegate Hoestenbach requested to be recorded as Present-Not voting on Record 6.

On motion of Delegate Weddington and by unanimous consent, the vote by which C.C.R. 16 as amended, was adopted was reconsidered and tabled.

#### REASONS FOR VOTE

I voted no to adoption of the 90 day budget for the reason that it limits the Convention to 90 days, and is another form of the constant attempts being made to railroad this Convention to adopt the C.R.C. document.

#### SPURLOCK

I voted against adoption of Constitutional Convention Resolution 16 because it calls for expenditures based on a 90 day Convention and I firmly believe the Convention should complete its business in less time.

#### BALES

#### CONSTITUTIONAL CONVENTION PROPOSALS REFERRED

The following Constitutional Convention Proposals were referred to the Committee indicated:

CONSTITUTIONAL CONVENTION PROPOSAL 102

By Delegate Jones of El Paso:

To Committee on General Provisions.

C.C.P. 102, A PROPOSAL FOR INCORPORATION IN THE CONSTITUTION OF TEXAS

Relating to corporations with banking and discounting privileges.

BE IT PROPOSED BY THE CONSTITUTIONAL CONVENTION OF TEXAS:

That the section on corporations with banking and discounting privileges read as follows:

Section \_\_\_\_ . CORPORATIONS WITH BANKING AND DISCOUNTING PRIVILEGES. (a) The Legislature shall provide for the State incorporation and State regulation of corporations with banking and discounting privileges by general laws that protect the depositors and creditors of the corporations.

(b) A corporation with banking and discounting privileges may not be chartered until all of its authorized capital stock is paid for in full in cash.

(c) No corporation with banking and discounting privileges may engage in business in more than one county. A corporation chartered after the adoption of this Constitution shall designate the county of business in its charter. A corporation chartered before the adoption of this Constitution may engage in business anywhere in the county in which its charter address is located.

(d) No foreign corporation, other than the national banks of the United States, may exercise banking or discounting privileges in this State.

#### CONSTITUTIONAL CONVENTION PROPOSAL 103

By Delegate Salem:

To Committee on General Provisions.

C.C.P. 103, A PROPOSAL FOR INCORPORATION IN THE CONSTITUTION OF TEXAS

Relating to public access to state-owned beaches on the seaward shore of the Gulf of Mexico and to certain other areas bordering the Gulf of Mexico.

BE IT PROPOSED BY THE CONSTITUTIONAL CONVENTION OF TEXAS:

That the following section be included in the appropriate article:

Section \_\_\_\_ . RIGHT OF ACCESS TO PUBLIC BEACHES. The public, both individually and collectively, has the free and unrestricted right of ingress to and egress from the State-owned beaches bordering the seaward shore of the Gulf of Mexico and any larger area extending from the line of mean low tide to the line of vegetation bordering the Gulf of Mexico if the public has acquired a right of use or easement to or over the area by prescription, dedication, or estoppel or has retained a right by virtue of continuous right in the public.

CONSTITUTIONAL CONVENTION PROPOSAL 104



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By Delegate Hernandez:

To Committee on the Executive.

C.C.P. 104, A PROPOSAL FOR INCORPORATION  
IN THE CONSTITUTION OF TEXAS

Relating to the qualifications for  
Governor.

BE IT PROPOSED BY THE CONSTITUTIONAL  
CONVENTION OF TEXAS:

That the following section be included  
in the Executive Article:

Section \_\_\_\_\_. GOVERNOR'S ELIGIBILITY.  
The Governor shall be a citizen of the United  
States, a qualified voter, and at least  
eighteen years of age and shall have been a  
resident of this State at least one year  
immediately preceding his election.

CONSTITUTIONAL CONVENTION PROPOSAL 105

By Delegates Lombardino, Clark, Hubenak,  
Sage, Moore and Hale:

To Committee on General Provisions.

C.C.P. 105, A PROPOSAL FOR INCORPORATION  
IN THE CONSTITUTION OF TEXAS

Relating to alcoholic beverages.

BE IT PROPOSED BY THE CONSTITUTIONAL  
CONVENTION OF TEXAS:

That Article X, Section 17 read as  
follows:

Section 17. ALCOHOLIC BEVERAGES. (a)  
The Legislature shall continue to regulate  
the manufacture, packaging, sale, possession  
and transportation of alcoholic beverages 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 of the qualified voters in  
such political subdivision, voting in a local  
option election, shall determine otherwise.

CONSTITUTIONAL CONVENTION PROPOSAL 106

By Delegates McAlister, Presnal, Willis,  
Kubiak and Foreman:

To Committee on Education.

C.C.P. 106, A PROPOSAL FOR INCORPORATION  
IN THE CONSTITUTION OF TEXAS

Relating to higher education.

BE IT PROPOSED BY THE CONSTITUTIONAL  
CONVENTION OF TEXAS:

That the following sections be included  
in Article VII:

Section \_\_\_\_\_. PERMANENT UNIVERSITY FUND,  
ITS ADMINISTRATION, ITS INVESTMENTS;  
AVAILABLE UNIVERSITY FUND AND ITS  
EXPENDITURE. (a) The Permanent University  
Fund consists of the two million acres of  
land set apart and appropriated for the  
establishment and maintenance of The  
University of Texas by the Constitution of  
1876 and the Legislative Act of April 10,  
1883, together with the proceeds of the sale  
of such land, including the sale of oil, gas,  
and other minerals from such land, and the  
securities and other assets purchased with  
the proceeds. All proceeds shall be  
invested, and only the income from the  
Permanent University Fund may be appropriated  
and expended.

(b) The Permanent University Fund shall  
be held in trust for the people of Texas and  
for the use and benefit of the Texas A&M  
University System and The University of Texas  
System. In pursuance of such trust, the  
Board of Regents of The University of Texas  
System shall have authority to purchase,  
sell, lease, and exchange the assets of the  
fund as provided by law.

(c) The Board of Regents of The  
University of Texas System may invest the  
Permanent University Fund in securities,  
bonds, or other obligations issued, insured,  
or guaranteed in any manner by the United  
States Government, or any of its agencies, in  
bonds issued by the State of Texas or any  
political subdivision thereof, and in such  
bonds, debentures, obligations, preferred  
stocks, or common stocks issued by  
corporations, associations, or other  
institutions as the Board of Regents of The  
University of Texas System may deem to be  
proper investments for the Permanent  
University Fund. However, not more than one  
percent of the Fund shall be invested in the  
stock of any one corporation nor shall more  
than five percent of the voting stock of any  
one corporation be owned by the Fund. In  
making each and all investments, the Board of  
Regents shall exercise the judgment and care  
under the circumstances then prevailing that  
men of ordinary prudence, discretion, and  
intelligence exercise in the management of  
their own affairs, not in regard to  
speculation, but in regard to the permanent  
disposition of their funds, considering the  
probable income therefrom as well as the  
probable safety of their capital. The Board  
of Regents shall make full disclosure of all  
investments as provided by law.

(d) The net income (that is, dividends,  
interest, and other income less  
administrative expense) of the Permanent  
University Fund, exclusive of net income  
attributable to grazing leases of Permanent  
University Fund land, shall constitute the  
Available University Fund. Out of one-third  
of the Available University Fund, the  
Legislature shall appropriate an annual sum  
sufficient to pay the principal and interest  
due on Permanent University Fund bonds or  
notes issued by the Board of Directors of the  
Texas A&M University System pursuant to the



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next section or its predecessor sections of prior constitutions, and the remainder of such one-third of the Available University Fund shall be appropriated by the Legislature for the support and maintenance of Texas A&M University in the County of Brazos. Out of the other two-thirds of the Available University Fund, the Legislature shall appropriate an annual sum sufficient to pay the principal and interest due on Permanent University Fund bonds or notes issued by the Board of Regents of The University of Texas System pursuant to the next section or its predecessor sections of prior constitutions, and the remainder of such two-thirds of the Available University Fund, plus the net income (that is, income less administrative expense) from grazing leases of Permanent University Fund land, shall be appropriated by the Legislature for the support and maintenance of The University of Texas at Austin.

Section \_\_\_\_ THE TEXAS A&M UNIVERSITY SYSTEM; THE UNIVERSITY OF TEXAS SYSTEM; PERMANENT UNIVERSITY FUND BONDS OR NOTES. (a) The Board of Directors of The Texas A&M University System and the Board of Regents of The University of Texas System for the benefit of all the institutions now included in their respective systems are each hereby authorized to issue in amounts not to exceed for The Texas A&M University System ten percent, and for The University of Texas System twenty percent, of the value of the Permanent University Fund exclusive of real estate at the time of any issuance, negotiable bonds and notes for the following purposes: (1) acquiring land either with or without permanent improvements; (2) constructing new buildings or other permanent improvements; (3) repairing and rehabilitating existing buildings or other permanent improvements; (4) acquiring library books and materials; (5) acquiring capital equipment; and (6) refunding any bonds heretofore or hereafter issued.

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

(c) Institutions now included in The Texas A&M University System and The University of Texas System, and entitled to participate in the Permanent University Fund, shall not receive any general revenue funds for acquiring land either with or without permanent improvements, or for constructing and equipping new buildings or other permanent improvements except in case of fire, flood, storm, or earthquake occurring at any such institution. In such an event an appropriation in an amount sufficient to replace the uninsured loss may be made by the Legislature from general revenue funds.

(d) For the purpose of securing the payment of the principal and interest of these bonds or notes, the Boards are severally authorized to pledge the whole or any part of the respective interests of The Texas A&M University System and The University of Texas System in the Available University Fund. The Permanent University Fund may be invested in these bonds or notes.

All bonds or notes issued pursuant to this Section shall be approved by the Attorney General of Texas and when so approved shall be incontestable.

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

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

(b) On and after January 1, 1978, there is hereby levied, in addition to all other taxes permitted by the Constitution of Texas, a State ad valorem tax on property of twenty cents on the one hundred dollars valuation, or such tax rates in excess thereof as the Legislature may so designate for the purpose of creating a special fund, to be known as the Higher Education Tax Fund, for the purpose of acquiring land, either with or without permanent improvements thereon, constructing, equipping, repairing, or rehabilitating buildings or other permanent improvements, and for acquiring nonconsumable equipment and materials to provide first class status at the herein designated institutions of higher education; and the governing board of each such institution of higher education is fully authorized to pledge all or any part of said funds allocated to such institution, as hereinafter provided, to secure or refund bonds and/or notes issued for one or more of the aforesaid purposes at said respective institutions; and the governing board of an institution to which funds have been allocated may use all or any portion of such funds not pledged to secure or refund bonds and/or notes for any of the purposes specified herein for said institution. Such bonds or notes shall be issued in such amounts as may be determined by the governing boards of said respective institutions, and shall mature serially or otherwise not more than ten years from their respective dates. All bonds shall be examined and approved by the Attorney General of the State of Texas, and when so approved shall be incontestable; and all approved bonds shall be registered in the office of the Comptroller of Public Accounts of the State of Texas.

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

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



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

The foregoing allocation of funds shall be pursuant to equitable formulas, based on statewide needs devised by the Coordinating Board, Texas College and University System, or such other agency or department as authorized by the Legislature.

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

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

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

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

#### CONSTITUTIONAL CONVENTION PROPOSAL 107

By Delegate Reynolds:

To Committee on General Provisions.

C.C.P. 107, A PROPOSAL FOR INCORPORATION  
IN THE CONSTITUTION OF TEXAS

Relating to appointments to state  
agencies.

BE IT PROPOSED BY THE CONSTITUTIONAL  
CONVENTION OF TEXAS:

That the following provision be excluded  
from the constitution:

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

#### CONSTITUTIONAL CONVENTION PROPOSAL 108

By Delegates Finney and Mengden:

To Committee on Local Government.

C.C.P. 108, A PROPOSAL FOR INCORPORATION  
IN THE CONSTITUTION OF TEXAS

Relating to maximum tax rates for cities  
and counties.

BE IT PROPOSED BY THE CONSTITUTIONAL  
CONVENTION OF TEXAS:

That the following provisions be  
included in Article IX, on local government:

Section \_\_\_\_\_. MAXIMUM COUNTY TAX RATES.  
No county shall levy a tax rate in excess of  
eighty cents on the one hundred dollars  
valuation in any one year. Once the  
Commission has levied the annual tax rate,  
the same shall remain in force and effect  
during that taxable year, and the Legislature  
may also authorize an additional annual ad  
valorem tax to be levied and collected for  
the further maintenance of the public roads;  
provided, that a majority of the qualified  
property taxpaying voters of the county  
voting at an election to be held for that  
purpose shall vote such tax, not to exceed  
fifteen cents on the one hundred dollars  
valuation of the property subject to taxation  
in such county. Any county may put all tax  
money collected by the county into one  
general fund, without regard to the purpose  
of source of each tax.

Section \_\_\_\_\_. GENERAL LAW CITIES.  
Cities and towns having a population of one  
thousand five hundred or less may be  
chartered only by general law. They may  
levy, assess, and collect such taxes as may  
be authorized by law, but no tax for any  
purpose shall ever be lawful for any one year  
which shall exceed one and one-half percent  
of the taxable property of such city.

Section \_\_\_\_\_. CITY CHARTERS. Cities and  
towns having more than one thousand five  
hundred inhabitants may, by a majority vote  
of the qualified voters voting on the  
question, adopt, amend, or repeal their  
charters as provided by law. No charter or  
ordinance shall be inconsistent with the  
Constitution or general laws of the State.  
Cities which adopt charters under this  
Section may levy, assess, and collect any  
taxes authorized by law or charter, but no  
tax for any purpose shall ever be lawful for  
any one year which shall exceed two and  
one-half percent of the taxable property of  
such city. No city shall lose the power to  
amend or repeal its charter because its  
population drops below one thousand five  
hundred.

#### CONSTITUTIONAL CONVENTION PROPOSAL 109



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By Delegates Finney and Mengden:

To Committee on Finance.

C.C.P. 109, A PROPOSAL FOR INCORPORATION  
IN THE CONSTITUTION OF TEXAS

Relating to maximum tax rates for cities and counties and the duties of the comptroller of public accounts.

BE IT PROPOSED BY THE CONSTITUTIONAL  
CONVENTION OF TEXAS:

That the following sections be included in the appropriate article:

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

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

(c) No appropriation in excess of the estimated revenue shall be valid unless it is made in response to imperative public necessity and approved by four-fifths vote of the membership of each house of the Legislature.

(d) No bill shall be passed which would have the effect of increasing total revenue from state taxes to more than 6.75 percent of the estimated total personal income for the State unless by a two-thirds vote of the total membership of each House of the Legislature. For the purpose of this Section, "state taxes" means all receipts to the State government of Texas, except the following: intergovernmental transfers, including any funds received from other levels of government as reimbursements for performance of general governmental functions and specific services in lieu of taxes; all receipts from contributions required of employers (including the State of Texas) and employees for funds (and earnings on assets held by such funds) for retirement and social insurance purposes; all receipts required to become a part of the Permanent School Fund or the Permanent University Fund (and earnings on assets held by such funds); user fees, including all receipts imposed, collected, or received where the fee is based on the

receipt of a specific service or privilege or where the fee is collected to regulate a noncommercial or nonprofessional activity; and any taxes collected for, or on behalf of, a unit of local government.

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

Section \_\_\_\_\_. MAXIMUM COUNTY TAX RATES. No county shall levy a tax rate in excess of eighty cents on the one hundred dollars valuation in any one year. Once the Commission has levied the annual tax rate, the same shall remain in force and effect during that taxable year, and the Legislature may also authorize an additional annual ad valorem tax to be levied and collected for the further maintenance of the public roads; provided, that a majority of the qualified property taxpaying voters of the county voting at an election to be held for that purpose shall vote such tax, not to exceed fifteen cents on the one hundred dollars valuation of the property subject to taxation in such county. Any county may put all tax money collected by the county into one general fund, without regard to the purpose of source of each tax.

Section \_\_\_\_\_. GENERAL LAW CITIES. Cities and towns having a population of one thousand five hundred or less may be chartered only by general law. They may levy, assess, and collect such taxes as may be authorized by law, but no tax for any purpose shall ever be lawful for any one year which shall exceed one and one-half percent of the taxable property of such city.

Section \_\_\_\_\_. CITY CHARTERS. Cities and towns having more than one thousand five hundred inhabitants may, by a majority vote of the qualified voters voting on the question, adopt, amend, or repeal their charters as provided by law. No charter or ordinance shall be inconsistent with the Constitution or general laws of the State. Cities which adopt charters under this Section may levy, assess, and collect any taxes authorized by law or charter, but no tax for any purpose shall ever be lawful for any one year which shall exceed two and one-half percent of the taxable property of such city. No city shall lose the power to amend or repeal its charter because its population drops below one thousand five hundred.

CONSTITUTIONAL CONVENTION PROPOSAL 110

By Delegates Finney and Mengden:

To Committee on Finance.



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C.C.P. 110, A PROPOSAL FOR INCORPORATION  
IN THE CONSTITUTION OF TEXAS

Relating to certification of  
appropriations.

BE IT PROPOSED BY THE CONSTITUTIONAL  
CONVENTION OF TEXAS:

That in Article VIII, on finance, the  
provision on appropriations read as follows:  
Section \_\_\_\_ APPROPRIATIONS. (a)  
Money may not be drawn from the State  
Treasury except in accordance with specific  
appropriations made by law.

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

(c) No appropriation in excess of the  
estimated revenue shall be valid unless it is  
made in response to imperative public  
necessity and approved by four-fifths vote of  
the membership of each house of the  
Legislature.

(d) No bill shall be passed which would  
have the effect of increasing total revenue  
from state taxes to more than 6.75 percent of  
the estimated total personal income for the  
State unless by a two-thirds vote of the  
total membership of each House of the  
Legislature. For the purpose of this  
Section, "state taxes" means all receipts to  
the State government of Texas, except the  
following: intergovernmental transfers,  
including any funds received from other  
levels of government as reimbursements for  
performance of general governmental functions  
and specific services in lieu of taxes; all  
receipts from contributions required of  
employers (including the State of Texas) and  
employees for funds (and earning on assets  
held by such funds) for retirement and social  
insurance purposes; all receipts required to  
become a part of the Permanent School Fund or  
the Permanent University Fund (and earnings  
on assets held by such funds); user fees,  
including all receipts imposed, collected, or  
received where the fee is based on the  
receipt of a specific service or privilege or  
where the fee is collected to regulate a  
noncommercial or nonprofessional activity;  
and any taxes collected for, or on behalf of,  
a unit of local government.

(e) No bill containing an appropriation

shall be considered as passed or be sent to  
the Governor for consideration until and  
unless the Comptroller of Public Accounts  
endorses his certificate thereon showing that  
the amount appropriated is within the amount  
estimated to be available in the affected  
funds. When the Comptroller finds an  
appropriation bill exceeds the estimated  
revenue, he shall endorse such finding  
thereon and return it to the House in which  
it originated. Such information shall be  
immediately made known to both the House of  
Representatives and the Senate and the  
necessary steps shall be taken to bring such  
appropriation to within the revenue, either  
by providing additional revenue or by  
reducing the appropriation.

CONSTITUTIONAL CONVENTION PROPOSAL 115

By Delegate Williamson:

To Committee on General Provisions.

C.C.P. 115, A PROPOSAL FOR INCORPORATION  
IN THE CONSTITUTION OF TEXAS

Relating to gambling enterprises.

BE IT PROPOSED BY THE CONSTITUTIONAL  
CONVENTION OF TEXAS:

That the section on gambling enterprises  
read as follows:

Section \_\_\_\_ GAMBLING. The wagering or  
betting of money and the establishment of, or  
sale of tickets in, lotteries, gift  
enterprises, or other evasions involving the  
lottery principle are prohibited.

CONSTITUTIONAL CONVENTION PROPOSAL 116

By Delegate Williamson:

To Committee on General Provisions.

C.C.P. 116, A PROPOSAL FOR INCORPORATION  
IN THE CONSTITUTION OF TEXAS

Relating to alcoholic beverages.

BE IT PROPOSED BY THE CONSTITUTIONAL  
CONVENTION OF TEXAS:

That the section on alcoholic beverages  
read as follows:

Section \_\_\_\_ ALCOHOLIC BEVERAGES. (a)  
The Legislature may enact a law or laws  
regulating the sale of mixed alcoholic  
beverages on a local option election basis.  
The Legislature also may regulate the  
manufacture, sale, possession, and  
transportation of intoxicating liquors and  
may establish a State monopoly on the sale of  
distilled liquors.

(b) The qualified voters of any county,  
justice precinct, or incorporated town or  
city may, by a majority vote of those voting  
in a local option election, determine from  
time to time whether the sale of intoxicating  
liquors for beverage purposes shall be  
prohibited or legalized within the prescribed  
limits. Laws passed to enforce the rights  
provided in this subsection shall contain  
provisions for voting on the sale of  
intoxicating liquors of various types and  
various alcoholic content.



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(c) In any county, justice precinct, or incorporated town or city in which the sale of intoxicating liquors was prohibited by local option elections held under laws in force at the time of adoption of this Constitution, it continues to be unlawful to manufacture, sell, barter, or exchange in any of the counties, justice precincts, or incorporated towns or cities any spirituous, vinous, or malt liquors or medicated bitters capable of producing intoxication or any other intoxicants, for beverage purposes, until a majority of the qualified voters in the county, justice precinct, or incorporated town or city, voting in an election held for that purpose, determine that the manufacture, sale, barter, or exchange is lawful.

#### CONSTITUTIONAL CONVENTION PROPOSAL 117

By Delegate Heatly:

C.C.P. 117, A PROPOSAL FOR INCORPORATION IN THE CONSTITUTION OF TEXAS

Providing an article on the Judicial Department.

BE IT PROPOSED BY THE CONSTITUTIONAL CONVENTION OF TEXAS:

That Article V read as follows:  
ARTICLE V. JUDICIAL DEPARTMENT

To Committee on the Judiciary.

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

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

Sec. 1-a. RETIREMENT, CENSURE, AND REMOVAL OF JUSTICES AND JUDGES; STATE JUDICIAL QUALIFICATIONS COMMISSION. (1) Subject to the further provisions of this Section, the Legislature shall provide for the retirement and compensation of Justices and Judges of the Appellate Courts and District and Criminal District Courts on account of length of service, age and disability, and for their reassignment to active duty where and when needed. The office of every such Justice and Judge shall become vacant when the incumbent reaches the age of seventy-five (75) years or such earlier age, not less than seventy (70) years, as the Legislature may prescribe; but, in the case of an incumbent whose term of office includes the effective date of this Constitution, this provision shall not prevent him from serving the remainder of said term nor be applicable to him before his period or periods of judicial service shall have reached a total of ten (10) years.

(2) There is hereby created the State

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

(3) The regular term of office of Commissioners shall be six (6) years; but the initial members of each of classes (i), (ii) and (iii) shall respectively be chosen for terms of four (4) and six (6) years, and the initial members of class (iiii) for respective terms of two (2), four (4) and six (6) years. Interim vacancies shall be filled in the same manner as vacancies due to expiration of a full term, but only for the unexpired portion of the term in question. Commissioners may succeed themselves in office only if having served less than three (3) consecutive years.

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

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

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



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administration of justice; or any person holding such office may be censured, in lieu of removal from office, under procedures provided for by the Legislature.

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

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

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

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

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

loses its confidential character.

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

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

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

Sec. 2. SUPREME COURT; JUSTICES; SECTIONS; ELIGIBILITY; ELECTION; VACANCIES. The Supreme Court shall consist of a Chief Justice and eight Associate Justices, any five of whom shall constitute a quorum, and the concurrence of five shall be necessary to a decision of a case; provided, that when the business of the court may require, the court may sit in sections as designated by the court to hear argument of causes and to consider applications for writs of error or other preliminary matters. No person shall be eligible to the office of Chief Justice or Associate Justice of the Supreme Court unless he be, at the time of his election, a citizen of the United States and of this state, and unless he shall have attained the age of thirty-five years, and shall have been a practicing lawyer, or a lawyer and judge of a court of record together at least ten years. Said Justices shall be elected (three of them each two years) by the qualified voters of the state at a general election; shall hold their offices six years, or until their successors are elected and qualified; and shall each receive such compensation as shall be provided by law. In case of a vacancy in the office of any Justice of the Supreme Court, the Governor shall fill the vacancy until the next general election for state officers, and at such general election the vacancy for the unexpired term shall be filled by election by the qualified voters of the state. The Justices of the Supreme Court who may be in office at the time this Constitution takes effect shall continue in office until the expiration of their term of office and until their successors are elected and qualified.

Sec. 3. JURISDICTION OF SUPREME COURT; WRITS; SESSIONS; CLERK. The Supreme Court shall have appellate jurisdiction only except



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

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

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

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

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

Sec. 4. SUPREME COURT OF CRIMINAL APPEALS; JUSTICES. The Supreme Court of Criminal Appeals shall consist of a Chief Justice and eight Associate Justices, a majority of whom shall constitute a quorum, and the concurrence of five Justices shall be necessary to a decision of said court. Said Justices shall have the same qualifications and receive the same salaries as the Associate Justices of the Supreme Court, except that the Chief Justice shall receive the same salary as the Chief Justice of the Supreme Court. They shall be elected by the qualified voters of the State at a general election and shall hold their offices for a term of six years. In case of a vacancy in

the office of a Justice of the Supreme Court of Criminal Appeals, the Governor shall, with the advice and consent of the Senate, fill said vacancy by appointment until the next succeeding general election.

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

Also, each of the two Commissioners of the Court of Criminal Appeals, provided for under H.B. No. 14, 62nd Leg., 1st C.S., p. 14, Ch. 2, who may be in office at the time when this Constitution takes effect shall become a Justice of the Supreme Court of Criminal Appeals and continue in office for an initial term of four years beginning on the effective date of this Constitution, and until his successor shall have been elected and qualified.

Sec. 5. JURISDICTION OF SUPREME COURT OF CRIMINAL APPEALS; TERMS OF COURT; CLERK. The Supreme Court of Criminal Appeals shall have appellate jurisdiction coextensive with the limits of the state in all criminal cases of whatever grade, with such exceptions and under such regulations as may be prescribed by law, and shall have jurisdiction to review the decisions of the Intermediate Courts of Criminal Appeals, under such regulations as may be provided by law or be prescribed by rules adopted by the Supreme Court of Criminal Appeals.

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

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

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

Sec. 6. COURTS OF CIVIL APPEALS; TRANSFER OF CASES; TERMS OF JUDGES. The Legislature shall divide the State into such Supreme judicial districts as the increase of population and business may require, and shall establish a Court of Civil Appeals in each of said districts, which shall consist of a Chief Justice and two Associate



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Justices, who shall have the qualifications as herein prescribed for Justices of the Supreme Court. Said Court of Civil Appeals shall have appellate jurisdiction co-extensive with the limits of their respective districts, which shall extend to all civil cases of which the District Courts or County Courts have original or appellate jurisdiction, under such restrictions and regulations as may be prescribed by law. Provided, that the decision of said courts shall be conclusive on all questions of fact brought before them on appeal or error.

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

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

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

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

courts.

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

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

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

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

Sec. 8. JURISDICTION OF DISTRICT COURT. The District Court shall have original jurisdiction in all criminal cases of the grade of felony; in all suits in behalf of the State to recover penalties, forfeitures and escheats; of all cases of divorce; of all misdemeanors involving official misconduct; of all suits to recover damages for slander or defamation of character; of all suits for trial of title to land and for the enforcement of liens thereon; of all suits for the trial of the right of property levied upon by virtue of any writ of execution, sequestration or attachment when the property levied on shall be equal to or exceed in



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value five hundred dollars; of all suits, complaints or pleas whatever, without regard to any distinction between law and equity, when the matter in controversy shall be valued at or amount to five hundred dollars exclusive of interest; of contested elections, and said court and the judges thereof, shall have power to issue writs of habeas corpus, mandamus, injunction and certiorari, and all writs necessary to enforce their jurisdiction.

The District Court shall have appellate jurisdiction and general control in probate matters, over the County Court established in each county, for appointing guardians, granting letters testamentary and of administration, probating wills, for settling the accounts of executors, administrators and guardians, and for the transaction of all business appertaining to estates; and original jurisdiction and general control over executors, administrators, guardians and minors under such regulations as may be prescribed by law. The District Court shall have appellate jurisdiction and general supervisory control over the County Commissioners Court, with such exceptions and under such regulations as may be prescribed by law; and shall have general original jurisdiction over all causes of action whatever for which a remedy or jurisdiction is not provided by law or this Constitution, and such other jurisdiction, original and appellate, as may be provided by law.

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

Sec. 9. CLERK OF DISTRICT COURT. There shall be a Clerk for the District Court of each county, who shall be elected by the qualified voters for State and county officers, and who shall hold his office for four years, subject to removal by

information, or by indictment of a grand jury, and conviction of a petit jury. In case of vacancy, the Judge of the District Court shall have the power to appoint a Clerk, who shall hold until the office can be filled by election.

Sec. 10. TRIAL BY JURY. In the trial of all causes in the District Courts, the plaintiff or defendant shall, upon application made in open court, have the right of trial by jury; but no jury shall be empaneled in any civil case unless demanded by a party to the case, and a jury fee be paid by the party demanding a jury, for such sum, and with such exceptions as may be prescribed by the Legislature.

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

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

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

Sec. 13. NUMBER OF GRAND AND PETIT JURORS; NUMBER CONCURRING. Grand and petit juries in the District Courts shall be composed of twelve men; but nine members of a grand jury shall be a quorum to transact business and present bills. In trials of civil cases, and in trials of criminal cases below the grade of felony in the District Courts, nine members of the jury, concurring, may render a verdict, but when the verdict shall be rendered by less than the whole number, it shall be signed by every member of the jury concurring in it. When, pending the trial of any case, one or more jurors not exceeding three, may die, or be disabled from sitting, the remainder of the jury shall have the power to render the verdict; provided,



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that the Legislature may change or modify the rule authorizing less than the whole number of the jury to render a verdict.

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

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

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

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

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

unless demanded by one of the parties, who shall pay such jury fee therefor, in advance, as may be prescribed by law, unless he makes affidavit that he is unable to pay the same.

To Committees on the Judiciary and Local Government.

Sec. 18. DIVISION OF COUNTIES INTO PRECINCTS; ELECTION OF CONSTABLE AND JUSTICE OF THE PEACE; COUNTY COMMISSIONERS AND COUNTY COMMISSIONERS COURT. Each organized county in the State now or hereafter existing, shall be divided from time to time, for the convenience of the people, into precincts, not less than four and not more than eight. Divisions shall be made by the Commissioners Court provided for by this Constitution. In each such precinct there shall be elected one Justice of the Peace and one Constable, each of whom shall hold his office for four years and until his successor shall be elected and qualified; provided that in any precinct in which there may be a city of 8,000 or more inhabitants, there shall be elected two Justices of the Peace. Each county shall in like manner be divided into four commissioners precincts in each of which there shall be elected by the qualified voters thereof one County Commissioner, who shall hold his office for four years and until his successor shall be elected and qualified. The County Commissioners so chosen, with the County Judge as presiding officer, shall compose the County Commissioners Court, which shall exercise such powers and jurisdiction over all county business, as is conferred by this Constitution and the laws of the State, or as may be hereafter prescribed.

To Committee on the Judiciary.

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

Sec. 20. RULES OF COURT. The Supreme Court shall have power to make and establish rules of civil procedure not inconsistent with the laws of the State for the government of said court and the other courts of this State to expedite the dispatch of business therein, and the Supreme Court of Criminal Appeals shall have power to make and establish rules of criminal procedure not inconsistent with the laws of the State for the government of said court and the other courts of this State to expedite the dispatch of business therein.

Sec. 21. CRIMINAL CASES; NO APPEAL BY STATE. The State shall have no right of appeal in criminal cases.

Sec. 22. VACANCIES IN JUDICIAL OFFICES. Vacancies in the office of judges of the



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

Sec. 23. COUNTY COURT; TERMS OF COURT; PROBATE BUSINESS; COMMENCEMENT OF PROSECUTIONS; JURY. The County Court shall hold at least four terms for both civil and criminal business annually, as may be provided by the Legislature, or by the Commissioners' Court of the county under authority of law, and such other terms each year as may be fixed by the Commissioners' Court; provided, the Commissioners' Court of any county having fixed the times and number of terms of the County Court, shall not change the same again until the expiration of one year. Said court shall dispose of probate business either in term time or vacation, under such regulation as may be prescribed by law. Prosecutions may be commenced in said courts in such manner as is or may be provided by law, and a jury therein shall consist of six men.

To Committees on the Judiciary and Local Government.

Sec. 24. JUDGES OF COURTS OF COUNTY-WIDE JURISDICTION; CRIMINAL DISTRICT ATTORNEYS. The Judges of all Courts of county-wide jurisdiction heretofore or hereafter created by the Legislature of this State, and all Criminal District Attorneys now or hereafter authorized by the laws of this State, shall be elected for a term of four years, and shall serve until their successors have qualified.

#### ADJOURNMENT

On motion of Delegates Aikin, Bock and Traeger the Convention at 2:55 o'clock p.m. adjourned in memory of Former Senator Rudolph Weinert, until 1:00 o'clock p.m. on Thursday, January 31.

On motion of Delegate Clower the names of all delegates were added to the motion.



## TEXAS CONSTITUTIONAL CONVENTION

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

X Excused Absence

Roll Call

Record # 1 1/25

Yea-156			TOTALS NAY			NV-24			ARTICLE			DATE: 1		
YEA		N-V	NAY		Comm.	SECTION		JAN 2						
100-200		100-200	100-200		Rep.			FEB 3						
0	0	0	0	0	Subs.	1	10	MAR 1						
1	1	1	1	1	Amm.	2	20	APR 2						
2	2	2	2	2	Quo.	3	30	MAY 3						
3	3	3	3	3	3 R	4	40	JUN 4						
4	4	4	4	4	Subm.	5	50	JUL 5						
5	5	5	5	5	Mino.	6	60	AUG 6						
6	6	6	6	6	Mot.	7	70	SEP 7						
7	7	7	7	7	Alt.	8	80	OCT 8						
8	8	8	8	8	Sep.	9	90	NOV 9						
9	9	9	9	9	2 R	0	00	DEC 0						



# TEXAS CONSTITUTIONAL CONVENTION

1974

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YEA N-V NAY

Mr. President  
Adams, D. X  
Adams, H. ●  
Agnich ●  
Aikin ●  
Allen, Joe ●  
Allen, John ●  
Allred ●  
Andujar ●  
Atwell ●  
Bailey ●  
Baker ●  
Bales ●  
Barnhart ●  
Bigham ●  
Bird ●  
Blake ●  
Blanchard ●  
Blythe ●  
Bock ●  
Boone X  
Bowers ●  
Braecklein ●  
Brooks ●  
Bynum ●  
Caldwell ●  
Calhoun ●  
Canales ●  
Cates ●  
Clark ●  
Clayton ●  
Clower ●  
Cobb X  
Cole ●  
Coleman ●  
Coody X  
Cooke ●  
Craddick X  
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. X  
Hanna X  
Harrington X  
Harris, E. X  
Harris, O. ●  
Head ●  
Heatly ●  
Henderson ●  
Hendricks ●  
Hernandez ●  
Hightower ●  
Hilliard X  
Hoestenbach ●  
Hollowell ●  
Howard ●  
Hubenak ●  
Hudson ●  
Hutchison ●  
Johnson ●  
Jones, Gene ●  
Jones, Grant ●  
Jones, L. ●  
Kaster ●  
Korloth ●  
Kothman ●  
Kubiak ●  
Laney ●  
Lary ●

YEA N-V NAY

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

YEA N-V NAY

Russell ●  
Sage ●  
Salem ●  
Sanchez ●  
Santiesteban ●  
Schieffer ●  
Schwartz ●  
Scoggins ●  
Semos ●  
Sherman, M. ●  
Sherman, W. X  
Short ●  
Simmons ●  
Slack X  
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 ●

X-Excused Absence

Record #2 Weddington AM to CCR #16

Failed of Adoption

1/25

Yea - 72

TOTALS Nay-79 NV-29

YEA	N-V	NAY
100-200	100-200	100-200
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

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
20
30
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		
Adams, J.	X		Dramberger			Leland	X		Sage		
Adams, H.			Earle			Lewis	X		Salem		
Agnich			Edwards			Lombardino			Sanchez		
Aikin			Evans			Longoria			Santiesteban		
Allen, Joe			Finnell			McAliste			Schieffer		
Allen, John			Finney			McDonald, F.	X		Schwartz		
Allred			Foreman			McDonald, T.	X		Scoggins		
Andujar			Fox			McKinno			Semos		
Atwell			Gammage			McKnight			Sherman, M.		
Bailey			Garcia			Madla			Sherman, W.	X	
Baker			Gaston			Maloney			Short		
Bales			Geiger			Martin			Simmons		
Barnhart			Grant			Massey	X		Slack		X
Bigham			Green, F.			Mattox			Snelson		
Bird			Green, R.			Mauzy			Spurlock		
Blake			Hale			Meier			Sullivant		
Blanchard			Hall, A.			Menefee			Sutton		
Blythe			Hall, W.	X		Mengder			Tarbox		
Bock			Hanna	X		Miller			Temple		
Boone	X		Harrington			Montoya			Thompson		
Bowers			Harris, E.	X		Moore			Traeger		
Braecklein			Harris, O.			Munson			Truan		
Brooks			Head			Murray			Tupper		
Bynum			Heatly			Nabers			Uher		
Caldwell			Henderson			Newton	X		Vale		
Calhoun			Hendricks			Nichols			Vecchio		
Canales			Hernandez			Nowlin			Vick		
Cates			Hightower			Nugent			Von Dohlen		
Clark			Hilliard	X		Ogg			Wallace		
Clayton			Hoestenbach			Olson			Washington		
Clover			Hollowell			Parker, C.			Waters		
Cobb	X		Howard			Parker, W.			Watson		
Cole			Hubenak			Patman			Weddington		
Coleman			Hudson			Pentony			Whitehead		
Coody	X		Hutchison			Peveto			Whitmire		
Cooke			Johnson			Poerner			Wieting		
Craddick	X		Jones, Gene			Poff			Williams		
Creighton			Jones, Grant			Powers			Williamson		
Daniel			Jones, L.			Presnal			Willis		
Davis			Kaster			Preston			Wilson		
Denson			Korioth			Ragsdale			Wolff		
Denton			Kothman			Reyes			Wyatt		
Doggett			Kubiak			Reynolds					
Donaldson			Laney			Rodriguez					
Doran			Lary			Rosson					

X-Excused Absence

## Record #3

Motion to table Green Motion to  
 Reconsider the vote by which the Weddington  
 Amendment failed of Adoption.

Yea-74	TOTALS	Nay-69	NU-37	ARTICLE	DATE: 1
YEA	N-V	NAY			
100-200	100-200	100-200	Comm.	10	JAN 2
0 0	0 0	0 0	Rep.	20	FEB 3
1 1	1 1	1 1	Subs.	1 10	MAR 1
2 2	2 2	2 2	Amm.	2 20	APR 2
3 3	3 3	3 3	Quo.	3 30	MAY 3
4 4	4 4	4 4	3 R	4 40	JUN 4
5 5	5 5	5 5	Subm.	5 50	JUL 5
6 6	6 6	6 6	Mino.	6 60	AUG 6
7 7	7 7	7 7	Mot.	7 70	SEP 7
8 8	8 8	8 8	Alt.	8 80	OCT 8
9 9	9 9	9 9	Sep.	9 90	NOV 9
			2 R	0 00	DEC 0



# TEXAS CONSTITUTIONAL CONVENTION

241

1974

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

X-Excused  
Absence

Record #4 Motion to table Weddington  
Amendment to CCR 16

Yea - 69	TOTALS	Nay - 75	NV - 36	ARTICLE	SECTION	DATE: 1
YEA	N-V	NAY				
100-200	100-200	100-200				
0 0	0 0	0 0	Comm. 10			JAN 2
1 1	1 1	1 1	Rep. 20			FEB 3
2 2	2 2	2 2	Subs. 1	10	1	MAR 1
3 3	3 3	3 3	Amm. 2	20	2	APR 2
4 4	4 4	4 4	Quo. 3	30	3	MAY 3
5 5	5 5	5 5	3 R 4	40	4	JUN 4
6 6	6 6	6 6	Subm. 5	50	5	JUL 5
7 7	7 7	7 7	Mino. 6	60	6	AUG 6
8 8	8 8	8 8	Mot. 7	70	7	SEP 7
9 9	9 9	9 9	Alt. 8	80	8	OCT 8
			Sep. 9	90	9	NOV 9
			2 R 0	00	0	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 ●  
 Bigham ●  
 Bird ●  
 Blake ●  
 Blanchard ●  
 Blythe ●  
 Bock ●  
 Boone X  
 Bowers ●  
 Braecklein ●  
 Brooks ●  
 Bynum ●  
 Caldwell ●  
 Calhoun ●  
 Canales ●  
 Cates ●  
 Clark ●  
 Clayton ●  
 Clower ●  
 Cobb X  
 Cole ●  
 Coleman ●  
 Coody X  
 Cooke ●  
 Craddick X  
 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. XX  
 Hanna XX  
 Harrington ●  
 Harris, E. X  
 Harris, O. ●  
 Head ●  
 Heatly ●  
 Henderson ●  
 Hendricks ●  
 Hernandez ●  
 Hightower ●  
 Hilliard X  
 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 XX  
 Lewis XX  
 Lombard, Jr. XX  
 Longoria ●  
 McAlister ●  
 McDonald, F. X  
 McDonald, T. X  
 McKinnon ●  
 McKnight ●  
 Madla ●  
 Maloney ●  
 Martin ●  
 Massey X  
 Mattox ●  
 Mauzy ●  
 Meier ●  
 Menefee ●  
 Mengder ●  
 Miller ●  
 Montoya ●  
 Moore ●  
 Munson ●  
 Murray ●  
 Nabers ●  
 Newton X  
 Nichols ●  
 Nowlin ●  
 Nugent ●  
 Ogg ●  
 Olson ●  
 Parker, C. ●  
 Parker, W. ●  
 Patman ●  
 Pentony ●  
 Peveto ●  
 Poerner ●  
 Poff ●  
 Powers ●  
 Presnal ●  
 Preston ●  
 Ragsdale ●  
 Reyes ●  
 Reynolds ●  
 Rodriguez ●  
 Rosson ●

YEA N-V NAY

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

X-Excused Absence

# RECORD #5 Adoption of Weddington Amendment to CCR 16

Yea-72

TOTALS

NAY-70 NV-38

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

ARTICLE  
 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

1974

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

X-Excused Absence

Record #6 Final Adoption of CCR 16  
AS Amended

Yea	N-V	NAY	Yea	N-V	NAY	ARTICLE	DATE
100-200	100-200	100-200	100-200	100-200	100-200	Comm. 10	JAN 2
0 0	0 0	0 0	0 0	0 0	0 0	Rep. 20	FEB 3
1 1	1 1	1 1	1 1	1 1	1 1	Subs. 1	MAR 1
2 2	2 2	2 2	2 2	2 2	2 2	Amm. 2	APR 2
3 3	3 3	3 3	3 3	3 3	3 3	Quo. 3	MAY 3
4 4	4 4	4 4	4 4	4 4	4 4	3 R 4	JUN 4
5 5	5 5	5 5	5 5	5 5	5 5	Subm. 5	JUL 5
6 6	6 6	6 6	6 6	6 6	6 6	Mino. 6	AUG 6
7 7	7 7	7 7	7 7	7 7	7 7	Met. 7	SEP 7
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9 9	9 9	9 9	9 9	9 9	9 9	Sep. 9	NOV 9
						2 R 0	DEC 0



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

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ELEVENTH DAY  
(Friday, January 25, 1974)

The Convention met at 1:00 o'clock p.m., pursuant to adjournment, and was called to order by the President.

The roll was called and the following were recorded present: 156 Present, 17 Absent-excused, 17 Absent. (Record 1, Appendix)

The Reverend Dr. Samuel N. Baxter, Episcopal Church of the Good Shepherd, Austin, offered the invocation as follows:

Our Father, give us the faith to believe that the words now spoken, and the yearnings of the hearts now open before Thee, are heard and understood in Thy presence.

We pray for all the people of our state, that they may learn to appreciate more the goodly heritage that is ours. We need to learn that to every right there is attached a duty, and to every privilege an obligation. We believe that Thou hast so ordained it, and what Thou hast joined together let us not try to put assunder.

Teach us what freedom is. May we all learn the lesson that it is not the right to do as we please, but the opportunity to please to do what is right. Above all, may we discover that wherever the Spirit of the Lord is, there is freedom. May we have that freedom now, in His presence here, to lead us and to help us.

We, the members and officers and servants of this body, unite our petitions for Thy blessing, Thy guidance and Thy help, that we faithfully may do what is best for the people, and what is right in Thy sight, O God. Give to these, Thy servants, the representatives of the people in different parts of our state, the will to work together as a team for the welfare of all our people. Give them courage to withstand the pressure of the selfish, and give to the people the vision to see that sacrifice must be shared by all, that there is no substitute for hard work and no joy in unmerited reward. May we fear nothing, save that, knowing what is right, we fail to do it.

So help us God. Amen.

**LEAVES OF ABSENCE**

Delegate Hanna was granted leave of absence for today on account of important business on motion of Delegate Nabors.

Delegate Harris of Galveston was granted leave of absence for today on account of important business on motion of Delegate

Watson.

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

Delegate Lewis was granted leave of absence for today on account of important business on motion of Delegate Nabers.

Delegate McDonald of Dallas was granted leave of absence for today on account of death in the family on motion of Delegate Simmons.

Delegate Newton was granted leave of absence for today on account of important business on motion of Delegate Simmons.

Delegate Sherman of Tarrant was granted leave of absence for today on account of important business on motion of Delegate Tarbox.

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

Delegate Cobb was granted leave of absence for today on account of important business on motion of Delegate Atwell.

Delegate Hall of Webb was granted leave of absence for today on account of illness in the family on motion of Delegate Head.

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

Delegate Adams of Jasper was granted leave of absence for today on account of important business on motion of Delegate Jones of Taylor.

Delegate Leland was granted leave of absence for today on account of illness on motion of Delegate Vick.

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

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

Delegate Boone was granted leave of absence for today on account of death in the family on motion of Delegate Hoestenbach.

**REPORT OF PROCEDURAL COMMITTEE**

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

C.C.R. 16 (amended)

**CONSTITUTIONAL CONVENTION RESOLUTION 16**

The President laid before the Convention the following Resolution:

C.C.R. 16, Proposing budget for Convention.



Friday, January 25, 1974

The President laid before the Convention the following Committee Amendment:

Amend C.C.R. 16, "Exhibit A" Sec. IV, F.2. (c) by striking the figure \$33,333.00 in the monthly column and the figure \$100,000.00 in the three months column, and by adjusting the subtotals and total to conform.

HOLLOWELL

The Committee Amendment was read and was adopted.

#### CORRECTION OF AMENDMENT

On motion of Delegate Hollowell and by unanimous consent, Committee Amendment 1 was corrected to include the words "and total" between the words "subtotals" and "to conform".

The President laid before the Convention the following Committee Amendment:

Amend Constitutional Convention Resolution 16, by designating "uncommitted balance" on page 13 as line item "J".

CALDWELL

The Committee Amendment was read and was adopted.

Delegate Weddington offered the following amendment to the resolution:

Amend C.C.R. 16 by adding to the last resolving clause ", and be it further" and by adding a new resolving clause to read as follows:

"Resolved, that there shall be allocated an amount from the funds available for convention purposes a sum of at least \$250 per month to each delegate for staff if such delegate requests same".

Amend C.C.R. 16 further by adding to Section II on page 1 a new subsection E. to read as follows:

"E. Staff for Delegates--for two months only  
\$45,250.00/month      \$90,500 for two months

Amend C.C.R. 16 further by omitting on page 13 the following language "Uncommitted Balance" and the sums indicated and by omitting item 2. "Staff and Expert Witness Per Diem and Travel" under each substantive committee (pages 5, 6, 7, 8, 9, 10, 11, and 12); and by adding to each item 8. "Professional Services (Advisors)" on such pages the following language "and for Staff and Expert Witness Per Diem and Travel"; and by making such conforming amendments as are necessary.

The amendment was read.

Question on the adoption of the amendment, "Yeas" and "Nays" were demanded.

The amendment failed of adoption by the following vote: 72 Yeas, 79 Nays, 12 Absent, 17 Absent-excused. (Record 2, Appendix)

#### LEAVES OF ABSENCE

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

Delegate Hightower was granted leave of absence for today on account of important business on motion of Delegate Brooks.

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

#### CONSTITUTIONAL CONVENTION RESOLUTION 16

Delegate Green of Harris moved to reconsider the vote by which the Weddington amendment to C.C.R. 16 failed of adoption.

Delegate Clower moved to table the motion to reconsider.

Question on the motion to table, "Yeas" and "Nays" were demanded.

The motion prevailed by the following vote: 74 Yeas, 69 Nays, 20 Absent, 17 Absent-excused. (Record 3, Appendix)

#### PAIRED VOTE

Delegate Brooks (present) who would vote "Nay," with Delegate Hightower (absent) who would vote "Yea."

Delegate Whitmire requested a verification of Record 3. The verification was ordered and reflected the following: 74 Yeas, 68 Nays, 1 Present-Not voting.

Delegate Weddington offered the following amendment to the resolution:

Amend C.C.R. 16 by adding to the last resolving clause ", and be it further" and by adding a new resolving clause to read as follows:

"Resolved, that there shall be allocated an amount from the funds available for convention purposes a sum of at least \$225 per month to each delegate for staff if such delegate requests same.

Amend C.C.R. 16 further by adding to Section II on page 1 a new subsection E. to read as follows:

"E. Staff for Delegates--for two months only  
\$45,250.00/month      \$90,500 for two months

Amend C.C.R. 16 further by omitting on page 13 the following language "Uncommitted Balance" and the sums indicated and by reducing item 2. "Staff and Expert Witness Per Diem and Travel" under each substantive committee (pages 5, 6, 7, 8, 9, 10, 11, and 12) to \$1,250 and by adding to each item 8. "Professional Services (Advisors)" on such pages the following language "and for Staff and Expert Witness Per Diem and Travel"; and by making such conforming amendments as are necessary.

The amendment was read.

Delegate Clower moved to table the amendment.

Question on the motion to table, "Yeas" and "Nays" were demanded.



Friday, January 25, 1974

The motion to table was lost by the following vote: 69 Yeas, 75 Nays, 18 Absent, 18 Absent-excused. (Record 4, Appendix)

Question recurring on adoption of the amendment, "Yeas" and "Nays" were demanded.

The amendment was adopted by the following vote: 72 Yeas, 70 Nays, 20 Absent, 18 Absent-excused. (Record 5, Appendix)

Delegate Hollowell requested a verification of Record 5. The verification was ordered and reflected the following: 72 Yeas, 69 Nays.

#### DELEGATE PRESENT

Delegate Wolff, who was previously recorded "Absent", was announced "Present" by the President.

The Resolution as amended was then adopted by the following vote: 91 Yeas, 53 Nays, 18 Absent, 18 Absent-excused. (Record 6, Appendix)

#### PAIRED VOTE

Delegate Brooks (present) who would vote "Nay," with Delegate Hightower (absent) who would vote "Yea."

#### VOTES RECORDED

Delegate Kothmann requested to be recorded as Present-Not voting on Records 2, 3 and 6.

Delegate Hoestenbach requested to be recorded as Present-Not voting on Record 6.

On motion of Delegate Weddington and by unanimous consent, the vote by which C.C.R. 16 as amended, was adopted was reconsidered and tabled.

#### REASONS FOR VOTE

I voted no to adoption of the 90 day budget for the reason that it limits the Convention to 90 days, and is another form of the constant attempts being made to railroad this Convention to adopt the C.R.C. document.

#### SPURLOCK

I voted against adoption of Constitutional Convention Resolution 16 because it calls for expenditures based on a 90 day Convention and I firmly believe the Convention should complete its business in less time.

#### BALES

#### CONSTITUTIONAL CONVENTION PROPOSALS REFERRED

The following Constitutional Convention Proposals were referred to the Committee indicated:

CONSTITUTIONAL CONVENTION PROPOSAL 102

By Delegate Jones of El Paso:

To Committee on General Provisions.

C.C.P. 102, A PROPOSAL FOR INCORPORATION IN THE CONSTITUTION OF TEXAS

Relating to corporations with banking and discounting privileges.

BE IT PROPOSED BY THE CONSTITUTIONAL CONVENTION OF TEXAS:

That the section on corporations with banking and discounting privileges read as follows:

Section \_\_\_\_ . CORPORATIONS WITH BANKING AND DISCOUNTING PRIVILEGES. (a) The Legislature shall provide for the State incorporation and State regulation of corporations with banking and discounting privileges by general laws that protect the depositors and creditors of the corporations.

(b) A corporation with banking and discounting privileges may not be chartered until all of its authorized capital stock is paid for in full in cash.

(c) No corporation with banking and discounting privileges may engage in business in more than one county. A corporation chartered after the adoption of this Constitution shall designate the county of business in its charter. A corporation chartered before the adoption of this Constitution may engage in business anywhere in the county in which its charter address is located.

(d) No foreign corporation, other than the national banks of the United States, may exercise banking or discounting privileges in this State.

#### CONSTITUTIONAL CONVENTION PROPOSAL 103

By Delegate Salem:

To Committee on General Provisions.

C.C.P. 103, A PROPOSAL FOR INCORPORATION IN THE CONSTITUTION OF TEXAS

Relating to public access to state-owned beaches on the seaward shore of the Gulf of Mexico and to certain other areas bordering the Gulf of Mexico.

BE IT PROPOSED BY THE CONSTITUTIONAL CONVENTION OF TEXAS:

That the following section be included in the appropriate article:

Section \_\_\_\_ . RIGHT OF ACCESS TO PUBLIC BEACHES. The public, both individually and collectively, has the free and unrestricted right of ingress to and egress from the State-owned beaches bordering the seaward shore of the Gulf of Mexico and any larger area extending from the line of mean low tide to the line of vegetation bordering the Gulf of Mexico if the public has acquired a right of use or easement to or over the area by prescription, dedication, or estoppel or has retained a right by virtue of continuous right in the public.

CONSTITUTIONAL CONVENTION PROPOSAL 104



Friday, January 25, 1974

Relating to higher education.

By Delegate Hernandez:

To Committee on the Executive.

C.C.P. 104, A PROPOSAL FOR INCORPORATION  
IN THE CONSTITUTION OF TEXAS

Relating to the qualifications for  
Governor.

BE IT PROPOSED BY THE CONSTITUTIONAL  
CONVENTION OF TEXAS:

That the following section be included  
in the Executive Article:

Section \_\_\_\_ . GOVERNOR'S ELIGIBILITY.  
The Governor shall be a citizen of the United  
States, a qualified voter, and at least  
eighteen years of age and shall have been a  
resident of this State at least one year  
immediately preceding his election.

CONSTITUTIONAL CONVENTION PROPOSAL 105

By Delegates Lombardino, Clark, Hubenak,  
Sage, Moore and Hale:

To Committee on General Provisions.

C.C.P. 105, A PROPOSAL FOR INCORPORATION  
IN THE CONSTITUTION OF TEXAS

Relating to alcoholic beverages.

BE IT PROPOSED BY THE CONSTITUTIONAL  
CONVENTION OF TEXAS:

That Article X, Section 17 read as  
follows:

Section 17. ALCOHOLIC BEVERAGES. (a)  
The Legislature shall continue to regulate  
the manufacture, packaging, sale, possession  
and transportation of alcoholic beverages 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 of the qualified voters in  
such political subdivision, voting in a local  
option election, shall determine otherwise.

CONSTITUTIONAL CONVENTION PROPOSAL 106

By Delegates McAlister, Presnal, Willis,  
Kubiak and Foreman:

To Committee on Education.

C.C.P. 106, A PROPOSAL FOR INCORPORATION  
IN THE CONSTITUTION OF TEXAS

BE IT PROPOSED BY THE CONSTITUTIONAL  
CONVENTION OF TEXAS:

That the following sections be included  
in Article VII:

Section \_\_\_\_ . PERMANENT UNIVERSITY FUND,  
ITS ADMINISTRATION, ITS INVESTMENTS,  
AVAILABLE UNIVERSITY FUND AND ITS  
EXPENDITURE. (a) The Permanent University  
Fund consists of the two million acres of  
land set apart and appropriated for the  
establishment and maintenance of The  
University of Texas by the Constitution of  
1876 and the Legislative Act of April 10,  
1883, together with the proceeds of the sale  
of such land, including the sale of oil, gas,  
and other minerals from such land, and the  
securities and other assets purchased with  
the proceeds. All proceeds shall be  
invested, and only the income from the  
Permanent University Fund may be appropriated  
and expended.

(b) The Permanent University Fund shall  
be held in trust for the people of Texas and  
for the use and benefit of the Texas A&M  
University System and The University of Texas  
System. In pursuance of such trust, the  
Board of Regents of The University of Texas  
System shall have authority to purchase,  
sell, lease, and exchange the assets of the  
fund as provided by law.

(c) The Board of Regents of The  
University of Texas System may invest the  
Permanent University Fund in securities,  
bonds, or other obligations issued, insured,  
or guaranteed in any manner by the United  
States Government, or any of its agencies, in  
bonds issued by the State of Texas or any  
political subdivision thereof, and in such  
bonds, debentures, obligations, preferred  
stocks, or common stocks issued by  
corporations, associations, or other  
institutions as the Board of Regents of The  
University of Texas System may deem to be  
proper investments for the Permanent  
University Fund. However, not more than one  
percent of the Fund shall be invested in the  
stock of any one corporation nor shall more  
than five percent of the voting stock of any  
one corporation be owned by the Fund. In  
making each and all investments, the Board of  
Regents shall exercise the judgment and care  
under the circumstances then prevailing that  
men of ordinary prudence, discretion, and  
intelligence exercise in the management of  
their own affairs, not in regard to  
speculation, but in regard to the permanent  
disposition of their funds, considering the  
probable income therefrom as well as the  
probable safety of their capital. The Board  
of Regents shall make full disclosure of all  
investments as provided by law.

(d) The net income (that is, dividends,  
interest, and other income less  
administrative expense) of the Permanent  
University Fund, exclusive of net income  
attributable to grazing leases of Permanent  
University Fund land, shall constitute the  
Available University Fund. Out of one-third  
of the Available University Fund, the  
Legislature shall appropriate an annual sum  
sufficient to pay the principal and interest  
due on Permanent University Fund bonds or  
notes issued by the Board of Directors of the  
Texas A&M University System pursuant to the



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next section or its predecessor sections of prior constitutions, and the remainder of such one-third of the Available University Fund shall be appropriated by the Legislature for the support and maintenance of Texas A&M University in the County of Brazos. Out of the other two-thirds of the Available University Fund, the Legislature shall appropriate an annual sum sufficient to pay the principal and interest due on Permanent University Fund bonds or notes issued by the Board of Regents of The University of Texas System pursuant to the next section or its predecessor sections of prior constitutions, and the remainder of such two-thirds of the Available University Fund, plus the net income (that is, income less administrative expense) from grazing leases of Permanent University Fund land, shall be appropriated by the Legislature for the support and maintenance of The University of Texas at Austin.

Section \_\_\_\_\_. THE TEXAS A&M UNIVERSITY SYSTEM; THE UNIVERSITY OF TEXAS SYSTEM; PERMANENT UNIVERSITY FUND BONDS OR NOTES. (a) The Board of Directors of The Texas A&M University System and the Board of Regents of The University of Texas System for the benefit of all the institutions now included in their respective systems are each hereby authorized to issue in amounts not to exceed for The Texas A&M University System ten percent, and for The University of Texas System twenty percent, of the value of the Permanent University Fund exclusive of real estate at the time of any issuance, negotiable bonds and notes for the following purposes: (1) acquiring land either with or without permanent improvements; (2) constructing new buildings or other permanent improvements; (3) repairing and rehabilitating existing buildings or other permanent improvements; (4) acquiring library books and materials; (5) acquiring capital equipment; and (6) refunding any bonds heretofore or hereafter issued.

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

(c) Institutions now included in The Texas A&M University System and The University of Texas System, and entitled to participate in the Permanent University Fund, shall not receive any general revenue funds for acquiring land either with or without permanent improvements, or for constructing and equipping new buildings or other permanent improvements except in case of fire, flood, storm, or earthquake occurring at any such institution. In such an event an appropriation in an amount sufficient to replace the uninsured loss may be made by the Legislature from general revenue funds.

(d) For the purpose of securing the payment of the principal and interest of these bonds or notes, the Boards are severally authorized to pledge the whole or any part of the respective interests of The Texas A&M University System and The University of Texas System in the Available University Fund. The Permanent University Fund may be invested in these bonds or notes.

All bonds or notes issued pursuant to this Section shall be approved by the Attorney General of Texas and when so approved shall be incontestable.

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

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

(b) On and after January 1, 1978, there is hereby levied, in addition to all other taxes permitted by the Constitution of Texas, a State ad valorem tax on property of twenty cents on the one hundred dollars valuation, or such tax rates in excess thereof as the Legislature may so designate for the purpose of creating a special fund, to be known as the Higher Education Tax Fund, for the purpose of acquiring land, either with or without permanent improvements thereon, constructing, equipping, repairing, or rehabilitating buildings or other permanent improvements, and for acquiring nonconsumable equipment and materials to provide first class status at the herein designated institutions of higher education; and the governing board of each such institution of higher education is fully authorized to pledge all or any part of said funds allocated to such institution, as hereinafter provided, to secure or refund bonds and/or notes issued for one or more of the aforesaid purposes at said respective institutions; and the governing board of an institution to which funds have been allocated may use all or any portion of such funds not pledged to secure or refund bonds and/or notes for any of the purposes specified herein for said institution. Such bonds or notes shall be issued in such amounts as may be determined by the governing boards of said respective institutions, and shall mature serially or otherwise not more than ten years from their respective dates. All bonds shall be examined and approved by the Attorney General of the State of Texas, and when so approved shall be incontestable; and all approved bonds shall be registered in the office of the Comptroller of Public Accounts of the State of Texas.

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

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



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

The foregoing allocation of funds shall be pursuant to equitable formulas, based on statewide needs devised by the Coordinating Board, Texas College and University System, or such other agency or department as authorized by the Legislature.

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

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

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

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

#### CONSTITUTIONAL CONVENTION PROPOSAL 107

By Delegate Reynolds:

To Committee on General Provisions.

C.C.P. 107, A PROPOSAL FOR INCORPORATION  
IN THE CONSTITUTION OF TEXAS

Relating to appointments to state  
agencies.

BE IT PROPOSED BY THE CONSTITUTIONAL  
CONVENTION OF TEXAS:

That the following provision be excluded  
from the constitution:

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

#### CONSTITUTIONAL CONVENTION PROPOSAL 108

By Delegates Finney and Mengden:

To Committee on Local Government.

C.C.P. 108, A PROPOSAL FOR INCORPORATION  
IN THE CONSTITUTION OF TEXAS

Relating to maximum tax rates for cities  
and counties.

BE IT PROPOSED BY THE CONSTITUTIONAL  
CONVENTION OF TEXAS:

That the following provisions be  
included in Article IX, on local government:

Section \_\_\_\_\_. MAXIMUM COUNTY TAX RATES.  
No county shall levy a tax rate in excess of  
eighty cents on the one hundred dollars  
valuation in any one year. Once the  
Commission has levied the annual tax rate,  
the same shall remain in force and effect  
during that taxable year, and the Legislature  
may also authorize an additional annual ad  
valorem tax to be levied and collected for  
the further maintenance of the public roads;  
provided, that a majority of the qualified  
property taxpaying voters of the county  
voting at an election to be held for that  
purpose shall vote such tax, not to exceed  
fifteen cents on the one hundred dollars  
valuation of the property subject to taxation  
in such county. Any county may put all tax  
money collected by the county into one  
general fund, without regard to the purpose  
of source of each tax.

Section \_\_\_\_\_. GENERAL LAW CITIES.  
Cities and towns having a population of one  
thousand five hundred or less may be  
chartered only by general law. They may  
levy, assess, and collect such taxes as may  
be authorized by law, but no tax for any  
purpose shall ever be lawful for any one year  
which shall exceed one and one-half percent  
of the taxable property of such city.

Section \_\_\_\_\_. CITY CHARTERS. Cities and  
towns having more than one thousand five  
hundred inhabitants may, by a majority vote  
of the qualified voters voting on the  
question, adopt, amend, or repeal their  
charters as provided by law. No charter or  
ordinance shall be inconsistent with the  
Constitution or general laws of the State.  
Cities which adopt charters under this  
Section may levy, assess, and collect any  
taxes authorized by law or charter, but no  
tax for any purpose shall ever be lawful for  
any one year which shall exceed two and  
one-half percent of the taxable property of  
such city. No city shall lose the power to  
amend or repeal its charter because its  
population drops below one thousand five  
hundred.

#### CONSTITUTIONAL CONVENTION PROPOSAL 109



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By Delegates Finney and Mengden:

To Committee on Finance.

C.C.P. 109, A PROPOSAL FOR INCORPORATION  
IN THE CONSTITUTION OF TEXAS

Relating to maximum tax rates for cities and counties and the duties of the comptroller of public accounts.

BE IT PROPOSED BY THE CONSTITUTIONAL  
CONVENTION OF TEXAS:

That the following sections be included  
in the appropriate article:

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

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

(c) No appropriation in excess of the estimated revenue shall be valid unless it is made in response to imperative public necessity and approved by four-fifths vote of the membership of each house of the Legislature.

(d) No bill shall be passed which would have the effect of increasing total revenue from state taxes to more than 6.75 percent of the estimated total personal income for the State unless by a two-thirds vote of the total membership of each House of the Legislature. For the purpose of this Section, "state taxes" means all receipts to the State government of Texas, except the following: intergovernmental transfers, including any funds received from other levels of government as reimbursements for performance of general governmental functions and specific services in lieu of taxes; all receipts from contributions required of employers (including the State of Texas) and employees for funds (and earnings on assets held by such funds) for retirement and social insurance purposes; all receipts required to become a part of the Permanent School Fund or the Permanent University Fund (and earnings on assets held by such funds); user fees, including all receipts imposed, collected, or received where the fee is based on the

receipt of a specific service or privilege or where the fee is collected to regulate a noncommercial or nonprofessional activity; and any taxes collected for, or on behalf of, a unit of local government.

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

Section \_\_\_\_\_. MAXIMUM COUNTY TAX RATES. No county shall levy a tax rate in excess of eighty cents on the one hundred dollars valuation in any one year. Once the Commission has levied the annual tax rate, the same shall remain in force and effect during that taxable year, and the Legislature may also authorize an additional annual ad valorem tax to be levied and collected for the further maintenance of the public roads; provided, that a majority of the qualified property taxpaying voters of the county voting at an election to be held for that purpose shall vote such tax, not to exceed fifteen cents on the one hundred dollars valuation of the property subject to taxation in such county. Any county may put all tax money collected by the county into one general fund, without regard to the purpose of source of each tax.

Section \_\_\_\_\_. GENERAL LAW CITIES. Cities and towns having a population of one thousand five hundred or less may be chartered only by general law. They may levy, assess, and collect such taxes as may be authorized by law, but no tax for any purpose shall ever be lawful for any one year which shall exceed one and one-half percent of the taxable property of such city.

Section \_\_\_\_\_. CITY CHARTERS. Cities and towns having more than one thousand five hundred inhabitants may, by a majority vote of the qualified voters voting on the question, adopt, amend, or repeal their charters as provided by law. No charter or ordinance shall be inconsistent with the Constitution or general laws of the State. Cities which adopt charters under this Section may levy, assess, and collect any taxes authorized by law or charter, but no tax for any purpose shall ever be lawful for any one year which shall exceed two and one-half percent of the taxable property of such city. No city shall lose the power to amend or repeal its charter because its population drops below one thousand five hundred.

CONSTITUTIONAL CONVENTION PROPOSAL 110

By Delegates Finney and Mengden:

To Committee on Finance.



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C.C.P. 110, A PROPOSAL FOR INCORPORATION  
IN THE CONSTITUTION OF TEXAS

Relating to certification of  
appropriations.

BE IT PROPOSED BY THE CONSTITUTIONAL  
CONVENTION OF TEXAS:

That in Article VIII, on finance, the  
provision on appropriations read as follows:  
Section \_\_\_\_ APPROPRIATIONS. (a)  
Money may not be drawn from the State  
Treasury except in accordance with specific  
appropriations made by law.

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

(c) No appropriation in excess of the  
estimated revenue shall be valid unless it is  
made in response to imperative public  
necessity and approved by four-fifths vote of  
the membership of each house of the  
Legislature.

(d) No bill shall be passed which would  
have the effect of increasing total revenue  
from state taxes to more than 6.75 percent of  
the estimated total personal income for the  
State unless by a two-thirds vote of the  
total membership of each House of the  
Legislature. For the purpose of this  
Section, "state taxes" means all receipts to  
the State government of Texas, except the  
following: intergovernmental transfers,  
including any funds received from other  
levels of government as reimbursements for  
performance of general governmental functions  
and specific services in lieu of taxes; all  
receipts from contributions required of  
employers (including the State of Texas) and  
employees for funds (and earnings on assets  
held by such funds) for retirement and social  
insurance purposes; all receipts required to  
become a part of the Permanent School Fund or  
the Permanent University Fund (and earnings  
on assets held by such funds); user fees,  
including all receipts imposed, collected, or  
received where the fee is based on the  
receipt of a specific service or privilege or  
where the fee is collected to regulate a  
noncommercial or nonprofessional activity;  
and any taxes collected for, or on behalf of,  
a unit of local government.

(e) No bill containing an appropriation

shall be considered as passed or be sent to  
the Governor for consideration until and  
unless the Comptroller of Public Accounts  
endorses his certificate thereon showing that  
the amount appropriated is within the amount  
estimated to be available in the affected  
funds. When the Comptroller finds an  
appropriation bill exceeds the estimated  
revenue, he shall endorse such finding  
thereon and return it to the House in which  
it originated. Such information shall be  
immediately made known to both the House of  
Representatives and the Senate and the  
necessary steps shall be taken to bring such  
appropriation to within the revenue, either  
by providing additional revenue or by  
reducing the appropriation.

CONSTITUTIONAL CONVENTION PROPOSAL 115

By Delegate Williamson:

To Committee on General Provisions.

C.C.P. 115, A PROPOSAL FOR INCORPORATION  
IN THE CONSTITUTION OF TEXAS

Relating to gambling enterprises.

BE IT PROPOSED BY THE CONSTITUTIONAL  
CONVENTION OF TEXAS:

That the section on gambling enterprises  
read as follows:

Section \_\_\_\_ GAMBLING. The wagering or  
betting of money and the establishment of, or  
sale of tickets in, lotteries, gift  
enterprises, or other evasions involving the  
lottery principle are prohibited.

CONSTITUTIONAL CONVENTION PROPOSAL 116

By Delegate Williamson:

To Committee on General Provisions.

C.C.P. 116, A PROPOSAL FOR INCORPORATION  
IN THE CONSTITUTION OF TEXAS

Relating to alcoholic beverages.

BE IT PROPOSED BY THE CONSTITUTIONAL  
CONVENTION OF TEXAS:

That the section on alcoholic beverages  
read as follows:

Section \_\_\_\_ ALCOHOLIC BEVERAGES. (a)  
The Legislature may enact a law or laws  
regulating the sale of mixed alcoholic  
beverages on a local option election basis.  
The Legislature also may regulate the  
manufacture, sale, possession, and  
transportation of intoxicating liquors and  
may establish a State monopoly on the sale of  
distilled liquors.

(b) The qualified voters of any county,  
justice precinct, or incorporated town or  
city may, by a majority vote of those voting  
in a local option election, determine from  
time to time whether the sale of intoxicating  
liquors for beverage purposes shall be  
prohibited or legalized within the prescribed  
limits. Laws passed to enforce the rights  
provided in this subsection shall contain  
provisions for voting on the sale of  
intoxicating liquors of various types and  
various alcoholic content.



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(c) In any county, justice precinct, or incorporated town or city in which the sale of intoxicating liquors was prohibited by local option elections held under laws in force at the time of adoption of this Constitution, it continues to be unlawful to manufacture, sell, barter, or exchange in any of the counties, justice precincts, or incorporated towns or cities any spirituous, vinous, or malt liquors or medicated bitters capable of producing intoxication or any other intoxicants, for beverage purposes, until a majority of the qualified voters in the county, justice precinct, or incorporated town or city, voting in an election held for that purpose, determine that the manufacture, sale, barter, or exchange is lawful.

#### CONSTITUTIONAL CONVENTION PROPOSAL 117

By Delegate Heatly:

C.C.P. 117, A PROPOSAL FOR INCORPORATION  
IN THE CONSTITUTION OF TEXAS

Providing an article on the Judicial  
Department.

BE IT PROPOSED BY THE CONSTITUTIONAL  
CONVENTION OF TEXAS:

That Article V read as follows:  
ARTICLE V. JUDICIAL DEPARTMENT

To Committee on the Judiciary.

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

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

Sec. 1-a. RETIREMENT, CENSURE, AND REMOVAL OF JUSTICES AND JUDGES; STATE JUDICIAL QUALIFICATIONS COMMISSION. (1) Subject to the further provisions of this Section, the Legislature shall provide for the retirement and compensation of Justices and Judges of the Appellate Courts and District and Criminal District Courts on account of length of service, age and disability, and for their reassignment to active duty where and when needed. The office of every such Justice and Judge shall become vacant when the incumbent reaches the age of seventy-five (75) years or such earlier age, not less than seventy (70) years, as the Legislature may prescribe; but, in the case of an incumbent whose term of office includes the effective date of this Constitution, this provision shall not prevent him from serving the remainder of said term nor be applicable to him before his period or periods of judicial service shall have reached a total of ten (10) years.

(2) There is hereby created the State

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

(3) The regular term of office of Commissioners shall be six (6) years; but the initial members of each of classes (i), (ii) and (iii) shall respectively be chosen for terms of four (4) and six (6) years, and the initial members of class (iiii) for respective terms of two (2), four (4) and six (6) years. Interim vacancies shall be filled in the same manner as vacancies due to expiration of a full term, but only for the unexpired portion of the term in question. Commissioners may succeed themselves in office only if having served less than three (3) consecutive years.

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

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

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



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administration of justice; or any person holding such office may be censured, in lieu of removal from office, under procedures provided for by the Legislature.

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

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

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

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

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

loses its confidential character.

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

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

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

Sec. 2. SUPREME COURT; JUSTICES; SECTIONS; ELIGIBILITY; ELECTION; VACANCIES. The Supreme Court shall consist of a Chief Justice and eight Associate Justices, any five of whom shall constitute a quorum, and the concurrence of five shall be necessary to a decision of a case; provided, that when the business of the court may require, the court may sit in sections as designated by the court to hear argument of causes and to consider applications for writs of error or other preliminary matters. No person shall be eligible to the office of Chief Justice or Associate Justice of the Supreme Court unless he be, at the time of his election, a citizen of the United States and of this state, and unless he shall have attained the age of thirty-five years, and shall have been a practicing lawyer, or a lawyer and judge of a court of record together at least ten years. Said Justices shall be elected (three of them each two years) by the qualified voters of the state at a general election; shall hold their offices six years, or until their successors are elected and qualified; and shall each receive such compensation as shall be provided by law. In case of a vacancy in the office of any Justice of the Supreme Court, the Governor shall fill the vacancy until the next general election for state officers, and at such general election the vacancy for the unexpired term shall be filled by election by the qualified voters of the state. The Justices of the Supreme Court who may be in office at the time this Constitution takes effect shall continue in office until the expiration of their term of office and until their successors are elected and qualified.

Sec. 3. JURISDICTION OF SUPREME COURT; WRITS; SESSIONS; CLERK. The Supreme Court shall have appellate jurisdiction only except



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

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

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

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

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

Sec. 4. SUPREME COURT OF CRIMINAL APPEALS; JUSTICES. The Supreme Court of Criminal Appeals shall consist of a Chief Justice and eight Associate Justices, a majority of whom shall constitute a quorum, and the concurrence of five Justices shall be necessary to a decision of said court. Said Justices shall have the same qualifications and receive the same salaries as the Associate Justices of the Supreme Court, except that the Chief Justice shall receive the same salary as the Chief Justice of the Supreme Court. They shall be elected by the qualified voters of the State at a general election and shall hold their offices for a term of six years. In case of a vacancy in

the office of a Justice of the Supreme Court of Criminal Appeals, the Governor shall, with the advice and consent of the Senate, fill said vacancy by appointment until the next succeeding general election.

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

Also, each of the two Commissioners of the Court of Criminal Appeals, provided for under H.B. No. 14, 62nd Leg., 1st C.S., p. 14, Ch. 2, who may be in office at the time when this Constitution takes effect shall become a Justice of the Supreme Court of Criminal Appeals and continue in office for an initial term of four years beginning on the effective date of this Constitution, and until his successor shall have been elected and qualified.

Sec. 5. JURISDICTION OF SUPREME COURT OF CRIMINAL APPEALS; TERMS OF COURT; CLERK. The Supreme Court of Criminal Appeals shall have appellate jurisdiction coextensive with the limits of the state in all criminal cases of whatever grade, with such exceptions and under such regulations as may be prescribed by law, and shall have jurisdiction to review the decisions of the Intermediate Courts of Criminal Appeals, under such regulations as may be provided by law or be prescribed by rules adopted by the Supreme Court of Criminal Appeals.

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

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

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

Sec. 6. COURTS OF CIVIL APPEALS; TRANSFER OF CASES; TERMS OF JUDGES. The Legislature shall divide the State into such Supreme judicial districts as the increase of population and business may require, and shall establish a Court of Civil Appeals in each of said districts, which shall consist of a Chief Justice and two Associate



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Justices, who shall have the qualifications as herein prescribed for Justices of the Supreme Court. Said Court of Civil Appeals shall have appellate jurisdiction co-extensive with the limits of their respective districts, which shall extend to all civil cases of which the District Courts or County Courts have original or appellate jurisdiction, under such restrictions and regulations as may be prescribed by law. Provided, that the decision of said courts shall be conclusive on all questions of fact brought before them on appeal or error.

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

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

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

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

courts.

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

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

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

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

Sec. 8. JURISDICTION OF DISTRICT COURT. The District Court shall have original jurisdiction in all criminal cases of the grade of felony; in all suits in behalf of the State to recover penalties, forfeitures and escheats; of all cases of divorce; of all misdemeanors involving official misconduct; of all suits to recover damages for slander or defamation of character; of all suits for trial of title to land and for the enforcement of liens thereon; of all suits for the trial of the right of property levied upon by virtue of any writ of execution, sequestration or attachment when the property levied on shall be equal to or exceed in



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value five hundred dollars; of all suits, complaints or pleas whatever, without regard to any distinction between law and equity, when the matter in controversy shall be valued at or amount to five hundred dollars exclusive of interest; of contested elections, and said court and the judges thereof, shall have power to issue writs of habeas corpus, mandamus, injunction and certiorari, and all writs necessary to enforce their jurisdiction.

The District Court shall have appellate jurisdiction and general control in probate matters, over the County Court established in each county, for appointing guardians, granting letters testamentary and of administration, probating wills, for settling the accounts of executors, administrators and guardians, and for the transaction of all business appertaining to estates; and original jurisdiction and general control over executors, administrators, guardians and minors under such regulations as may be prescribed by law. The District Court shall have appellate jurisdiction and general supervisory control over the County Commissioners Court, with such exceptions and under such regulations as may be prescribed by law; and shall have general original jurisdiction over all causes of action whatever for which a remedy or jurisdiction is not provided by law or this Constitution, and such other jurisdiction, original and appellate, as may be provided by law.

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

Sec. 9. CLERK OF DISTRICT COURT. There shall be a Clerk for the District Court of each county, who shall be elected by the qualified voters for State and county officers, and who shall hold his office for four years, subject to removal by

information, or by indictment of a grand jury, and conviction of a petit jury. In case of vacancy, the Judge of the District Court shall have the power to appoint a Clerk, who shall hold until the office can be filled by election.

Sec. 10. TRIAL BY JURY. In the trial of all causes in the District Courts, the plaintiff or defendant shall, upon application made in open court, have the right of trial by jury; but no jury shall be empaneled in any civil case unless demanded by a party to the case, and a jury fee be paid by the party demanding a jury, for such sum, and with such exceptions as may be prescribed by the Legislature.

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

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

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

Sec. 13. NUMBER OF GRAND AND PETIT JURORS; NUMBER CONCURRING. Grand and petit juries in the District Courts shall be composed of twelve men; but nine members of a grand jury shall be a quorum to transact business and present bills. In trials of civil cases, and in trials of criminal cases below the grade of felony in the District Courts, nine members of the jury, concurring, may render a verdict, but when the verdict shall be rendered by less than the whole number, it shall be signed by every member of the jury concurring in it. When, pending the trial of any case, one or more jurors not exceeding three, may die, or be disabled from sitting, the remainder of the jury shall have the power to render the verdict; provided,



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that the Legislature may change or modify the rule authorizing less than the whole number of the jury to render a verdict.

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

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

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

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

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

unless demanded by one of the parties, who shall pay such jury fee therefor, in advance, as may be prescribed by law, unless he makes affidavit that he is unable to pay the same.

To Committees on the Judiciary and Local Government.

Sec. 18. DIVISION OF COUNTIES INTO PRECINCTS; ELECTION OF CONSTABLE AND JUSTICE OF THE PEACE; COUNTY COMMISSIONERS AND COUNTY COMMISSIONERS COURT. Each organized county in the State now or hereafter existing, shall be divided from time to time, for the convenience of the people, into precincts, not less than four and not more than eight. Divisions shall be made by the Commissioners Court provided for by this Constitution. In each such precinct there shall be elected one Justice of the Peace and one Constable, each of whom shall hold his office for four years and until his successor shall be elected and qualified; provided that in any precinct in which there may be a city of 8,000 or more inhabitants, there shall be elected two Justices of the Peace. Each county shall in like manner be divided into four commissioners precincts in each of which there shall be elected by the qualified voters thereof one County Commissioner, who shall hold his office for four years and until his successor shall be elected and qualified. The County Commissioners so chosen, with the County Judge as presiding officer, shall compose the County Commissioners Court, which shall exercise such powers and jurisdiction over all county business, as is conferred by this Constitution and the laws of the State, or as may be hereafter prescribed.

To Committee on the Judiciary.

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

Sec. 20. RULES OF COURT. The Supreme Court shall have power to make and establish rules of civil procedure not inconsistent with the laws of the State for the government of said court and the other courts of this State to expedite the dispatch of business therein, and the Supreme Court of Criminal Appeals shall have power to make and establish rules of criminal procedure not inconsistent with the laws of the State for the government of said court and the other courts of this State to expedite the dispatch of business therein.

Sec. 21. CRIMINAL CASES; NO APPEAL BY STATE. The State shall have no right of appeal in criminal cases.

Sec. 22. VACANCIES IN JUDICIAL OFFICES. Vacancies in the office of judges of the



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

Sec. 23. COUNTY COURT; TERMS OF COURT; PROBATE BUSINESS; COMMENCEMENT OF PROSECUTIONS; JURY. The County Court shall hold at least four terms for both civil and criminal business annually, as may be provided by the Legislature, or by the Commissioners' Court of the county under authority of law, and such other terms each year as may be fixed by the Commissioners' Court; provided, the Commissioners' Court of any county having fixed the times and number of terms of the County Court, shall not change the same again until the expiration of one year. Said court shall dispose of probate business either in term time or vacation, under such regulation as may be prescribed by law. Prosecutions may be commenced in said courts in such manner as is or may be provided by law, and a jury therein shall consist of six men.

To Committees on the Judiciary and Local Government.

Sec. 24. JUDGES OF COURTS OF COUNTY-WIDE JURISDICTION; CRIMINAL DISTRICT ATTORNEYS. The Judges of all Courts of county-wide jurisdiction heretofore or hereafter created by the Legislature of this State, and all Criminal District Attorneys now or hereafter authorized by the laws of this State, shall be elected for a term of four years, and shall serve until their successors have qualified.

#### ADJOURNMENT

On motion of Delegates Aikin, Bock and Traeger the Convention at 2:55 o'clock p.m. adjourned in memory of Former Senator Rudolph Weinert, until 1:00 o'clock p.m. on Thursday, January 31.

On motion of Delegate Clower the names of all delegates were added to the motion.



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

X Excused Absence

Roll Call

Record # 1 1/25

Yea - 156

TOTALS NAY

NV-24

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

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

X-Excused Absence

Record #2 Weddington Am to CCR #16

Failed of Adoption

1/25

Yea - 72

TOTALS

Nay - 79 NV - 29

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

ARTICLE

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

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

X-Excused Absence

## Record #3

Motion to table Green Motion to  
 Reconsider the vote by Which the Weddington  
 Amendment failed of Adoption.

Yea-74

TOTALS

Nay-69

NV-37

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.	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	20	30	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
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1974

## TEXAS CONSTITUTIONAL CONVENTION

241

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

X-Excused  
Absence

Record #4 Motion to table Weddington  
Amendment to CCR 16

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



## TEXAS CONSTITUTIONAL CONVENTION

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

X-Excused Absence

# RECORD #5 Adoption of Weddington Amendment to CCR 16

Yea-72

Nay-70 NV-38

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



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

Record #6 Final Adoption of CCR 16  
AS Amended

Yea. 91		TOTALS		Nay. 53		NV-36		ARTICLE		DATE: 1	
YEA		N-V		NAY		Comm.					
100-200		100-200		100-200							
0	0	0	0	0	0		10			JAN	2
1	1	1	1	1	1	Rep.	20		SECTION	FEB	3
2	2	2	2	2	2	Subs.	1	10	1	MAR	1
3	3	3	3	3	3	Amm.	2	20	2	APR	2
4	4	4	4	4	4	Quo.	3	30	3	MAY	3
5	5	5	5	5	5	3 R	4	40	4	JUN	4
6	6	6	6	6	6	Subm.	5	50	5	JUL	5
7	7	7	7	7	7	Mino.	6	60	6	AUG	6
8	8	8	8	8	8	Met.	7	70	7	SEP	7
9	9	9	9	9	9	Ait.	8	80	8	OCT	8
						Sep.	9	90	9	NOV	9
						2 R	0	00	0	DEC	0