

OFFICIAL JOURNAL of the CONSTITUTIONAL CONVENTION of the STATE OF TEXAS

PRE-CONVENTION CEREMONIES

The Honorable Dolph Briscoe, Governor of Texas, called the delegates to order on Tuesday, January 8, 1974, at 11:30 o'clock a.m., and requested the Sergeant-at-Arms to clear the center aisle for the presentation of colors.

The Ross Volunteers of Texas A and M University presented the colors and formed the Honor Guard.

The Honorable William P. Hobby, Lieutenant Governor of Texas and Temporary Chairman of the Texas Constitutional Convention of 1974, and his party composed of Mrs. William P. Hobby; Laura, Kate, Paul, and Andrew Hobby, children of Lieutenant Governor and Mrs. Hobby; Mrs. Oveta Culp Hobby; The Right Reverend J. Milton Richardson; The Honorable Joe Greenhill; The Honorable Mark W. White, Jr.; The Honorable Robert W. Calvert; and Mrs. Malcolm Milburn, were announced by the Doorkeeper and proceeded to the rostrum.

Governor Briscoe led the delegates assembled in reciting the Pledge of Allegiance to the flag of the United States of America.

Governor Briscoe introduced members of the Texas Southern University Chorus who sang "God Bless America," "Battle Hymn of the Republic," and "Texas Our Texas."

At the conclusion of the Pre-Convention Ceremonies, Governor Briscoe stated: "Lieutenant Governor Hobby, as Governor of the State of Texas and on behalf of the people of this State, I present this gavel to you for the calling to order of the Texas Constitutional Convention of 1974."

FIRST DAY (Tuesday, January 8, 1974)

In accordance with the provisions of Article 17, Section 2 of the Constitution of the State of Texas, the delegates to the Texas Constitutional Convention of 1974 assembled this day in the Hall of the House of Representatives in the City of Austin at 12:00 o'clock m.

The Honorable William P. Hobby, Lieutenant Governor of Texas and Temporary Chairman of the Texas Constitutional Convention of 1974, called the Convention to order.

The Right Reverend J. Milton Richardson,

Bishop of the Diocese of Texas (Episcopal) of Houston, offered the invocation, as follows:

Almighty God, who has set us in times so difficult and perplexed that none dare be complacent or less than the best, keep our hearts sound, our minds steady, our thinking straight, our consciences sensitive, and our spirits humble. Make us Godly for man's sake and manly for God's sake that we may live as the sons of God among men.

Especially do we pray that Thou wilt bless the delegates of this Constitutional Convention. Thou knowest them, their needs, their motives, their hopes, and their fears. Give them strength and speak to them to give them wisdom greater than their own. May they hear their voice and seek Thy guidance. May they remember that Thou art concerned about what is said and done here, and may they have a clear conscience before Thee.

Give to the delegates of this Convention good health for the physical strains of their office, good judgment for the decisions they must make, wisdom beyond their own, and clear understanding of the problems of this difficult and critical hour.

And so, O Lord, grant us fidelity to the day that is past, insight for the day that is present, and courage and vision for the day that is future. Through Jesus Christ, Our Lord, Amen.

APPOINTMENT OF TEMPORARY OFFICERS AND EMPLOYEES

The Temporary Chairman announced the appointment of the following temporary officers and employees of the Convention:

Secretary, Charles A. Schnabel
Sergeant-at-Arms, Russell Kelley
Executive Director, James F. Ray
Parliamentarian, Robert Johnson
Journal Clerk, Betty King
Engrossing and Enrolling Clerk, Orea Guffin
Voting Machine Operator, Charles Petri, Jr.

CERTIFICATION OF DELEGATES-ELECT SHOWING COUNTIES OF RESIDENCE

The Honorable Mark W. White, Jr., Secretary of State of the State of Texas, proceeded to the Chairman's Rostrum and offered the following certification:

"I, Mark W. White, Jr., Secretary of State of the State of Texas, do hereby certify that according to the official records of this office the following named members of the 63rd Legislature of Texas, are duly elected and qualified as of the date of this certificate.

"I further certify that according to Article 17, Section 2 of the Constitution of Texas, members of the 63rd Legislature shall be convened as a Constitutional Convention at noon on the second Tuesday in January, 1974."

<u>Delegate</u>	<u>County</u>
Adams, Don.....	Jasper
Adams, Herman, Jr.....	Hardin
Agnich, Fred J.....	Dallas
Aikin, A. M., Jr.....	Lamar

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Allen, Joe.....Harris
 Allen, John.....Gregg
 Allred, Dave.....Wichita
 Andujar, Betty.....Tarrant
 Atwell, Ben.....Dallas
 Bailey, Kay.....Harris
 Baker, Andrew Z.....Galveston
 Bales, Larry.....Travis
 Barnhart, Ray.....Harris
 Bigham, John R.....Bell
 Bird, Ronald C.....Bexar
 Blake, Roy.....Nacogdoches
 Blanchard, H. J. (Doc).....Lubbock
 Blythe, W. J. (Bill).....Harris
 Bock, Bennie, II.....Comal
 Boone, Latham, III.....Grimes
 Bowers, Sid.....Harris
 Braecklein, Bill.....Dallas
 Brooks, Chet.....Harris
 Bynum, Ben.....Potter
 Caldwell, Neil.....Brazoria
 Calhoun, Frank.....Taylor
 Canales, Terry.....Jim Wells
 Cates, Phil.....Gray
 Clark, Jim.....Harris
 Clayton, Bill.....Lamb
 Clower, Ron.....Dallas
 Cobb, L. Dean.....Moore
 Cole, James.....Hunt
 Coleman, Ronald.....El Paso
 Coody, W. G. (Bill).....Parker
 Cooke, C. C. (Kit), III.....Johnson
 Craddick, Tom.....Midland
 Creighton, Tom.....Palo Pinto
 Daniel, Price, Jr.....Liberty
 Davis, Bob.....Dallas
 Denson, Woody.....Harris
 Denton, Lane.....McLennan
 Doggett, Lloyd.....Travis
 Donaldson, Jerry (Nub).....Coryell
 Doran, Hilary B., Jr.....Val Verde
 Doyle, Terry.....Jefferson
 Dramberger, A. L. (Tony).....Bexar
 Earle, Ronald D.....Travis
 Edwards, Jimmie C., III.....Montgomery
 Evans, Charles.....Dallas
 Finnell, Charles.....Archer
 Finney, Dave.....Tarrant
 Foreman, Wilson.....Travis
 Fox, Milton E.....Harris
 Gammage, Bob.....Harris
 Garcia, Matt.....Bexar
 Gaston, Frank.....Dallas
 Geiger, Richard S.....Dallas
 Grant, Ben Z.....Harrison
 Green, Forrest.....Navarro
 Green, R. E. (Gene).....Harris
 Hale, L. DeWitt.....Nueces
 Hall, Anthony.....Harris
 Hall, W. M. (Billy), Jr.....Webb
 Hanna, Joe.....Stephens
 Harrington, D. Roy.....Jefferson
 Harris, Ed.....Galveston
 Harris, O. H. (Ike).....Dallas
 Head, Fred.....Smith
 Heatley, W. S. (Bill).....Cottle
 Henderson, Don.....Harris
 Hendricks, Bob.....Collin
 Hernandez, Joe L.....Bexar
 Hightower, Jack.....Wilbarger
 Hilliard, Bill.....Tarrant
 Hoestenbach, John.....Ector
 Hollowell, Bill.....Van Zandt
 Howard, Ed.....Bowie
 Hubenak, Joe A.....Fort Bend

Hudson, Samuel W., III.....Dallas
 Hutchison, Ray.....Dallas
 Johnson, Eddie Bernice.....Dallas
 Jones, Gene.....Harris
 Jones, Grant.....Taylor
 Jones, Luther.....El Paso
 Kaster, James J., Jr.....El Paso
 Koriloth, Al.....Dallas
 Kothmann, Glenn.....Bexar
 Kublak, Dan.....Milam
 Laney, James E. (Pete).....Hale
 Lary, Camm, Jr.....Burnet
 Lee, Doyce R.....Morris
 Leland, Mickey.....Harris
 Lewis, Gibson (Gib).....Tarrant
 Lombardino, Frank.....Bexar
 Longoria, Raul L.....Hidalgo
 McAlister, R. B.....Lubbock
 McDonald, Felix.....Hidalgo
 McDonald, T. H., Sr.....Dallas
 McKinnon, Mike.....Nueces
 McKnight, Peyton.....Smith
 Madia, Frank.....Bexar
 Maloney, Robert.....Dallas
 Martin, Elmer.....Mitchell
 Massey, Tom.....Tom Green
 Mattox, Jim.....Dallas
 Mauzy, Oscar H.....Dallas
 Meier, Bill.....Tarrant
 Menefee, Hawkins.....Harris
 Mengden, Walter H., Jr.....Harris
 Miller, Chris.....Tarrant
 Montoya, Greg.....Hidalgo
 Moore, William T. (Bill).....Brazos
 Munson, Ben.....Grayson
 Murray, Menton J.....Cameron
 Nabers, Lynn.....Brown
 Newton, Jon P.....Bee
 Nichols, R. C. (Nick).....Harris
 Nowlin, James R.....Bexar
 Nugent, James E.....Kerr
 Ogg, Jack.....Harris
 Olson, Lyndon, Jr.....McLennan
 Parker, Carl.....Jefferson
 Parker, Walt.....Denton
 Patman, William N. (Bill).....Jackson
 Pentony, Joe.....Harris
 Peveto, Wayne.....Orange
 Poerner, John H.....Medina
 Poff, Bryan, Jr.....Potter
 Powers, Pike.....Jefferson
 Presnal, Bill.....Brazos
 Preston, George L.....Lamar
 Ragsdale, Paul B.....Dallas
 Reyes, Ben T.....Harris
 Reynolds, Richard F.....Dallas
 Rodriguez, Lindsey.....Hidalgo
 Rosson, Renal.....Scurry
 Russell, Jerry.....Dallas
 Sage, Joseph F.....Bexar
 Salem, Joe.....Nueces
 Sanchez, Henry.....Cameron
 Santiesteban, H. Tati.....El Paso
 Schieffer, Tom.....Tarrant
 Schwartz, A. R.....Galveston
 Scoggins, Ralph (Skip).....El Paso
 Semos, Chris V.....Dallas
 Sherman, Max.....Potter
 Sherman, W. C. (Bud).....Tarrant
 Short, E. L.....Lynn
 Simmons, Wayland.....Bexar
 Slack, Richard C.....Reeves
 Snelson, W. E. (Pete).....Midland
 Spurlock, Joe, II.....Tarrant
 Sullivan, Bill.....Cooke
 Sutton, G. J.....Bexar
 Tarbox, Elmer.....Lubbock

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Temple, Arthur (Buddy).....	Angelina
Thompson, Senfronia.....	Harris
Traeger, John A.....	Guadalupe
Truan, Carlos F.....	Nueces
Tupper, Charles F.....	El Paso
Uher, D. R. (Tom).....	Matagorda
Vale, R. L. (Bob).....	Bexar
Vecchio, Jim.....	Dallas
Vick, Larry A.....	Harris
Von Dohlen, Tim.....	Goliad
Wallace, Jim.....	Harris
Washington, Craig A.....	Harris
Waters, Ron.....	Harris
Watson, Ed R.....	Harris
Weddington, Sarah.....	Travis
Whitehead, Emmett H.....	Cherokee
Whitmire, John.....	Harris
Wieting, Leroy J.....	San Patricio
Williams, Lindon.....	Harris
Williamson, Billy.....	Smith
Willis, Doyle.....	Tarrant
Wilson, John.....	Fayette
Wolff, Nelson W.....	Bexar
Wyatt, Joe, Jr.....	Victoria

QUORUM PRESENT

The Temporary Chairman instructed the Secretary of the Convention to call the roll of delegates to the Texas Constitutional Convention of 1974.

The roll was called and the following delegates were present:

<u>Delegate</u>	<u>County</u>
Adams, Don.....	Jasper
Adams, Herman, Jr.....	Hardin
Agnich, Fred J.....	Dallas
Aikin, A. M., Jr.....	Lamar
Allen, Joe.....	Harris
Allen, John.....	Gregg
Allred, Dave.....	Wichita
Andujar, Betty.....	Tarrant
Atwell, Ben.....	Dallas
Bailey, Kay.....	Harris
Baker, Andrew Z.....	Galveston
Bales, Larry.....	Travis
Barnhart, Ray.....	Harris
Bigham, John R.....	Bell
Bird, Ronald C.....	Bexar
Blake, Roy.....	Nacogdoches
Blanchard, H. J. (Doc).....	Lubbock
Blythe, W. J. (Bill).....	Harris
Bock, Bennie, II.....	Comal
Boone, Latham, III.....	Grimes
Bowers, Sid.....	Harris
Braecklein, Bill.....	Dallas
Brooks, Chet.....	Harris
Bynum, Ben.....	Potter
Caldwell, Neil.....	Brazoria
Calhoun, Frank.....	Taylor
Cates, Phil.....	Gray
Clark, Jim.....	Harris
Clayton, Bill.....	Lamb
Clover, Ron.....	Dallas
Cobb, L. Dean.....	Moore
Cole, James.....	Hunt
Coleman, Ronald.....	El Paso
Coody, W. G. (Bill).....	Parker
Cooke, C. C. (Kit), III.....	Johnson
Craddick, Tom.....	Midland
Creighton, Tom.....	Palo Pinto
Daniel, Price, Jr.....	Liberty

Davis, Bob.....	Dallas
Denson, Woody.....	Harris
Denton, Lane.....	McLennan
Doggett, Lloyd.....	Travis
Donaldson, Jerry (Nub).....	Coryell
Doran, Hilary B., Jr.....	Val Verde
Doyle, Terry.....	Jefferson
Dramberger, A. L. (Tony).....	Bexar
Earle, Ronald D.....	Travis
Edwards, Jimmie C., III.....	Montgomery
Evans, Charles.....	Dallas
Finnell, Charles.....	Archer
Finney, Dave.....	Tarrant
Foreman, Wilson.....	Travis
Fox, Milton E.....	Harris
Gammage, Bob.....	Harris
Garcia, Matt.....	Bexar
Gaston, Frank.....	Dallas
Geiger, Richard S.....	Dallas
Grant, Ben Z.....	Harrison
Green, Forrest.....	Navarro
Green, R. E. (Gene).....	Harris
Hale, L. DeWitt.....	Nueces
Hall, Anthony.....	Harris
Hall, W. M. (Billy), Jr.....	Webb
Hanna, Joe.....	Stephens
Harrington, D. Roy.....	Jefferson
Harris, Ed.....	Galveston
Harris, O. H. (Ike).....	Dallas
Head, Fred.....	Smith
Heatley, W. S. (Bill).....	Cottle
Henderson, Don.....	Harris
Hendricks, Bob.....	Collin
Hernandez, Joe L.....	Bexar
Hightower, Jack.....	Wilbarger
Hilliard, Bill.....	Tarrant
Hoestenbach, John.....	Ector
Hollowell, Bill.....	Van Zandt
Howard, Ed.....	Bowie
Hubenak, Joe A.....	Fort Bend
Hudson, Samuel W., III.....	Dallas
Hutchison, Ray.....	Dallas
Johnson, Eddie Bernice.....	Dallas
Jones, Gene.....	Harris
Jones, Luther.....	El Paso
Kaster, James J., Jr.....	El Paso
Korioth, Al.....	Dallas
Kothmann, Glenn.....	Bexar
Kubiak, Dan.....	Milam
Laney, James E. (Pete).....	Hale
Lary, Camm, Jr.....	Burnet
Lee, Doyce R.....	Morris
Leland, Mickey.....	Harris
Lewis, Gibson (Gib).....	Tarrant
Lombardino, Frank.....	Bexar
Longoria, Raul L.....	Hidalgo
McAlister, R. B.....	Lubbock
McDonald, Felix.....	Hidalgo
McDonald, T. H., Sr.....	Dallas
McKinnon, Mike.....	Nueces
McKnight, Peyton.....	Smith
Madla, Frank.....	Bexar
Maloney, Robert.....	Dallas
Martin, Elmer.....	Mitchell
Massey, Tom.....	Tom Green
Mattox, Jim.....	Dallas
Mauzy, Oscar H.....	Dallas
Meier, Bill.....	Tarrant
Menefee, Hawkins.....	Harris
Mengden, Walter H., Jr.....	Harris
Miller, Chris.....	Tarrant
Montoya, Greg.....	Hidalgo
Moore, William T. (Bill).....	Brazos
Munson, Ben.....	Grayson
Murray, Menton J.....	Cameron
Nabers, Lynn.....	Brown
Newton, Jon P.....	Bee

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Nichols, R. C. (Nick).....Harris
Nowlin, James R.....Bexar
Nugent, James E.....Kerr
Ogg, Jack.....Harris
Olson, Lyndon, Jr.....McLennan
Parker, Carl.....Jefferson
Parker, Walt.....Denton
Patman, William N. (Bill).....Jackson
Pentony, Joe.....Harris
Peveto, Wayne.....Orange
Poerner, John H.....Medina
Poff, Bryan, Jr.....Potter
Powers, Pike.....Jefferson
Presnal, Bill.....Brazos
Preston, George L.....Lamar
Ragsdale, Paul B.....Dallas
Reyes, Ben T.....Harris
Reynolds, Richard F.....Dallas
Rodriguez, Lindsey.....Hidalgo
Rosson, Renal.....Scurry
Russell, Jerry.....Dallas
Sage, Joseph F.....Bexar
Salem, Joe.....Nueces
Santiesteban, H. Tati.....El Paso
Schieffer, Tom.....Tarrant
Schwartz, A. R.....Galveston
Scoggins, Ralph (Skip).....El Paso
Semos, Chris V.....Dallas
Sherman, Max.....Potter
Sherman, W. C. (Bud).....Tarrant
Short, E. L.....Lynn
Simmons, Wayland.....Bexar
Slack, Richard C.....Reeves
Snelson, W. E. (Pete).....Midland
Spurlock, Joe, II.....Tarrant
Sullivant, Bill.....Cooke
Sutton, G. J.....Bexar
Tarbox, Elmer.....Lubbock
Temple, Arthur (Buddy).....Angelina
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Vick, Larry A.....Harris
Von Dohlen, Tim.....Goliad
Wallace, Jim.....Harris
Washington, Craig A.....Harris
Waters, Ron.....Harris
Watson, Ed R.....Harris
Weddington, Sarah.....Travis
Whitehead, Emmett H.....Cherokee
Whitmire, John.....Harris
Wieting, Leroy J.....San Patricio
Williams, Linton.....Harris
Williamson, Billy.....Smith
Willis, Doyle.....Tarrant
Wilson, John.....Fayette
Wolff, Nelson W.....Bexar
Wyatt, Joe, Jr.....Victoria

ABSENT-EXCUSED

Delegate Terry Canales of Jim Well:
County

Delegate Grant Jones of Taylor County

Delegate Henry Sanchez of Cameron Count:

Delegate Jim Vecchio of Dallas County

LEAVES OF ABSENCE

Delegate Jones of Taylor was granted leave of absence for today on account of illness in the family on motion of Delegate Adams of Jasper.

Delegate Vecchio was granted leave of absence for today on account of inclement weather on motion of Delegate Miller.

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

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

A quorum of the Convention was announced present.

OATH OF OFFICE ADMINISTERED

The Honorable Joe Greenhill, Chief Justice of the Supreme Court of Texas, administered the Constitutional Oath of Office to the Delegates to the Constitutional Convention of the State of Texas.

PRESENTATION OF GUESTS

The Temporary Chairman introduced as guests of the Convention:

Bob Armstrong, Commissioner of the General Land Office

John Hill, Attorney General of Texas

John White, Commissioner of Agriculture

Jesse James, Treasurer

Ben Ramsey, Member, Railroad Commission of Texas

Zollie Steakley, Associate Justice, Supreme Court of Texas

Jack Pope, Associate Justice, Supreme Court of Texas

Tom Reavley, Associate Justice, Supreme Court of Texas

Sears McGee, Associate Justice, Supreme Court of Texas

James Denton, Associate Justice, Supreme Court of Texas

Sam Johnson, Associate Justice, Supreme Court of Texas

Price Daniel, Sr., Associate Justice, Supreme Court of Texas

John Onion, Presiding Judge, Court of Criminal Appeals

W. A. Morrison, Associate Justice, Court of Criminal Appeals

Leon Douglas, Associate Justice, Court of Criminal Appeals

Truman Roberts, Associate Justice, Court of Criminal Appeals

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Tom Davis, Commissioner, Court of Criminal Appeals

Carl Dally, Commissioner, Court of Criminal Appeals

Howard P. Green, Commissioner, Court of Criminal Appeals

Penn Jackson, Commissioner, Court of Criminal Appeals

ADDRESS BY TEMPORARY CHAIRMAN
WILLIAM P. HOBBY

The Honorable William P. Hobby addressed the Convention, as follows:

It is indeed an honor for me to be participating in these ceremonies marking the opening of the Texas Constitutional Convention of 1974. For individuals who share with me a special reverence for history and a respect for its judgment, the import of this day and the days which will follow is quite clear.

Those gathered here this noon have spent many months in preparation for the important business with which the delegates will be involved during the next weeks. In the beginning, it often seemed that success was virtually impossible--the obstacles were so numerous. Now, it seems that success is surely attainable--the groundwork has been laid so well, and the need is so great.

It can truthfully be said that this Convention is the culmination of concern and endeavor which have spanned decades. Early in this century, it became obvious that the Constitution of 1876 lacked the flexibility which is the cornerstone of the true constitution.

In the years following World War II, when people turned to Washington because their state capitol too often stood with tied hands, scholars began to write more and more of the need for restructuring state government so that it could meet its responsibilities to both the people and the federal system.

Texas has not been alone in carrying the burden of an outdated and unduly restrictive Constitution. The call for constitutional revision has echoed throughout the states--many have answered the call--now it is our turn.

What the delegates to this Convention must remember and what those involved in the revision process to date always recognized is that the people themselves asked for this new effort and that they are closely following the actions taken on their request.

Almost three years ago, the 62nd Legislature recognized the need for a revision of the basic structure of our government. That Legislature submitted to the people a constitutional amendment authorizing this convention here today. The people of Texas responded by calling this convention by a majority of more than half a million.

The League of Women Voters, the Jaycees, Mayor Tom Vandergriff's Citizens for Texas, labor unions, teachers organizations, civic groups without number joined to make this

convention possible.

Amendment 4 was overwhelmingly adopted, and, from this first step, the people have been actively involved in all revision activity, as they continue to be today. They will not be confused by oratory or sidetracked by sham. They want results. They want a constitution for tomorrow as well as for today. They do not want a constitution for the special interests. They want a constitution for all the people.

Theirs will be the ultimate decision. They will have the final approval as to whether or not the work of the delegates is adopted. They will also have the final judgment as to whether or not each individual delegate acted in their best interests, for the decisions made in the coming weeks will be reflected in the electoral decisions of the coming months.

The people are very proud of the work which preceded this Convention. They recognize that the individuals selected to serve on the Constitutional Revision Commission were widely representative of the whole spectrum of our society and that they worked diligently in the preparation of their recommendations to the Convention. I believe they will be equally as proud of the work of the Convention.

No Constitutional Convention has been more thoroughly prepared for its deliberations. More groundwork has been laid for our Convention than for any other convention in any other state. The delegates are better prepared than have been any other delegates.

You as delegates have available to you a volume of information which can give you a complete and detailed answer, at a moments notice, to any question you may have.

You can call upon the knowledge of scholars and experts and members of the Revision Commission. You will be adequately staffed, and your staff will have the tools which they need.

All the criteria for a reasoned Convention resulting in unimpeachable decisions is present. The responsibility is quite obviously in your hands. But, rather than fearing the seriousness of this responsibility, I believe that the delegates should be and are anxious to proceed to their places in history by drafting a revised Constitution which is, in fact, a true Constitution and which can stand, through the ages, with the same wisdom and flexibility characteristic of the United States Constitution.

What the delegates will be considering is the basic contract which exists between the people and the state. The Constitution is the heart of the democratic system. It stands as protection both to the people and to the state. Whatever success our state has, whatever course its actions take, reflects the nature and the content of the Constitution itself.

The present Constitution limits the ability of our state government to act effectively in the face of the constantly changing conditions of Texas' society today. Because it has been a limiting Constitution, the government has not always been able to meet the needs of the people, forcing them to turn elsewhere. The people have come to recognize that local government, including

state government, can best meet the particular needs of a particular people.

I think they have also come to recognize that the government of our state must be brought into the 20th Century in order to be able to meet these needs.

Most experts agree as to what a constitution should contain. It should create the different structures of government and delineate their powers. It should establish the fundamental rules governing the offices and officers and their exercise of power. A Constitution should be the basic law of the land—written in general terms—this and nothing more.

A Constitution should not contain statutory material. A Constitution should not be designed to protect certain interests other than the interests of the people. A Constitution should not be written to give either the Executive Branch or the Legislative Branch or the Judicial Branch advantages over the other. In short, the Constitution should say who does what—but not—in detail—how they should do it.

A distinguished American, Chief Justice John Marshall, stated in the famous decision—McCulloch vs. Maryland—that, "A Constitution, to contain an accurate detail of all subdivisions of which its great powers will admit, and of all the means by which they may be carried into execution, would partake of the prolixity of a legal code, and could scarcely be embraced by the human mind. Its nature, therefore, requires that only its great outlines should be marked, its important objects designated, and the minor ingredients which compose those objects be deduced from the nature of the objects themselves."

This statement should be the guiding principle of the Convention. The delegates must act to "free-up" state and local government so that they can act independently and with an eye to future needs and conditions so that they can do more than react to decisions made on the Federal level. It is time to start making our own decisions, acting instead of reacting. But first we must structure our government so as to provide it with the power and authority necessary for such decision-making.

I don't expect a harmonious Convention. The issues are too vital and our state is too diversified for unanimity. These questions and the countless others involved in our fundamental law must be studied, debated and argued through.

There will be sharp ideological differences among delegates, and these opinions will be honestly held and bitterly contested.

We can hope that all the alternatives will receive full and intelligent debate. Drafting a new constitution, like drafting legislation, is a process of negotiation, compromise and accommodation. The process has its shortcomings, but I can think of no better way to do it.

I urge the delegates to work both deliberately and expeditiously. I urge you to summon all the wisdom and courage which is yours. You will need the wisdom to determine the best of alternative propositions. You will need the courage to choose what is the

best for all the people and to ignore the pleadings of special interests.

Anyone who persists in pleading for narrow, selfish interest over the best interests of all of the people of our State does not deserve the respectful attention of the delegates.

The special interests of today will be replaced by new and different special interests tomorrow and any attempt to draft a constitution to serve such interests would be futile and also dishonorable.

It goes without saying that the people are losing faith in governments and their leaders. They await an example of good government to restore their faith. Such an example can be set by this Convention. You can prove to the people that a body of elected representatives can serve with honor and intelligence and can accomplish the task which has been set for them.

The people of Texas have already decreed that you have a place in their history. You, as delegates, have yet to determine whether that history will record your actions as wise and good or as unwise and lacking in courage. It is up to you to write this episode in Texas history, in bold strokes, with your own hand.

Every President of the United States has urged a revitalization of the federal system—that is to say a reassumption by the states of the role envisioned for them in the governance of our nation by the drafters of the Federal Constitution.

Washington, Jefferson, Franklin, Hamilton, Mason, Madison, Monroe saw the states as the fundamental building blocks of the federal system. Those men had lived under the tyranny of a ruler who saw himself as above the law. They had risked their lives to overthrow that tyranny.

Above all men they feared the concentration of power in the hands of a remote, unresponsive ruler. They therefore conceived a doctrine new to the canon of governmental thought: The doctrine of the separation of powers.

We have heard much in recent months of how this doctrine has been perverted to obstruct the administration of justice, how it has been distorted in a vain attempt to hide corruption in the highest places.

The doctrine of the separation of powers had a higher purpose. It concerned itself not only with the allocation of powers among the branches of the federal government, but, perhaps more importantly, with the distribution of functions between the states and the federal government.

Over almost two centuries that distribution of powers and functions has, in fact, changed. Some of the increase in the power of the federal government over purely local affairs has doubtless been inevitable and necessary as our citizens become more mobile, as commerce increases, and as intercontinental missiles become a fact of life.

But there is a large part of this change that is neither inevitable, necessary, nor desirable. The federal role has swollen, the state role decayed, at least in part because the same genius that informed the deliberations of our nation's founders in Philadelphia has generally not guided the drafters of our state charters.

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Those giants in Philadelphia wrote a fundamental law that is neither statutory nor restrictive but rather a broad statement of the principles of a free democratic society, a declaration of the precepts of a republic of free men and women.

Let us dedicate ourselves here today to drafting that same kind of basic law. Texans over the years have contributed mightily to the deliberations and actions of our federal government. Presidents, justices of the Supreme Court of the United States, cabinet officers without number, legislative leaders who have become legend—all have come from Texas.

Many began their careers in this chamber. Sam Rayburn once presided from this very rostrum. Lyndon Johnson's father was a member of this legislature. And so, at the end of the last century, was John Nance Garner. The genius, the wisdom is here on the banks of the Colorado. Not yet does all knowledge of statecraft reside on the shores of the Potomac.

The opportunity and the challenge lies in your hands not only to write a new constitution for Texas, but to set an example for state governments all over this nation as they set about reclaiming their birthright of relevance and responsibility. INSERT ADDRESS

CONSTITUTIONAL CONVENTION RESOLUTION 1

Delegate Hale offered the following resolution:

C.C.R. 1, Providing for temporary rules of procedure of the Convention.

BE IT RESOLVED by the Constitutional Convention of Texas, That the Rules of the House of Representatives of the 63rd Legislature be the temporary rules of procedure of the Convention, to the extent applicable, pending adoption of the permanent rules of procedure of the Constitutional Convention; and, be it further

RESOLVED, That the Permanent Rules may be taken up and considered at any time.

HALE
SCHWARTZ

The resolution was read.

On motion of Delegate Hale, the resolution was adopted.

CONSTITUTIONAL CONVENTION RESOLUTION 2

Delegate Caldwell offered the following resolution:

WHEREAS, The Constitutional Convention of Texas is convened and the first order of business is the election of a Chairman; now, therefore, be it

RESOLVED, by the Constitutional Convention of Texas, That no other business shall be transacted pending the election of a Chairman; and, be it further

RESOLVED, That the Lieutenant Governor of Texas, as temporary chairman, shall call for nominations from the floor and recognize

every delegate who desires to make a nomination; That each person recognized shall immediately advance to the front microphone to make a nomination in a nominating speech not to exceed five minutes in length; and, be it further

RESOLVED, That after all nominations have been made, nominations shall be closed; whereupon seconding speeches shall be allowed, one for each nomination, in the order in which the nominations were made; and then other seconding speeches shall be allowed in rotation, with speeches in each round made in the order in which the nominations were made; provided that each nominee shall be allowed a maximum of two seconding speeches, none to exceed five minutes in length, and no person shall be considered a nominee unless the person's nomination is seconded by at least one delegate; and, be it further

RESOLVED, That after the election the oath of office shall be administered to the chairman-elect under the direction of the temporary chairman and the chairman shall thereupon take the chair.

The resolution was read.

Delegate Williamson moved to postpone consideration of the resolution pending adoption of the Permanent Rules of the Convention.

Delegate Caldwell moved to table the motion to postpone consideration of C.C.R. 2.

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

The motion to table prevailed by the following vote: 127 Yeas, 46 Nays. (Record No. 2, Appendix)

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

The resolution was adopted by the following vote: 149 Yeas, 26 Nays. (Record No. 3, Appendix)

ELECTION OF PERMANENT CHAIRMAN OF THE CONSTITUTIONAL CONVENTION OF 1974

The Temporary Chairman announced that the next order of business was the election of the Permanent Chairman of the Constitutional Convention of 1974.

The Temporary Chairman recognized The Honorable Nelson Wolff of Bexar County, who placed in nomination for Permanent Chairman The Honorable Price Daniel, Jr. of Liberty County, speaking as follows:

MR. CHAIRMAN, FELLOW DELEGATES, LADIES AND GENTLEMEN:

I rise to place in nomination for the office of permanent presiding officer of the Texas Constitutional Convention of 1974 the name of the one delegate who, I believe, possesses those qualities essential to the successful fulfillment of the responsibility we begin today.

As one who worked diligently to initiate the revision process in Texas and to plan

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effectively for this opportunity to develop a new governing document for our State, I am especially sensitive to the need for sound leadership.

What qualities should we demand of the delegate who will lead this Convention? My answer must be the same as for any position of leadership, plus a few more. Certainly, he or she should and must have the respect of the delegates and a working knowledge of parliamentary procedure. He or she must have commitment to the effort and a thorough awareness of the constitutional experiences of other states. He or she must be open-minded and fair—one who respects the value and necessity of honest differences of opinion and who will not impose his or her substantive prejudices upon the Convention.

The man I nominate for President of this Convention possesses those qualities.

There is not a delegate in this Chamber who has worked harder or more energetically in behalf of the revision effort. Using his own time and his own money—time and money that he could have spent furthering his personal political ambitions—he campaigned statewide for the adoption of Amendment No. 4, the passage of which brought us here today.

The delegate, whose name I place before this Convention, kept constantly in touch with the Constitutional Revision Commission during its lengthy hearings and deliberations. He has personally attended every meeting of the Joint Constitutional Convention Planning Committee, of which I was privileged to serve as Co-Chairman. He has frequently offered innovative suggestions concerning the planning for and conduct of the Convention—ideas which have been submitted for the consideration of the delegates—but he has never sought to impose his will upon this body.

The man I hope you will elect as President of this Convention is, perhaps, the most knowledgeable of us all concerning the experiences—the successes, the failures, and the limitations—of other constitutional conventions, both in Texas and in other states. He has read voluminously, researched thoroughly and communicated diligently in order to become informed about the constitutional experience. In the process, he has visited at length with the Presidents, Vice Presidents, Committee Chairmen, delegates, executive directors and parliamentarians of other conventions—from Montana to New Jersey and from Florida to Illinois. He understands, perhaps better than any of us really can, the magnitude of the task that faces each of us and the problems that we are likely to encounter.

If you, the delegates to the 1974 Texas Convention, choose to elect this man as President, you will have selected a man whose fairness and objectivity are beyond question. He is personally committed and dedicated not just to the revision effort and its success, but also to the proposition that the Convention and its Committees should reflect the diversity that is Texas. To the extent that it is possible, he would like to see, as I firmly believe all of us should, Committees that are balanced according to party, philosophy, race, sex, age, geography and

size of constituency.

Never in my conversations with him or in his conversations with other delegates in my presence has he expressed any preconceived notion of what should or should not be included in the document that we are bound by popular mandate to submit to the people. He has no substantive prejudices, no axes to grind, no special interests to reward or attack. While he has publicly advocated the development of a document which is pure and concise, he is at the same time totally and completely open-minded about the issues that will arise in the days ahead and about the decisions which all 181 delegates will make.

The man I have sought to describe by his qualities, the delegate to whom we should hand the gavel, is, as all of us should know and appreciate, a capable, honest, energetic and articulate leader. If our efforts are to be successful, as I hope and pray with you and the people of Texas that they will be, the man I have described should sit in the President's chair.

My fellow delegates, it is my great honor and pleasure to place in nomination, for your consideration, as President of the Texas Constitutional Convention of 1974 the name of our distinguished and able colleague, the delegate from Liberty County—The Honorable Price Daniel, Jr.

The Temporary Chairman then asked if there were further nominations for the office of Permanent Chairman of the Constitutional Convention of 1974.

On motion of The Honorable Neil Caldwell of Brazoria County nominations for Permanent Chairman of the Constitutional Convention of 1974 ceased.

The Temporary Chairman recognized The Honorable Craig Washington of Harris County, who seconded the nomination of Delegate Daniel.

The Temporary Chairman recognized The Honorable Tati Santiesteban of El Paso County, who seconded the nomination of Delegate Daniel.

The Temporary Chairman recognized The Honorable Walt Parker of Denton County, who seconded the nomination of Delegate Daniel.

The Temporary Chairman then requested delegates to cast their ballots in accordance with the provisions of C.C.R. 1.

The Temporary Chairman announced that the votes having been cast and counted, the following results: (Record No. 4, Appendix)

"The Honorable Price Daniel, Jr. received 146 Yeas, 26 Nays, 4 Present—not voting."

The Temporary Chairman then announced: "Pursuant to Article 17, Section 2 of the Constitution of the State of Texas, I declare The Honorable Price Daniel, Jr. of Liberty County to be the duly elected Chairman of the Constitutional Convention of 1974."

ESCORT COMMITTEE APPOINTED

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The Temporary Chairman announced the appointment of the following committee to escort the Chairman-elect to the rostrum for the purpose of taking the Constitutional Oath of Office: Delegates Vale, Harrington, Snelson, Ragsdale, Hollowell, Hoestenbach, Sage, and Harris of Galveston.

OATH OF OFFICE ADMINISTERED
CHAIRMAN-ELECT

The Honorable Price Daniel, Jr., having been escorted to the rostrum, was administered the Oath of Office as Chairman of the Constitutional Convention of 1974 by The Honorable Price Daniel, Sr., Judge of the Supreme Court of Texas.

The Chairman then addressed the Convention as follows:

MY FELLOW DELEGATES:

I am deeply honored that you have elected me President of this Constitutional Convention. But, while I have taken the oath of that office, I share with each of you the distinction and the duty of being a delegate. To the success of our work and of the revision effort I dedicate my every effort.

This Convention results not from an act of revolution or a whim of an elite few, but rather, we assemble today at the direction of the people of Texas, who quietly, but forcefully, called at the ballot box for a careful and thorough re-examination of their basic governing document.

The people of Texas have vested in us the duty to write a new Constitution for our great State. In that duty, there is challenge to do our very best. I sincerely believe that, individually and collectively, we can and will meet that challenge.

Our challenge is to seek a charter for government not of crises, but of opportunities—a government so well organized and so soundly equipped to act responsibly in the public interest that it anticipates problems, responds promptly at the first hint of adversity, and is prepared to seize unexpected opportunities to improve the lives of its citizens.

There has been much talk recently about persistent and perhaps ever-growing lack of public confidence in government. What we must do, as we begin this effort, is to assure the people of our State that our confidence in them is unwaivering. We must continue to trust the intelligence, the insights, the instincts and the ultimate judgments of the people we serve.

There are dangers inherent in our efforts. We could be discouraged by cynicism, by cries of futility, by timidity and by indifference. We could be distracted by praise or criticism. We could be dissuaded by the pressures of expedience or personal advantage.

Yet we have the opportunity to serve as never before—to reshape in peaceful fashion the basic fabric of our government; to rise above considerations of politics and self; above narrow advocacy and partisanship; above the best that we have ever been and the best that we have ever given.

To be sure, we, as individuals, will one day be forgotten. But we, as a Convention, can be remembered. What we produce in this assembly can be a lasting document that is just and fair to all people.

Our concern should be for principles involved in the most fundamental compact between the people and their government, not for specifics which tie the hands of both government and the people.

As Thomas Jefferson once said, "Laws and institutions must go hand in hand with the progress of the human mind. As that becomes more developed, more enlightened...as new discoveries are made, new truths disclosed, and manners and opinions change with the change of circumstances, institutions must advance also, and keep pace with the times."

Let us aspire to draft a document for the people's approval which finds and establishes no conflict between idealism and reality—one which learns from the past, understands the present and provides for the future.

As we pursue our labors, let us have the courage to oppose the powerful when they are wrong and the compassion to support the weak when they are right.

Let us work not for our own profit or fame, but for the advancement of justice and fairness and humanity.

Let us abandon prejudice and pride and the narrowness of position and power so that we may be more sensitive to the needs of all people.

Let us remember, with Colonel E. M. House, a Texan and adviser to Presidents, that, "The main thing...is always to do the job better than anyone else has ever done it, and the political end will take care of itself."

Let us debate passionately the issues before us, but let us even in disagreement be unanimous in our purpose.

There is an agelessness in our task. Another man from Liberty County almost one hundred years ago presided over the Constitutional Convention of 1875. In his opening address to that Convention, President E. B. Pickett said:

"If we make a Constitution and the people of this State discover in the near future that it needs amendment, then I say to you that we shall have failed to make such a Constitution as they had a right to expect. Unless we make a Constitution that satisfied them and the times in which we live, and is so adapted that it may continue to serve those who come after us for a very considerable period of time, we will not have fully accomplished our work...We should remember, in every part of our work, that we are making an organic law for our own civilization, the most advanced of which the world has any knowledge, and we should keep ourselves on a level with it and look to it that we never at any time sink below it."

As we begin this Texas Constitutional Convention of 1974, we have the benefit of the work of the Constitutional Revision Commission and the Joint Constitutional Convention Planning Committee, as well as the advice and counsel of thousands of citizens of our State. We have the benefit of one-hundred and eighty-one minds, with that many differing opinions and ideas, accumulated experiences and talents. We are

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replete with resources.

I begin my duties with faith that together we can achieve these goals. I begin with faith in this Convention and its delegates. I begin with confidence that this day will not be a footnote in history, but the historic beginning of a new era of responsible government for all Texans.

At the conclusion of his address, Chairman Daniel introduced his wife, Diane, his son, Tom Houston Daniel, and his parents, The Honorable and Mrs. Price Daniel, Sr., to the Convention.

He also presented as guests in the gallery, descendants of E. B. Pickett, Chairman of the Constitutional Convention of 1875.

RECESS

On motion of Delegate Schieffer the Convention at 1:47 o'clock p.m. took recess until 4:00 o'clock p.m. today.

AFTER RECESS

The President called the Convention to order at 4:00 o'clock p.m. today.

CONSTITUTIONAL CONVENTION RESOLUTION 3

Delegate Nugent offered the following resolution:

WHEREAS, The Constitutional Convention is convened and ready to do business; and

WHEREAS, Governor Dolph Briscoe will have an important role in the eventual success of the Constitutional Convention; and

WHEREAS, Governor Briscoe, as Chief Executive of the State of Texas and its highest elected official will be responsible for implementation of much of what the Constitutional Convention produces; and

WHEREAS, The delegates wish to hear the advice and recommendations of the State's Chief Executive on this historic Texas Constitutional Convention; now therefore, be it

RESOLVED, That the President shall appoint a committee of five to personally invite the Governor to address the Constitutional Convention of Texas and to escort the Governor to the Hall of the Convention; and, be it further

RESOLVED, by the Texas Constitutional Convention, That the Convention sit in session at 10:30 a.m. in the Hall of the Convention on January 9, 1974, to hear the Governor's address.

NUGENT
POERNER
WOLFF

The resolution was read and was adopted.

CONSTITUTIONAL CONVENTION RESOLUTION 4

Delegate Schwartz offered the following resolution:

BE IT RESOLVED by the Constitutional Convention of Texas, That the Rules of Procedure of the Constitutional Convention of Texas be as follows:

RULES OF PROCEDURES OF THE CONSTITUTIONAL CONVENTION OF TEXAS

RULE I

GENERAL PROVISIONS

Section 1. A majority of Delegates shall constitute a quorum for the transaction of business, but a smaller number may adjourn the convention from day to day and may compel the attendance of absent Delegates in accordance with these Rules.

Section 2. When a quorum is present, the affirmative vote of a majority of the Delegates present and voting is sufficient for the adoption of any motion or resolution or the taking of any action, except in those cases where a different majority is specifically required by these Rules.

Section 3. Persons hereafter named, and none other, shall be entitled to the privileges of admission to the Chamber of the convention when the convention is in session: Delegates to the convention; staff of the convention when in the discharge of their official duties as determined by the Committee on Administration; duly accredited representatives of the news media while engaged in reporting the activities of the convention; and such other persons as may be authorized by the President.

Section 4. No person shall be admitted to the Chamber of the convention while the convention is in session, nor be allowed to remain therein, unless suitably and decently attired.

Section 5. All sessions of the convention and its committees shall be open to the public and the news media.

Section 6. Food or beverage will not be permitted in the Chamber of the convention at any time, and no person carrying food or beverage shall be admitted to such Chamber, whether the convention is in session or in recess.

Section 7. Reading of newspapers will not be permitted in the Chamber of the convention while the convention is in session.

Section 8. The Committee on Administration shall determine what duties by staff of the convention are to be discharged in the Chamber of the convention, and the President shall require all staff to abide by the determinations thereon made by the Committee on Administration.

Section 9. Any person seeking admission to the Chamber of the convention as a representative of the news media shall present to the Committee on Administration fully accredited credentials from his employer showing that he is engaged primarily in reporting the sessions of the convention. If the Committee on Administration determines that such credentials come within the contemplation of this Rule, said committee shall certify the name of such applicant to the President, who shall issue a pass card to such person, and this pass card must be presented to the doorkeeper on each occasion

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when said person seeks admission to the Chamber of the Convention while the convention is in session. Pass cards issued under this Rule shall not be transferable. Persons admitted to the Chamber of the convention pursuant to this Rule shall be assigned to and shall work in appropriate convenient seats or work stations, such assignments to be made by the Committee on Administration.

Section 10. Interviews, press conferences, and other contacts between Delegates and representatives of the news media shall not be conducted in the convention Chamber while the convention is in session. The Committee on Administration shall enforce the provisions of this section and shall prescribe such other regulations as it deems necessary and desirable to achieve the purposes hereof.

Section 11. Permission for the use of special lighting to televise or film in the Chamber of the convention while the convention is in session may be granted only by the Committee on Administration or by the President.

Section 12. It shall not be in order, after January 15, 1974, by resolution, motion or otherwise, to invite any person who is not a Delegate to the convention to address the convention while the convention is in session.

RULE II OFFICERS AND EMPLOYEES

Section 1. The permanent officers of the Convention shall be the permanent chairman as provided for in Article 17, Section 2 of the Constitution, herein referred to as President, and a Vice-President, each of whom shall be a Delegate to the convention and each of whom shall be elected by a simple majority of the Delegates to the convention.

Section 2. The President shall be the presiding officer of the convention. He shall preserve order and decorum. In case of disturbance or disorderly conduct in the galleries or in the lobby, he may cause these areas to be cleared on his own order. He shall see that the Delegates conduct themselves in accordance with accepted standards of parliamentary conduct. He may instruct the Sergeant-At-Arms to clear the aisles and seat the Delegates so that business may be conducted in an orderly manner. He shall enforce, apply and interpret these Rules in all deliberations of the convention.

Section 3. The President shall have general control of the Chamber of the convention and the lobbies, galleries, corridors, and other rooms assigned to the use of the convention. The President shall have the same right as other Delegates to vote. He, or a Delegate temporarily presiding, not having voted, may cast a deciding vote at the time such opportunity becomes official, be it to make or break a tie. If a verification of the vote is called for and granted, the decision of the President, or a Delegate temporarily presiding, to cast a deciding vote need not be made until the verification has been

completed, at which time the President, or a Delegate temporarily presiding, not having voted, may cast a deciding vote. In case of error in a vote, the correction of which leaves decisive effect to the vote of the President, or a Delegate temporarily presiding, the deciding vote may be cast even though the result has been announced.

Section 4. The President, or a Delegate temporarily presiding, shall decide on all questions of order subject to an appeal to the convention made by any 15 Delegates. Pending an appeal, the President shall call a Delegate to the Chair who shall not have the authority to entertain or decide any other matter or proposition until the appeal has first been determined by the convention, except as herein provided. The question on appeal is, "Shall the President be sustained?" No motion shall be in order, pending an appeal, except a motion to adjourn, a motion to lay on the table, a motion for the previous question, or a motion for a call of the convention. Appeals may not be taken from parliamentary inquiries or from decisions of recognition made by the President.

Section 5. The President shall authenticate by signature all proposals, resolutions, or other formal acts adopted by the convention, his signature to be attested by the Secretary of the convention.

He shall cause to be prepared and furnished to each delegate the daily calendar and agenda of business for each session of the convention 48 hours in advance. He shall, as soon as practicable, prepare a budget and submit it to the convention for its approval. No later than the 5th day of each month he shall submit to the convention a report of the expenditures of the convention for the preceding calendar month. He shall let bids and award contracts for materials and services.

Section 6. The President shall have the right to name any Delegate to perform the duties of the Chair. If the convention is not in session, the President may deliver a written order to the Secretary, with a copy to the Journal Clerk, naming the Delegate who shall call the convention to order and preside during his absence.

Section 7. All staff of the convention except committee personnel shall be selected and appointed by the President, who shall have the right to discharge any of them at any time, which authority may be delegated by the President to the Committee on Administration to the extent and for such time as the President may determine.

Section 8. The Vice-President shall preside in the absence of the President and shall have such other duties as prescribed by these Rules or assigned by the President.

Section 9. The Secretary of the convention shall have custody of and preserve all proposals, resolutions, committee reports, and all other records, books, documents and papers of the convention. He shall not permit such records to be taken from his custody except in the regular course of the business of the convention. He shall certify and deliver to the Secretary of State the revisions or alterations of or amendments to the Constitution as approved by the convention and any resolution for submitting proposed constitutional revisions to the

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voters. He shall cause to be kept and furnished to each Delegate a printed Journal of the proceedings of the convention for the previous day. He shall also cause to be kept a verbatim record of the proceedings of the convention. He shall perform such other duties as set forth in these Rules or as assigned by the President.

Section 10. The Parliamentarian of the convention shall assist the President and the convention in its deliberation and in observing the provisions of these Rules, and shall perform such other duties as may be assigned by the President.

Section 11. The Executive Director of the Convention shall assist the convention and its officers in meeting research, public information, scheduling, and administrative requirements of the convention. He shall be responsible, under the direction of the President, for the employment, assignment and direction of personnel, except for those who are made responsible to the Secretary of the convention or as otherwise provided by these Rules. The Executive Director shall supervise the convention payroll, be Director of the Convention Budget, and supervise all purchasing functions of the convention. He shall maintain a research staff and shall assist committee chairmen in securing all necessary research assistance. He shall supervise the public information staff of the convention and see that the public is fully informed of all convention activities and decisions. The Executive Director and his staff shall assist the President in coordinating the work of the various committees. He shall be responsible for assisting with committee reports and in the drafting of final reports for the approval of the convention. He shall have such other duties and responsibilities as may be delegated to him by the President.

Section 12. The President shall appoint such other employees as may be necessary for the effective operation of the convention. No Delegate may be an employee of the convention nor shall any relative of a Delegate be an employee of the convention.

RULE III SUBSTANTIVE COMMITTEES

Section 1. The substantive committees of the convention, and the number of Delegates who shall be members of each, shall be as follows:

- (1) Committee on Finance, 25 members
- (2) Committee on Local Government, 25 members
- (3) Committee on Education, 23 members
- (4) Committee on the Legislature, 23 members
- (5) Committee on the Judiciary, 21 members
- (6) Committee on General Provisions, 21 members
- (7) Committee on the Executive, 21 members
- (8) Committee on Rights and Suffrage, 21 members

Section 2. The President of the convention shall be an ex-officio member of each committee, but shall have no vote and shall not be counted for the purpose of

determining a quorum.

Section 3. Each Delegate to the convention shall be a member of one substantive committee, and no Delegate to the convention shall be a member of more than one substantive committee. The provisions of this section shall not apply to the President of the convention.

Section 4. Jurisdiction of each substantive committee shall follow the Articles of the Proposed Constitution as recommended by the Constitutional Revision Commission, together with all Articles and Sections of the 1876 Constitution considered by the Constitutional Revision Commission in preparing each of the Articles of its recommended Constitution, such jurisdiction being identified to Articles in the Proposed Constitution as follows, to-wit:

- (1) Committee on Finance, Article VIII
- (2) Committee on Local Government, Article IX
- (3) Committee on Education, Article VII
- (4) Committee on the Legislature, Article III
- (5) Committee on the Judiciary, Article V
- (6) Committee on General Provisions, Article X
- (7) Committee on the Executive, Article IV
- (8) Committee on Rights and Suffrage, Articles I, II, VI, and XI.

Section 5. Questions of overlapping or conflicting jurisdiction between substantive committees shall be resolved by the President of the convention, whose decision thereon shall be final. The Committee on Finance shall have jurisdiction to review and comment upon any substantive committee report, or amendment to a substantive committee report, proposing adoption of a Constitutional tax, fund, or debt procedure and the Committee on the Executive shall have jurisdiction to review and comment upon any substantive committee report, or amendment to a substantive committee report, proposing the establishment, deletion, or continuance of a Constitutional officer, board, commission or other agency.

RULE IV PROCEDURAL COMMITTEES

Section 1. The procedural committees of the convention, and the number of Delegates who shall be members of each, shall be as follows:

- (1) Committee on Rules, 11 members
- (2) Committee on Administration, 11 members
- (3) Committee on Submission and Transition, 15 members
- (4) Committee on Style and Drafting, 9 members
- (5) Committee on Public Information, 5 members

Section 2. In order that the Committee on Style and Drafting can maintain proper liaison with all substantive committees, and coordinate the activities of such committees with respect to style and drafting, one member of each substantive committee shall be appointed as a member of the Committee on Style and Drafting. These 8 members, together with a chairman, shall constitute the membership of the Committee on Style and

Drafting.

Section 3. The Committee on Rules shall have jurisdiction over the Rules of Procedure of the convention, and all amendments proposed thereto; all procedures for expediting the business of the convention in an orderly and efficient manner; and such other matters concerning rules, procedures, and operation of the convention as may be prescribed by these Rules or assigned by the President.

Section 4. The Committee on Administration shall assist the President in the administrative operation of the convention and shall perform such other duties as may be prescribed by these Rules or assigned by the President.

Section 5. The Committee on Submission and Transition shall have jurisdiction over all matters relating to the method of submitting to a vote of the people of Texas the ultimate document or documents of the convention; coordination of functions pertaining to the transition from an old Constitution to a new Constitution; and such other matters and responsibilities pertaining to submission and transition as may be prescribed by these Rules or assigned by the President.

Section 6. The Committee on Style and Drafting shall have jurisdiction over the form and style of each proposal to be incorporated in a new or revised Constitution of Texas; and such other matters pertaining to the style and drafting of a new constitution as may be prescribed by these Rules or assigned by the President.

Section 7. The Committee on Public Information shall assist the convention and its officers in determining the steps necessary to keep the public fully informed as to the activities of the convention and shall perform such other duties as may be prescribed by these rules or assigned by the President.

RULE V
SELECT COMMITTEES

Section 1. The President may on his own initiative, or at the direction of the convention, appoint such select committees as may be necessary to perform special functions for the convention, not otherwise within the jurisdiction of a substantive or procedural committee. Unless otherwise directed by the convention, the specific duties of a select committee, and the number of Delegates to serve as members thereof, shall be determined by the President.

Section 2. The chairman and the vice-chairman of each select committee shall be named by the President.

Section 3. Each select committee shall have such jurisdiction as may be assigned to it by resolution of the convention, or by the President, and shall perform such functions as are within its jurisdiction.

RULE VI
ORGANIZATION, POWERS AND DUTIES OF COMMITTEES

Section 1. Committees of the convention, and the number of members and general jurisdiction of each, shall be as

provided in these Rules. All proposals shall be referred by the President to the appropriate committee.

Section 2. The President, after consultation with the Vice-President, shall appoint the chairman, vice-chairman and other members of all substantive and procedural committees of the convention, subject only to the limitations contained in these Rules and subject to confirmation or rejection by the convention within 24 hours after the public announcement of such appointments, with a majority of the entire membership of the convention being required for confirmation of such appointments. In the event the appointments are rejected, a new plan shall be submitted within 24 hours after the rejection and another vote taken. This procedure shall be followed until a committee assignment plan is approved.

Section 3. Should a vacancy occur on a committee, the President, after consultation with the Vice-President, shall appoint an eligible Delegate to fill such vacancy.

Section 4. The Rules of Procedure of the convention shall govern the hearings and operations of each committee and any subcommittee thereof. Subject to the foregoing, and to the extent necessary for orderly transaction of business, each committee may promulgate and adopt additional rules and procedures by which it will function.

Section 5. The chairman of each committee, or in his absence the vice chairman, shall be charged with the responsibility for the effective conduct of the business of such committee. He shall call meetings of the committee and shall set the agenda of such meetings. Provided, however, any five members of a committee may in writing request the chairman to call a meeting of that committee, and upon his failure to do so within 48 hours not including Saturdays, Sundays and legal holidays, a majority of the members of the committee shall have the right to call a meeting of the committee, select a member to preside in the absence of the chairman or vice-chairman, and set its agenda and place of meeting under the appropriate notice requirements. All committee reports shall be prepared under his direction and no committee report shall be official until signed by the chairman, or by the person acting as chairman, or by a majority of the membership of the committee. He shall determine the necessity for public hearings, schedule same at his discretion, except as otherwise provided in these Rules, and post or cause to be posted the notice thereof required by these Rules. He shall preside at all meetings of the Committee and shall control its deliberations and activities in accordance with acceptable parliamentary procedure.

Section 6. No committee shall meet during the time the convention is in session without permission being given by a majority vote of the convention. No committee shall conduct its meeting in the convention hall while the convention is in session, but such committee, if given permission to meet while the convention is in session, shall retire to a designated committee room for the conduct of such meeting.

Section 7. A majority of a committee

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shall constitute a quorum. No action or recommendation of a committee shall be valid unless taken at a meeting of the committee with a quorum actually present, and the committee minutes shall reflect the names of those members of the committee who were actually present, but the question of the presence of a quorum may not be raised before the convention unless it was first raised before the committee. No committee report shall be made to the convention unless ordered by a majority of such quorum in committee meeting, except as otherwise provided in these Rules, and a quorum of the committee must be present when the vote is taken on reporting a proposal or on taking any other formal action within the authority of the committee. No committee report shall be made except by record vote of the members of the committee, with the yeas and nays to be recorded in the minutes of the committee. Proxies cannot be used in committees.

Section 8. The chairman, or the member acting as chairman, shall keep or cause to be kept a complete record of the proceedings in committee, including record votes on all action taken by the committee. This record shall include a roll call vote to determine members present at each meeting of the committee, whether such meeting follows an adjournment or a recess from a previous committee meeting. This record shall also show the time and place of each meeting of the committee, the attendance of committee members, and an accurate record of all votes taken. This record shall also include such other information as the chairman shall determine. Committee minutes shall be subject to correction only by direction of the chairman as authorized by a majority vote of the committee. Two sets of committee minutes shall be maintained and one such set shall remain with the committee chairman and the second such set shall be maintained in the office of the Secretary, where it shall be available at all reasonable business hours for inspection by members of the public.

Section 9. A committee may be assembled for (1) a public hearing, or (2) a formal meeting. A public hearing is an assembly of the committee where testimony is to be heard. A formal meeting is an assembly where the committee may discuss or take official action on a proposal or other matter but no testimony is to be heard. All public hearings and all formal meetings shall be open to the public. No committee shall assemble for the purpose of a public hearing unless and until three calendar days notice of such hearing shall have been posted by the chairman of the committee, with the committee minutes to reflect the date of each such posting of notice, except that the initial hearings of all committees may be set and posted by the Secretary of the Convention. No committee shall assemble for the purpose of a formal meeting unless and until an announcement of such meeting is made on the Floor of the convention while the convention is in session or written notice is posted and transmitted to each member of the committee two hours in advance of the meeting.

Section 10. All proceedings of committees shall be electronically recorded. All such recorded proceedings shall be

delivered to the Secretary of the Convention for safekeeping. A transcript of such proceedings will be furnished by the Secretary to any Delegate requesting it, with the expense of such transcript to be charged to the legislative contingent expense account of said Delegate. Copies of the electronic recordings shall not be released to anyone by the Secretary, except that a Delegate may obtain a copy of the electronic recording of his own remarks, with any expense for such copy to be charged to the legislative contingent expense account of such Delegate.

Section 11. Appeals from rulings of chairmen of committees shall be in order if seconded by three members of the committee, which number may include the member making the appeal. Procedure in committee following an appeal which has been seconded shall be the same as the procedure followed in the convention in such situation.

Section 12. It shall be in order to move a call of a committee at any time to secure and maintain a quorum for any one or more of the following purposes:

(a) For the consideration of a specific proposal, or

(b) For a definite period of time, or

(c) For the consideration of a designated category of proposals or other matters.

When a call of a committee is moved for one or more of the foregoing purposes, and seconded by two members, of whom the chairman may be one, and is ordered by a majority of the members present, no member shall thereafter be permitted to leave the committee meeting without written permission from the chairman. After such call is ordered, and in the absence of a quorum, the chairman shall have the authority to authorize the Sergeant-At-Arms to locate absent members of the committee and to compel their attendance for the duration of the call. The chairman shall have authority, where necessary, to direct the Sergeant-At-Arms to assist him in enforcing the will of the committee.

Section 13. Before the previous question can be ordered in a committee, the motion therefor must be seconded by not less than four members of a substantive committee or three members of a procedural committee. If the motion is properly seconded, and ordered by a majority vote of the committee, further debate on the proposition under consideration shall be terminated, and such proposition shall be immediately put to a vote of the committee for its action thereon.

Section 14. After February 8, 1974, it shall be in order to move that a committee be required to report the article or articles over which it has jurisdiction under the Rules, within seven calendar days, which motion shall require a majority vote for adoption. If after adoption of a motion to instruct, the committee fails to report as required, the article or articles of Proposal Number 1 referred to the committee shall be before the convention for its consideration under these Rules.

A motion to instruct a committee to report shall apply to procedural as well as substantive committees.

A motion to instruct a committee to report is not a privileged motion and must be made during the routine motion period unless

made under a suspension of the Rules.

Section 15. Reports of committees shall be made in duplicate, and shall be filed with the Secretary.

Section 16. Reports of select committees shall be filed with the Secretary and printed in the Journal, unless otherwise determined by the convention.

Section 17. All committee reports must be in writing. Each report must be signed by the chairman, or the member acting as chairman, or a majority of the membership of the committee, and addressed to the President, and shall contain a statement of the recommendations of the committee with reference to the matter which is the subject of the report.

Section 18. Each committee report must include in summary form a detailed analysis of the subject matter of the report, specifically including (1) background information and (2) a section by section analysis of the content of the report.

Section 19. No minority report shall be recognized by the convention unless it has been signed by not less than six Delegates who are members of the committee making the majority report. Only members who were present when the vote was taken on the proposal or other matter, and who voted on the losing side, may sign a minority report.

Section 20. The report of a minority of a committee shall be made in the same general form as a majority report and shall be attached to the committee report as a part thereof.

Section 21. Chairmen of committees shall be responsible for transmitting majority and minority reports of their committees to the Secretary of the Convention.

Section 22. The report of the committee shall automatically be before the convention for its consideration at the proper time as determined by these Rules.

Section 23. Each committee of the convention shall have broad power to amend, delete, reject or change in any way it deems necessary and desirable the nature, purpose or content of any proposal referred to it. It shall be the duty of each committee to consider the matters within its jurisdiction and to submit to the convention a report in the form of a proposed revision of the Constitution within the area of the committee's jurisdiction. Each committee may submit alternative proposals to the convention, and may make such other recommendations with respect thereto as the committee shall determine. The committee report shall be the product of the committee and shall thereafter be sponsored by the committee and not by any individual Delegate. It shall be the responsibility of the chairman of each committee to take the lead in planning the presentation on the report to the convention, with the chairman to designate the Delegate or Delegates to participate in the floor debate.

Section 24. To the extent practicable, committees shall conduct regular committee meetings and shall meet at such other times as may be determined by the chairman or by the committee under the applicable provisions of these Rules.

Section 25. All committees shall require all witnesses except Delegates to the convention to give their testimony under oath.

Section 26. Each committee shall be furnished with adequate committee staff, clerical assistance, and other personnel to enable it to satisfactorily discharge its responsibilities under these Rules. The executive director shall cooperate with each committee chairman in obtaining staff for the committee. The committee staff shall be hired by the committee chairman with the approval of the President. All personnel assigned to a committee shall be under the control and direction of the chairman.

Section 27. By a record vote of a majority of those present and voting, a quorum being present, each committee shall have the power and authority to issue process to witnesses at any place in the State of Texas and to compel their attendance, and to compel the production of all books, records and instruments, and to issue attachments where necessary to obtain compliance with subpoenas or other process issued by the committee, all of which may be addressed to and served by either a Sergeant-At-Arms appointed by such committee or by any peace officer of the State of Texas; and to cite for contempt, and cause to be prosecuted for contempt, anyone disobeying the subpoenas or other process lawfully issued by the committee, in the manner provided by law. The chairman of the committee shall issue, in the name of the committee, such subpoenas and other process as the committee may direct. Each committee is authorized to request the assistance, when needed, of all state departments, agencies and offices, and it shall be the duty of such departments, agencies and offices to assist such committee when requested to do so. Each committee shall have the power and authority to inspect the records, documents and files of every state department, agency and office, to the extent necessary to the discharge of its duties within the area of its jurisdiction.

Section 28. Subject to prior approval by the Committee on Administration, witnesses attending any committee under process of such committee shall be allowed the same mileage and per diem as is allowed members of the committee when in a travel status, to be paid out of the expense funds of the convention.

Section 29. No committee shall adopt any rule of procedure, including but not limited to an automatic sub-committee rule, which will have the effect of thwarting the will of the majority of such committee, or denying to such committee the right to ultimately dispose of any pending matter by action of a majority of such committee.

RULE VII ORDER OF BUSINESS

Section 1. When the convention convenes on a new convention day following an adjournment, the daily order of business shall be as follows:

- 1st: Call to order by the President.
- 2nd: Registration of Delegates.
- 3rd: Invocation.
- 4th: Excuses for absence of Delegates and officers.
- 5th: Routine motions.

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RULE VIII
DECORUM AND DEBATE

- 6th: Unfinished business.
- 7th: Postponed business.
- 8th: Daily Convention Calendar.

Section 2. When the convention reconvenes for the first time on a new calendar day following a recess, the daily order of business shall be:

- 1st: Call to order by the President.
- 2nd: Registration of Delegates.
- 3rd: Invocation.
- 4th: Excuses for absence of Delegates and officers.
- 5th: Pending business.
- 6th: Daily Convention Calendar.

Section 3. A special order, after the first five items under the daily order of business for a convention day have been passed, shall have precedence when the hour for its consideration has arrived.

Section 1. When a Delegate desires to speak or deliver any matter to the convention, he shall rise and respectfully address himself to "Mr. President" and, on being recognized, may address the convention from the microphone at the Reading Clerk's desk, and shall confine himself to the question under debate, avoiding personalities.

Section 2. When two or more Delegates rise at the same time, the President shall name the one who is first to speak, and his decision shall be final and not open to debate or appeal.

Section 3. There shall be no appeal from the President's recognition, but he shall be governed by rules and usage in priority of entertaining motions from the Floor. When a Delegate seeks recognition, the President may ask, for his information, "For what purpose does the Delegate rise?" or "For what purpose does the Delegate seek recognition?" and he may then decide if recognition is to be granted.

Section 4. When a Delegate has the Floor, he shall not be interrupted by another Delegate for any purpose, unless he consents to yield to such other Delegate. A Delegate desiring to interrupt another in debate should first address the President for permission of the Delegate speaking. The President shall then ask the Delegate who has the Floor if he wishes to yield, and then shall announce the decision of such Delegate. The Delegate who has the Floor may exercise his own discretion as to whether or not he will yield, and it is entirely within his discretion to determine when and by whom he shall be interrupted.

Section 5. When a Delegate obtains the Floor on recognition of the President, he may not be taken off the Floor by a motion, even the highly privileged motion to adjourn, but if he yields to another to make a motion or to offer an amendment, he thereby loses the Floor.

Section 6. The chairman of the committee making a report, or, in his absence, any other Delegate designated by such absentee, shall have the right of opening and closing the debate thereon, and for this purpose may speak each time not to exceed 20 minutes.

Section 7. All speeches shall be limited to 10 minutes in duration, except as provided in Section 6 of this Rule, and the President shall call the Delegates to order at the expiration of their time. If the convention by a majority vote extends the time of any Delegate, such extension shall be for ten minutes only. A second and final extension of time shall be granted unless 10 Delegates object. During the last 5 calendar days of the convention, Sundays excepted, all speeches shall be limited to 5 minutes and shall not be extended. The time limits established by this Rule shall include time consumed in yielding to questions from the Floor.

Section 8. No Delegate shall speak more than twice on the same question, nor more than once until every Delegate choosing to speak shall have spoken, nor shall any Delegate be permitted to consume the time of

another Delegate without leave of the convention being given by a majority vote.

Section 9. If a pending question is not disposed of because of an adjournment of the convention, a Delegate who has spoken twice on the subject shall not be allowed to speak again without leave of the convention.

Section 10. When the reading of a paper is called for, and objection is made, the matter shall be determined by a majority vote of the convention, without debate.

Section 11. No person shall pass between the front and back microphones during debate or when a Delegate has the floor and is addressing the convention.

Section 12. If any Delegate, in speaking or otherwise, transgresses the Rules of the convention, the President shall, or any Delegate may, call him to order, in which case the Delegate so called to order shall immediately take his seat; provided, however, such Delegate may move for an appeal to the convention, and if such appeal is duly seconded by ten Delegates, the matter shall be submitted to the convention for decision by majority vote. In such cases, the President shall not be required to relinquish the Chair, as he is required to do in cases of appeals from his decisions. The convention shall, if appealed to, decide the matter without debate. If the decision be in favor of the Delegate called to order, he shall be at liberty to proceed; but if the decision be against him, he shall not be allowed to proceed, and if the case requires it, he shall be liable to the censure of the convention, or for such other punishment as the convention may deem proper.

Section 13. All proceedings of the convention shall be electronically recorded under the direction of the Secretary of the convention. A transcript of such proceedings will be furnished by the Secretary to any Delegate requesting it, with the expense of such transcript to be charged to the legislative contingent expense account of said Delegate. Copies of the electronic recordings shall not be released to anyone by the Secretary, except that a Delegate of the convention may obtain a copy of the electronic recording of his own remarks, with any expense for such copy to be charged to the legislative contingent expense account of such Delegate.

RULE IX VOTING

Section 1. A registration or vote taken on the voting machine of the convention shall in all instances be considered the equivalent of a roll call or yea and nay vote, which might be had for the same purpose.

Section 2. Any Delegate who has a personal or private interest in any resolution or proposal pending before the convention shall disclose such fact to the convention.

Section 3. Any Delegate who is present and shall fail or refuse to vote after being requested to do so by the President shall be recorded as present but not voting, and shall be counted for the purpose of making a quorum.

Section 4. A Delegate must be on the

Floor of the convention or in a room or hallway adjacent thereto, which room or hallway must be on the same level as the convention floor, in order to vote; but Delegates who are out of the convention when a record vote is taken and who wish to be recorded shall be permitted to do so provided:

(a) They were out of the convention temporarily, having been recorded earlier as present; and

(b) Permission to so vote is granted by unanimous consent; and

(c) The recording of their votes does not change the result as announced by the Chair.

Section 5. On non-record votes Delegates may have their votes recorded in the Journal as "Yea" or "Nay" by filing such information with the Journal Clerk.

Section 6. No Delegate shall be allowed to interrupt the vote or to make any explanation of a vote he is about to give, after the voting machine has been opened, but may record in the Journal his reasons for giving such a vote.

Section 7. A "Reason for Vote" must be in writing and filed with the Journal Clerk immediately after a vote is taken. Such "Reason for Vote" shall not deal in personalities or contain any personal reflection on any Delegate of the convention, the President, the Lieutenant Governor or the Governor, and shall not in any other manner transgress the Rules of the convention relating to decorum and debate.

Section 8. At the desire of any 15 Delegates present, the yeas and nays of the Delegates of the convention on a question shall be taken and entered in the Journal. No Delegate or Delegates shall be allowed to call for a yea and nay vote after a vote has been declared by the President. A motion to expunge a yea and nay vote from the Journal shall not be in order.

Section 9. Before the result of a vote has been finally and conclusively pronounced by the Chair, but not thereafter, a Delegate may change his vote; provided, however, that if a Delegate's vote be by mistake or fraud, he shall be allowed to change his vote at a later time provided:

(a) The result of the record vote is not changed thereby; and

(b) The request is made known to the convention by the Chair and permission for such change is granted by unanimous consent; and

(c) A notation is made in the Journal that the Delegate's vote was changed.

Section 10. Once a roll call has begun, it may not be interrupted for any reason. While a yea and nay vote is being taken, or the vote is being counted, no Delegate shall visit the Reading Clerk's desk.

Section 11. On all votes, except viva voce votes, Delegates shall record their votes on the voting machine, and shall not be recognized by the Chair to cast their votes from the Floor. If a Delegate attempts to vote from the Floor, the President shall sustain a point of order directed against his so doing. This Rule shall not be applicable to the mover or the principal opponent of the proposition being voted upon nor to a Delegate whose voting machine is out of order.

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Section 12. Any Delegate found guilty by the convention of knowingly voting for another Delegate on the voting machine shall be subject to discipline deemed appropriate by the convention. Any staff member found guilty of such offense shall be subject to discharge by the convention, by the President, or by the Executive Director.

Section 13. On the demand of any Delegate, before the question is put, the question shall be divided, if it includes propositions so distinct in substance that, one being taken away, a substantive proposition remains. A demand for a division vote can be made even after the previous question has been ordered or after a motion to table has been offered but cannot be made after the question has been put, nor after the yeas and nays have been ordered.

Section 14. All pairs must be announced before the vote is declared by the President, and a written statement thereof sent to the Journal Clerk. The statement must be signed by the absent Delegate to the pair, or his signature thereto must have been authorized in writing, by telegraph, or by telephone, and satisfactory evidence thereof presented to the President if he deems such necessary. Such pairs shall be entered in the Journal, and the Delegate present shall be counted to make a quorum.

Section 15. All matters on which a vote may be taken by the convention shall require for adoption a favorable affirmative vote as required by these Rules, and in the case of a tie vote, the matter shall be considered lost.

Section 16. When the result of a yeas and nays vote is close, the President may upon the request of any Delegate order a verification vote, or the President may order a verification on his own initiative. During such verification, no Delegate shall change his vote unless it was erroneously recorded, nor may any Delegate not having voted cast a vote; however, in case of error of the Clerk reporting the yeas and nays, and the correction thereof leaves decisive effect to the President's vote, he may exercise his right to vote, even though the result has been announced. A verification shall be called for immediately after the vote is announced. The President shall not entertain a request for verification after the convention has proceeded to the next question, or after a recess or an adjournment. A vote to recess or adjourn, like any other proposition, may be verified. Only one vote verification can be pending at a time. A verification may be dispensed with by a two-thirds vote.

Section 17. A motion for a call of the convention, and all incidental motions relating thereto, shall be in order pending the verification of a vote. These motions must be made before the roll call on verification begins, and it shall not be in order to break into the roll call to make them.

Section 18. Where, by an error of the clerk in reporting the yeas and nays from a registration, the President announces a result different from that shown by the registration or verification thereof, the status of the question shall be determined by

the vote as actually recorded. If the vote be erroneously announced in such a way as to change the true result, all subsequent proceedings in connection therewith shall fall, and the Journal shall be amended accordingly.

Section 19. The President may allow the verification of a registration (as differentiated from a record vote) if in his opinion there is serious doubt as to the presence of a quorum.

RULE X

ROLL CALLS AND CALLS OF THE CONVENTION

Section 1. Upon every roll call or registration, the names of the Delegates shall be called or listed, as the case may be, alphabetically by surname, except when two or more have the same surname, in which case the initials of the Delegate shall be added.

Section 2. It shall be in order to move a call of the convention at any time to secure and maintain a quorum for either of the following purposes:

(a) For the consideration of a specific proposal, resolution or other measure, or

(b) For a definite period of time, or

(c) For the consideration of any designated category of proposals or other matters.

Section 3. Motions for, and incidental to, a call of the convention are not debatable.

Section 4. The point of order of "No Quorum" shall not be accepted by the Chair if the last roll call showed the presence of a quorum.

Section 5. When a call of the convention is moved for one of the above purposes and seconded by 15 Delegates (of whom the President may be one) and ordered by a majority vote, the Doorkeeper shall close the main entrance to the Hall, and all other doors leading out of the Hall shall be locked and no Delegate permitted to leave the convention without the written permission of the President. Such permission cards shall be taken up by the Doorkeeper as the Delegate leaves the convention. The names of Delegates present shall be recorded. All absentees for whom no sufficient excuse is made may, by order of a majority of those present, be sent for and arrested, wherever they may be found, by the Sergeant-At-Arms or officer appointed by him for that purpose, and their attendance secured and retained. The convention shall determine upon what conditions they shall be discharged. Delegates who voluntarily appear shall, unless the convention otherwise directs, be immediately admitted to the Hall of the convention and shall report their names to the Clerk to be entered upon the Journal as present. Until a quorum appears, should the roll call fail to show one present, no business shall be transacted, except to compel the attendance of absent Delegates or to adjourn.

Section 6. Any Delegate who is present and shall fail or refuse to record himself after being requested to do so by the President shall be recorded as present by the President and shall be counted for the purpose of making a quorum.

Section 7. When a quorum is shown to be

present, the convention may proceed with the matters upon which the call was ordered, or may enforce the call and await the attendance of as many of the absentees as it desires. When the convention proceeds to the business upon which the call was ordered, it may, by a majority vote, direct the Sergeant-At-Arms to cease bringing in absent Delegates.

Section 8. When a record vote reveals the lack of a quorum and a call is ordered to secure one, a record vote shall again be taken when the convention resumes business with a quorum present.

Section 9. If a registration or record vote reveals a quorum is not present, no motion shall be in order except to adjourn, or for a call of the convention and motions incidental thereto.

Section 10. Once a point of order has been made that no quorum is present, it may not be withdrawn after the absence of a quorum has been ascertained and announced.

Section 11. It shall not be in order to recess under a call of the convention.

RULE XI MOTIONS

Section 1. Each motion made to the convention and entertained by the President shall be reduced to writing on the demand of five Delegates, and shall be entered on the Journal with the name of the Delegate making it.

Section 2. When a motion has been made, the President shall state it, or if it be in writing, cause it to be read by the Clerk; and it shall then be in possession of the convention.

Section 3. A motion may be withdrawn by the mover thereof at any time before a decision thereon, even though an amendment may have been offered and be pending. It cannot be withdrawn, however, if the motion has been amended. After the previous question has been ordered, a motion can be withdrawn only by unanimous consent.

Section 4. A motion to adjourn or recess may not be withdrawn when it is one of a series upon which voting has commenced, nor may an additional motion to adjourn or recess be made when voting has commenced on a series of such motions.

Section 5. When a question is under debate, the following motions, and none other, shall be in order, and such motions shall have precedence in the following order:

- (1) To adjourn
- (2) To take recess
- (3) To lay on the table
- (4) To lay on the table subject to call
- (5) For the previous question
- (6) To postpone to a day certain
- (7) To commit, recommit, refer or rerefer
- (8) To amend by striking out the resolving clause, which, if carried, shall have the effect of defeating the proposal or resolution
- (9) To amend
- (10) To postpone indefinitely.

Section 6. A motion to adjourn or recess shall always be in order, except (1) when the convention is voting on another motion; (2) when the previous question has

been ordered and before the final vote on the main question, unless a roll call shows the absence of a quorum; (3) when a Delegate entitled to the floor has not yielded for such purpose; or (4) when no business has been transacted since a motion to adjourn or recess has been defeated.

Section 7. The vote by which a motion to adjourn or recess is carried or lost shall not be subject to a motion to reconsider.

Section 8. A smaller number of Delegates than a quorum may adjourn from day to day, and compel the attendance of absent Delegates.

Section 9. When several motions to recess or adjourn are made at the same period, the motion to adjourn carrying the shortest time shall be put first, then the next shortest time, and in that order until a motion to adjourn has been adopted or until all have been voted on and lost; and then the same procedure shall be followed for motions to recess.

Section 10. When motions are made for the reference of a subject to a select or substantive committee, the question for the reference to a substantive committee shall be put first.

Section 11. A motion to refer, rerefer, commit, or recommit is debatable within narrow limits, but the merits of the proposition may not be brought into the debate. A motion to refer, rerefer, commit, or recommit with instructions is fully debatable.

Section 12. After a proposal has been recommitted, it shall be considered by the committee as a new subject.

Section 13. A motion to recommit a committee report or portion thereof or resolution can be made and voted upon even though the author or chairman of the reporting committee, as the case may be, or their designee is not present.

Section 14. A motion to lay on the table, if carried, shall have the effect of killing the committee report or portion thereof, resolution, amendment or other immediate proposition to which it was applied. If a committee report is laid on the table in its entirety, the substantive committee from which the report came shall reconvene and prepare another committee report within the area of its jurisdiction for consideration and action by the convention at a later date, such new committee report to be processed in accordance with these rules in the same manner as though it were the original committee report. Such motion shall not be debatable, but the mover of the proposition proposed to be tabled, or the chairman of the reporting committee or their designee shall be allowed to close the debate thereon after the motion to table is made, and before it is put to a vote. When a motion to table is made to a debatable main motion, the main motion mover shall be allowed twenty minutes to close the debate, whereas the movers of other debatable motions sought to be tabled shall be allowed only ten minutes to close. The vote by which a motion to table is carried or lost cannot be reconsidered. After the previous question has been ordered, a motion to table is not in order. The provisions of this section do not apply to motions to "lay upon the table subject to

call"; however, a motion to lay upon the table subject to call cannot be made after the previous question has been ordered.

Section 15. A committee report or portion thereof, or resolution postponed to a day certain shall be laid before the convention at the time on the calendar day to which it was postponed, provided it is otherwise eligible under the Rules, and no other business is then pending. If business is pending, the postponed matter shall be deferred until the pending business is disposed of without prejudice otherwise to its right of priority. When a privileged matter is postponed to a particular time, and that time arrives, the matter, still retaining its privileged nature, shall be taken up even though another matter is pending.

Section 16. If two or more committee reports or portions thereof, resolutions or other propositions are postponed to the same time, and are otherwise eligible for consideration at that time, the President shall determine their order for consideration by the convention.

Section 17. A motion to postpone to a day certain may be amended and is debatable within narrow limits, but the merits of the proposition sought to be postponed cannot be debated. A motion to postpone indefinitely opens to debate the entire proposition to which it applies.

Section 18. The following motions, in addition to any elsewhere provided herein, shall be decided without debate, except as otherwise provided in these Rules:

- (1) To adjourn
- (2) To lay on the table
- (3) To lay on the table subject to call
- (4) To suspend the Rule as to the time for introduction of proposals
- (5) To order a call of the convention, and all motions incidental thereto
- (6) An appeal by a Delegate called to order
- (7) All questions relating to priority of business
- (8) To extend the time of a Delegate speaking under the previous question or to allow a Delegate who has the right to speak after the previous question is ordered to yield his time, or a part thereof, to another
- (9) To reconsider and table.

Section 19. The President shall permit the mover and one opponent of the motion three minutes each during which to debate the following motions without debating the merits of the proposal, resolution, or other matter, and the mover of the motion may elect to take his time either to open the debate or to close the debate, but his time may not be divided:

- (1) To suspend the regular order of business and take up some measure out of its regular order
- (2) To instruct a committee to report
- (3) To rerefer a proposal or resolution from one committee to another
- (4) To take up a committee report or portion thereof, or resolution laid on the table subject to call
- (5) To set a special order
- (6) To suspend the Rules
- (7) To order the previous question
- (8) To order the limiting of amendments to a proposal or resolution

(9) To print documents, reports or other material in the Journal

(10) To take any other action required or permitted during the routine motion period.

Section 20. When a committee report, resolution or other matter is pending before the convention, it may be laid on the table subject to call, and one convention day's notice must be given before the proposition can be taken from the table, unless it be on the same convention day, in which case it can be taken from the table at any time except when there is another matter pending before the convention. A committee report, resolution or other matter can be taken from the table only by a majority vote of the convention. When a special order is pending, a motion to take a proposition from the table cannot be made unless such proposition is a privileged matter.

RULE XII THE PREVIOUS QUESTION

Section 1. There shall be a motion for the previous question, which shall be admitted only when seconded by 25 Delegates. It shall be put by the Chair in this manner: "The motion has been seconded. Three minutes pro and con debate will be allowed on the motion for ordering the previous question." As soon as the debate has ended, the Chair shall continue: "As many as are in favor of ordering the previous question on (here state on which question or questions) will say 'Aye'", and then, "As many as are opposed say 'Nay'". If ordered by a majority of the Delegates voting, a quorum being present, it shall have the effect of cutting off all debate, except as provided in Section 11 of this Rule, and bringing the convention to a direct vote upon the immediate question or questions upon which it has been asked and ordered.

Section 2. The motion to adjourn is not in order after a motion for the previous question is accepted by the Chair, or after the seconding of such motion, and before a vote is taken thereon.

Section 3. The motion for the previous question is not subject to a motion to table.

Section 4. The previous question may be asked and ordered upon any debatable single motion, or series of motions, allowable under the Rules, or any amendment or amendments pending, or may be made to embrace all authorized debatable motions or amendments pending, and may include the proposal, resolution or proposition to a vote on its second reading or on its third reading as the case may be. The previous question cannot be ordered, however, on the main proposition without including other pending motions of lower rank to it as given in Section 5 of Rule XI.

Section 5. After a motion to table has been made, a motion for the previous question is not in order except in a case where an amendment to a main motion is pending, and a motion to table the amendment is made, in which case it is in order to move the previous question on the main motion, the pending amendment and the motion to table the amendment. If a motion to table is made directly to a main motion, the motion for the previous question is not in order.

Section 6. There is no acceptable substitute for a motion for the previous question, nor can other motions be applied to it.

Section 7. The previous question shall not extend beyond the final vote on a motion or sequence of motions to which the previous question has been ordered.

Section 8. Amendments on the President's desk for consideration which have not actually been laid before the convention and read cannot be included under a motion for the previous question.

Section 9. On the motion for the previous question there shall be no debate except as provided in Section 1 hereof and in Section 20 of Rule XI, and all incidental questions of order after it is made, and pending decision on such motion, shall be decided, whether on appeal or otherwise, without debate.

Section 10. After the previous question has been ordered, the following shall be in order and shall be decided by the convention by a majority vote without debate: (1) a motion to permit a Delegate who has the authority to speak under the previous question to yield his time, or part of his time, to another Delegate, and (2) a motion to extend the time of the Delegate speaking.

Section 11. After the previous question has been ordered, there shall be no debate upon the questions on which it has been ordered, or upon the incidental questions, except that the mover of the proposition or any of the pending amendments or any other motions, or the chairman of the reporting committee, as the case may be, or, in the case of the absence of either of them, any other Delegate designated by the committee chairman, shall have the right to close the debate on the particular proposition or amendment, after which a vote shall be taken immediately on the amendments or other motions, if any there were, and then on the main question.

Section 12. All Delegates having the right to speak after the previous question has been ordered shall speak before the question is put upon the first proposition covered by the previous question. All votes shall then be taken in the correct order, and no vote or votes shall be deferred to allow any Delegate to close on any one of the propositions separately after the voting has commenced.

Section 13. When an amendment has been substituted and the previous question is then moved on the adoption of the amendment as substituted, the author of the amendment as substituted shall have the right to close the debate on his amendment in lieu of the author of the original amendment.

Section 14. When the previous question is ordered on a motion to postpone indefinitely, or to amend by striking the resolving clause the Delegate moving to postpone or amend shall have the right to close the debate on his motion or amendment, after which the mover of the proposition proposed to be so postponed or amended, or the chairman of the reporting committee, as the case may be, or, in the absence of either of them, any other Delegate designated by the committee chairman, shall be allowed to close

the debate on the original proposition.

Section 15. After the previous question is ordered, no motion for an adjournment or a recess shall be in order until the final vote under the previous question shall be taken, unless the roll call shows the absence of a quorum.

Section 16. A call of the convention may be moved after the previous question has been ordered.

Section 17. After the previous question has been ordered, no motion shall be in order until the question or questions upon which it was ordered have been voted upon, except: (1) a motion for a call of the convention, and motions incidental thereto, (2) a motion to extend the time of a Delegate closing on a proposition, (3) a motion to permit a Delegate who has the right to speak to yield his time or part of his time to another Delegate, (4) a request for and a verification of a vote, and (5) a motion to reconsider the vote by which the previous question was ordered. A motion to reconsider may be made only once and that must be before any vote under the previous question has been taken.

Section 18. The motion to table a motion to reconsider the vote by which the previous question has been ordered shall be in order, and also the double motion to reconsider and table the vote by which the previous question was ordered.

Section 19. When the convention adjourns without a quorum under the previous question, the previous question shall remain in force and effect when the proposal, resolution or other proposition is again laid before the convention.

RULE XIII RECONSIDERATION

Section 1. When a question has been decided by the convention, any Delegate voting with the prevailing side may, on the same convention day, or on the next convention day, move a reconsideration; however, if a reconsideration is moved on the next convention day, it must be done before the order of the day, as designated in the eighth item of Section 1 of Rule VII, is taken up. If the convention shall refuse to reconsider, or upon reconsideration, affirm its decision, no further action to reconsider shall be in order.

Section 2. Every motion to reconsider shall be decided by a majority vote, even though the vote on the original question requires a two-thirds vote for affirmative action. A motion for reconsideration shall be subject to a motion to table, which, if carried, shall be a final disposition of the motion to reconsider. If the motion to reconsider prevails, the question then immediately recurs on the question reconsidered.

Section 3. Where the yeas and nays have not been called for and recorded, any Delegate, irrespective of whether he voted on the prevailing side or not, may make the motion to reconsider; however, even when the yeas and nays have not been recorded, the following shall not be eligible to make a motion to reconsider: (1) a Delegate who was absent, (2) a Delegate who was paired and, therefore, did not vote, and (3) a Delegate

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who recorded himself in the Journal as having voted on the losing side.

Section 4. If a motion for reconsideration be not disposed of when made, it shall be entered upon the Journal, and cannot, after that convention day, be called up and disposed of unless one convention day's notice shall have been given. All motions to reconsider made during the last five calendar days of the convention shall be disposed of when made, otherwise, the motion shall be considered as lost.

Section 5. A Delegate voting on the prevailing side may make a motion to reconsider and spread on the Journal, which does not require a vote, and upon the motion being made, it shall be entered upon the Journal. Any Delegate, regardless of whether he voted on the prevailing side or not, desiring immediate action on a motion to reconsider which has been spread on the Journal, can call it up as soon as it is made, and demand a vote upon it, or he can call it up and move to table it if he desires a final disposition of the matter.

Section 6. If the motion to table the motion to reconsider is defeated, the motion to reconsider remains spread upon the Journal for future action; however, any Delegate, regardless of whether he voted upon the prevailing side or not, can call the motion from the Journal for action by the convention, and if the motion to reconsider is defeated, or if carried and the convention then affirms its original action on the question reconsidered, no other motion to reconsider can be made.

Section 7. Unless called up and disposed of prior to five calendar days before final adjournment of the convention, all motions for reconsideration shall be regarded as determined and lost.

Section 8. A motion for reconsideration cannot be withdrawn, except by permission being given by a majority vote of the convention, and it may be called up by any Delegate.

Section 9. The double motion to reconsider and table shall be in order. It shall be undebatable. When carried, the motion to reconsider shall be tabled. When it fails, the question shall then be on the motion to reconsider, and the motion to reconsider shall, without further action, be spread upon the Journal, but it may be called up by any Delegate in accordance with the provisions of Section 4 of this Rule.

Section 10. A motion to reconsider shall be debatable only when the question to be reconsidered is debatable. Even though the previous question was in force before the vote on a debatable question is taken, debate is permissible on the reconsideration of such debatable question.

RULE XIV PROPOSALS

Section 1. Suggested provisions to be incorporated as a part of the Constitution of Texas shall be known as proposals, which shall consist of (1) a title or caption, beginning with the words, "A Proposal for Incorporation in the Constitution of Texas", (2) a brief statement of the object of the

proposal, (3) a proposing clause, "Be It Proposed by the Constitutional Convention of Texas", and (4) the exact text of the language which it is desired to include in the Constitution of Texas.

Section 2. The proposed new Constitution and schedules as recommended by the Constitutional Revision Commission shall be automatically introduced into the convention without the necessity of sponsorship as Proposal Number 1 and shall be divided by the President into appropriate parts, each part to be referred by the President to the appropriate committee. Proposal Number 1 shall be the basic starting point for each committee in drafting its appropriate article or articles for a new Constitution and its report to the convention.

Section 3. A proposal may be introduced by any Delegate to the convention, providing that all proposals must be introduced on or before January 30, 1974.

Section 4. Four copies of each proposal, identical in text, must be filed with the Secretary of the Convention at the time the proposal is introduced.

All proposals must be typed, double-spaced on 8 1/2 x 11 inch paper in a type face with excellent reproduction qualities. A margin of one inch on the left and right side and at the top and bottom shall be preserved. The lines on each page shall be numbered consecutively from top to bottom at the left margin, and the left typing margin shall be two spaces to the right of the line numbers. Pages commencing with page two shall be numbered at the top center of the page.

Section 5. Each proposal shall be filed with the Secretary of the Convention and shall be numbered in consecutive order, and entered in the Journal. Each proposal shall be accepted by the President and referred by him to the appropriate committee and such referral shall constitute first reading. If the content of the proposal is sufficiently broad as to be within the jurisdiction of more than one committee, the President shall have authority to divide the proposal and to refer it by parts to the appropriate committees. Each part shall retain the identical number of the original proposal, but each divided portion thereof shall, in addition to such number, bear an alphabetical identification assigned by the President.

Section 6. Each proposal may be as narrow or as broad as the introducing Delegate desires, and each proposal shall be considered by the committee or committees to which it is referred, but hearings and consideration of proposals shall be by topics and not by individual proposals. No proposal containing less than one complete article of a proposed Constitution of Texas shall be reported by a committee, unless incorporated as a part of the committee report as an alternative submission to a portion of the complete article recommended by the committee, or unless included as a minority report attached to and made a part of the committee report of a complete article.

Section 7. All proposals shall be printed in the manner and at the time provided in these Rules, and no committee report shall be considered by the convention on second reading until a printed copy

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thereof has been provided to each Delegate at least 72 hours in advance of the time when such committee report is to be considered by the convention.

Section 8. Committee reports shall be scheduled for consideration and floor debate by the President, who shall cause to be prepared a calendar for each daily session of the convention, showing thereon the matters to be considered by the convention during that calendar day. Daily convention calendars shall be printed and distributed to each Delegate at least 48 hours in advance of the hour of convening of the day on which such calendar is to be considered.

Section 9. When a committee report is before the convention on second reading, amendments thereto shall be in order which shall require a majority vote for their adoption. Committee Reports on second reading, and amendments thereto, shall be fully debated within the limitations of these Rules. After all amendments have been disposed of, the question shall be upon the passage of the committee report or portion thereof to third reading, which shall require a majority vote.

Section 10. A committee report or portion thereof passed to third reading shall be automatically referred to the Committee on Style and Drafting, which shall have authority to make changes as to form and style. Should substantive changes be required in any committee report, the Committee on Style and Drafting shall report such necessity to the convention, incorporating in its report a suggested draft of the language necessary to make the substantive change.

Section 11. The report of the Committee on Style and Drafting for third reading shall be considered article by article, seriatim, if the report proposes a new Constitution or a complete revision of the Constitution, or amendment by amendment in the order reported if the report proposes a partial revision of the Constitution. On third reading the Committee on Style and Drafting may offer amendments recommending substantive changes necessary to reconcile conflicting or inconsistent provisions and any Delegate may offer amendments limited to matters of style and form. No other amendments may be offered except under suspension of this Rule. A Delegate moving suspension of this Rule shall be allowed not more than five minutes to state his reasons therefor. No further debate shall be permitted on the motion. The vote on third reading shall be taken by record vote and entered on the Journal and no proposal, section, article or proposed amendment shall be declared passed on 3rd reading unless a majority as defined in Rule I, Section 2, has voted in favor of passage of the same.

Section 12. The Secretary of the Convention shall certify the passage on third reading of a committee report or portion thereof, noting thereon the date of its passage, and the vote by which it passed. The committee report or portion thereof shall then be referred automatically to the Committee on Submission and Transition, which shall retain the report or portion thereof until such time as it can be incorporated in

an appropriate document for final action by the convention in submitting same by resolution to a vote of the people of Texas.

Section 13. On the final passage of any resolution for submitting to the people any new constitution or revision or amendments to the existing constitution, the vote shall be taken by record vote and entered on the Journal and no such resolution shall be declared finally adopted unless two thirds (2/3rds) of the Delegates have voted in favor of its passage.

Section 14. Subsequent to third reading of any proposal, section, or article a Delegate may propose that any part of a committee report, or a minority committee report or a proposition which has passed on third reading, be submitted to the voters as an alternative. If approved by a majority vote of the Convention as defined in Rule I, Section 2, the proposed alternative submission shall be referred to the Committee on Style and Drafting for review as to form and style and redrafting, if necessary. The proposed alternative submission shall then be referred to the Committee on Submission and Transition to be reported upon in that Committee's report containing a recommended resolution for submitting to the people any new Constitution or revision or amendment to the Constitution.

RULE XV AMENDMENTS

Section 1. When a committee report, resolution or proposition is under consideration, a motion to amend and a motion to amend that amendment shall be in order; and it shall also be in order to offer a further amendment by way of a substitute. A substitute for a committee report, resolution or proposition, amendment or amendment to an amendment, may be offered, and such substitute may not be amended. When a substitute is adopted, the question shall then be upon the matter as substituted, and under this condition an amendment is not in order.

Section 2. Three copies of each amendment, identical in text, shall be filed with the President and one copy distributed to each Delegate at least 24 hours prior to its consideration by the convention. When the amendment is read, all copies filed with the President shall go to the Secretary. No amendment offered from the floor shall be in order unless and until the sponsoring Delegate has complied with the provisions of this section. The provisions of this section shall not apply to a substitute for an amendment, an amendment to an amendment or a substitute for an amendment to an amendment or to the chairman, or to his designee, whose committee's report is under consideration.

Section 3. Prior to the time that a substitute for an amendment, an amendment to an amendment, or a substitute for an amendment to an amendment is offered, if it exceeds one page in length, the sponsoring Delegate must provide to the Secretary a minimum of fifteen copies to be available for distribution to Delegates requesting copies of it. Prior to the time such substitute for an amendment, amendment to an amendment, or substitute for an amendment to an amendment is offered, if it is only one page in length

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or less, the sponsoring Delegate must provide one additional copy of it to the Secretary, who will immediately proceed to have additional copies made and available for those Delegates requesting copies.

Section 4. When an amendment is offered and an amendment to that amendment, and a substitute for the amendment to the amendment is offered, these questions shall be voted on in the reverse order.

Section 5. Classes of motions to amend shall have precedence in the following order:

(a) Motions to amend a committee report, resolution or proposition (other than those provided for in (b) below), which shall have precedence as follows:

- (1) Original amendment
- (2) Amendment to the amendment
- (3) Substitute for the amendment to the amendment.

Recognition for the offering of original amendments shall be as follows: First, the Chairman of the Reporting Committee or his designee; and Second, Delegates offering other amendments from the floor.

(b) Motions to amend an original proposal by striking out all after the proposing clause, which amendments shall be subject to amendment as follows:

- (1) Amendment to the amendment
- (2) Substitute for the amendment to the amendment.

Recognition for offering such amendments ("Substitute Proposals") shall be as follows: First, the Chairman of the Reporting Committee or his designee; and, Second, Delegates offering amendments from the floor.

It shall be in order under the procedure described in this subdivision (b), to have as many as three complete measures pending before the convention at one time; that is, an original proposal, an amendment striking out all after the proposing clause of the proposal and inserting a new proposal body, and a substitute for this amendment to the original proposal which is also a new proposal body. These "substitute proposals" should be subject to amendments as they are offered and in a manner as outlined above in this section. After disposition of perfecting amendments, these "substitute proposals" shall be voted on in the reverse order of their offering.

Section 6. A motion to strike out and insert new matter in lieu of that to be stricken out, shall be regarded as a substitute and shall be indivisible.

Section 7. Matter inserted or stricken out of an original proposal by way of amendment may not be taken out or reinserted at a later time on the same reading except under the following conditions:

- (1) Reconsideration of the inserting or deleting amendment
- (2) Adoption of a "substitute proposal" amendment

(3) Adoption of an amendment for a whole paragraph, section or subdivision of a proposal which so materially changes the original text that the portion inserted or deleted is in fact of minor importance.

Section 8. No motion or proposition on a subject different from that under consideration shall be admitted under color of amendment or as a substitute for the

motion or proposition under debate. "Proposition" as used in this Rule shall include a committee report, resolution or any other motion which is amendable.

Section 9. When an amendment is adopted, such action shall be certified by the Secretary on the amendment, and the official copy thereof shall then be securely attached to the proposal or resolution which it amends.

Section 10. There shall be a motion to limit amendments, which shall be admitted only when seconded by 25 Delegates. The motion may take either of two forms: (1) to limit amendments to those pending before the convention, or (2) to limit amendments to those pending on the President's desk. The motion shall be put by the Chair in this manner: "The motion has been seconded. Three minutes pro and con debate will be allowed on the motion to limit amendments." As soon as the debate has ended, the Chair shall continue: "As many as are in favor of limiting amendments on (here state on which question or questions) will say 'Aye'," and then "As many as are opposed say 'Nay'." As in all other propositions, a motion to limit amendments shall be taken by a record vote if demanded by 15 Delegates. If ordered by a majority of the Delegates voting, a quorum being present, it shall have the effect of confining further debate and consideration to those amendments included within the motion, and thereafter the Chair will accept no more amendments to the proposition to which the motion was made.

Section 11. The motion to limit amendments, if adopted, shall not in any way cut off or limit debate or other parliamentary maneuvers on the pending proposition or propositions or amendment or amendments included within such motion, its sole function being to prevent the Chair from accepting further amendments to the proposition to which the motion is applied.

Section 12. The motion to limit amendments is not subject to a motion to table.

Section 13. If the motion to limit amendments is adopted with respect to a particular proposition or amendment, it shall not be in order for the Chair to accept further amendments to such proposition or amendment, as the case may be; however, such amendments as are included within the motion to limit amendments shall each be subject to amendment, if otherwise permitted under these Rules.

Section 14. Except as otherwise provided herein, the motion to limit amendments shall have no effect upon the parliamentary situation to which the motion is applied, and the matter to which such motion is applied shall continue to be considered by the convention in all other respects as though such motion had not been made.

RULE XVI RESOLUTIONS

Section 1. All business of the convention requiring action by the convention other than proposals for substantive text of the Constitution of Texas shall be by resolution.

Section 2. Resolutions shall be

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introduced by the filing of four identical copies thereof with the Secretary of the convention, who shall number said resolutions in consecutive order. After numbering and recording by the Secretary, all resolutions shall be sent to the President for action or referral to the appropriate committee.

Section 3. Resolutions proposing the expenditure of money out of the State Treasury shall be referred to the Committee on Administration.

Section 4. All other resolutions shall be referred by the President to the appropriate committee having jurisdiction thereof as determined by the provisions of these Rules.

Section 5. Privileged resolutions shall be immediately laid before the convention by the President for action by the convention. All other resolutions on committee report shall be laid before the convention by the President for action by the convention immediately following the fourth item of the daily order of business of the convention.

Section 6. Only those resolutions essential to the conduct of the work of the convention shall be permitted. Should other resolutions be introduced, the President shall direct the Secretary of the convention to place them in a file without action by the convention.

RULE XVII SUSPENSION OF THE RULES

Section 1. A motion to suspend the Rules shall be in order at any time, except when motions to adjourn or recess are pending, even when the convention is operating under the previous question. A motion to "suspend all Rules" shall be sufficient to suspend every Rule under which the convention is operating for a particular purpose except the provisions of the Constitution. If the Rules have been suspended for a given purpose, no other motion to suspend the Rules shall be in order until the original purpose has been accomplished.

Section 2. No standing Rule of the convention shall be suspended except by an affirmative vote of two-thirds of the Delegates present; provided, however, that in case any particular Rule shall contain a specific provision showing the vote by which said Rule may be suspended, such vote shall be required for the suspension thereof and such specific provision shall not be subject to suspension under the provisions of this Rule.

Section 3. Any measure taken up under suspension and not disposed of on the same day shall go over as pending or unfinished business, as the case may be, of the next day the convention is in session, and shall be considered thereafter from day to day.

Section 4. Any proposal, resolution or other measure may on any day be made a special order for the same day or for a future day of the session by an affirmative vote of two-thirds of the Delegates present. When once established as a special order, a proposal, resolution or other measure shall be considered from day to day until disposed of, and until it shall have been disposed of,

no further special orders shall be made. A motion to set a special order shall be subject to the three minute pro and con debate Rule.

Section 5. A three-fourths vote of the Delegates present shall be required to suspend that portion of this Rule which specifies that only one special order may be made and pending at a time.

Section 6. No special order shall be postponed to a day certain, except by a two-thirds vote of the convention, and when so postponed shall be considered as disposed of so far as its place as a special order is concerned.

Section 7. A proposal or resolution laid on the table subject to call may be made a special order.

Section 8. When a motion is pending to set a particular proposal or resolution as a special order, it shall not be in order to move as a substitute to set another proposal or resolution as a special order. It shall be in order, however, to substitute, by majority vote, a different time for the special order consideration than that given in the original motion.

Section 9. It shall not be in order to move to either suspend the Rules or the regular order of business to take a measure up out of its regular order, and the President shall not recognize anyone for either purpose unless the President shall have announced to the convention in session that he would recognize a Delegate for that purpose at least one hour before the Delegate is so recognized to make such motion. In making the announcement to the convention, the President shall advise the convention the Delegate's name and the proposal or resolution, and this information, together with the time that the announcement was made, shall be entered in the Journal. This Rule may be suspended only by unanimous consent.

RULE XVIII QUESTIONS OF PRIVILEGE

Section 1. Questions of privilege shall be: (1) those affecting the rights of the convention collectively, its safety and dignity, and the integrity of its proceedings, and (2) the rights, reputation and conduct of Delegates individually in their representative capacity only.

Section 2. Questions of privilege shall have precedence over all other questions except motions to adjourn. When in order, a Delegate may address himself to a question of privilege, or he may at any time print it in the Journal, provided it contains no reflection on any Delegate of the convention.

Section 3. When speaking on privilege, Delegates must confine their remarks within the limits of this Rule, which will be strictly construed to achieve the purposes hereof.

Section 4. It shall not be in order for a Delegate to address himself to a question of privilege: (1) between the time an undebatable motion is offered, and before the vote is taken on such motion; (2) between the time the previous question is ordered and the vote is taken on the last proposition included under the previous question; or (3) between the time a motion to table is offered and before the vote is taken on such motion.

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Section 5. Merits of a main or subsidiary motion shall not be discussed or debated under the guise of speaking to a question of privilege.

RULE XIX PRINTING

Section 1. Proposals, committee reports and resolutions shall be printed in full at each stage of the convention process including but not limited to the following:

- a. On introduction
- b. On committee report (including reports of the Committee on Style and Drafting)
- c. On second reading adoption
- d. On third reading adoption
- e. On final adoption
- f. On such other occasions as directed by the convention or by the President.

Section 2. Each printing shall be identified as to the stage of the convention process it represents.

Section 3. The number of copies of each printing shall be 400 and each Delegate shall be provided one copy of each printing. Other copies shall be distributed as directed by the Committee on Administration.

RULE XX WITNESSES

Section 1. No person shall be allowed to appear before any committee of the convention, in support or in opposition to the passage or adoption of any proposal or resolution, until he has first filed a sworn statement showing every person, firm, corporation, class or group which he represents in appearing before such committee. Such sworn statement shall be filed either with the Committee on Administration or with the Chairman of the Committee before which the witness is appearing. The provisions of this section shall not apply to Delegates to the Convention.

Section 2. The form of the sworn statement required by Section 1 of this Rule shall be prescribed by the Committee on Administration, and shall provide for the names and business addresses of the persons appearing before the committee, and the person, firm, corporation, class or group represented, and the type of business, profession or occupation of the person, firm, corporation, class or group represented.

Section 3. When such a sworn statement is filed with any committee, the Chairman of the Committee with which it is filed shall deliver such sworn statement to the Secretary of the convention, to become a part of the permanent records of the convention.

Section 4. Witnesses attending any committee under process of such committee shall be allowed mileage and per diem as authorized by Rule VI, Section 28.

RULE XXI COMPENSATION AND PER DIEM

Section 1. Compensation, mileage, and per diem for Delegates to the convention shall be in such amounts as are determined by

a five member committee composed of the Governor, the Lieutenant Governor, the Speaker of the House, the Chief Justice of the Supreme Court, and the Presiding Judge of the Court of Criminal Appeals.

Section 2. Compensation, although computed on a daily basis, shall be the emolument received by a Delegate for his service to the convention. Per diem, also calculated on a daily basis, shall be a reimbursement to the Delegate in lieu of actual expenses for food, lodgings, and other expenses incident to his service to the convention in a travel status from his permanent home. Mileage will be paid to each Delegate as reimbursement for transportation through use of a privately owned motor vehicle or airplane in the conduct of travel reasonably necessary to conduct the business of the convention.

Section 3. No mileage shall be paid to any Delegate except for travel actually performed in a privately owned vehicle.

Section 4. Compensation and per diem shall be payable to each Delegate only for those calendar days in which the Delegate actually performs duties in connection with the work of the convention. Full compensation and per diem will be payable to each Delegate for each calendar day in which he actually performed duties or carried out responsibilities in the conduct of the work of the convention. No compensation or per diem will be paid to any Delegate for those days in which the Delegate does not perform some duty or exercise some responsibility in connection with the work of the convention.

Section 5. Attendance and participation in a plenary session of the convention shall automatically entitle the Delegate to full compensation and per diem for that particular day. For those days in which the convention is not in plenary session, and on which the Delegate performs other duties and responsibilities in connection with the work of the convention, certification by the chairman of the appropriate committee or by the President shall entitle the Delegate to full compensation and per diem for each day's activities covered by such certification.

RULE XXII AMENDMENTS TO THE RULES

Section 1. Amendments to the Rules of the convention shall be proposed by resolution which shall be referred at once, without debate, to the Committee on Rules for its study and recommendation.

Section 2. Resolutions proposing amendments to the Rules of the convention shall require only a majority vote of the convention for their adoption.

Section 3. No resolution proposing an amendment to the Rules of the convention shall be considered by the convention until a printed copy of such resolution has been provided each Delegate to the convention at least forty-eight hours before such consideration.

RULE XXIII WHEN RULES ARE SILENT

Where these Rules are silent or inexplicit on any question of order or parliamentary practice, the Rules of the

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House of Representatives of the United States Congress, and its practice as reflected in Hinds' and Cannon's Precedents, and Mason's Manual of Legislative Procedure shall be considered as authority.

HALE
SCHWARTZ

The resolution was read.

Pending discussion of the resolution, Delegate Hollowell occupied the chair.

(President in Chair)

DELEGATE PRESENT

Delegate Henry Sanchez of Cameron County, who was previously recorded as "Absent-Excused" was announced "Present" by the President.

Delegate Schwartz offered the following amendment to the resolution:

Amend Proposed Convention Rules by deleting Section 7 of Rule VI, and substituting in lieu thereof the following:

Section 7. A majority of a committee shall constitute a quorum. No action or recommendation of a committee shall be valid unless taken at a meeting of a committee with a quorum actually present, and the committee minutes shall reflect the names of those members of the committee who were actually present, but the question of the presence of a quorum may not be raised before the Convention unless it was first raised before the committee. All decisions made by a committee and all actions taken by a committee shall be by simple majority vote, except for the making of committee reports to the Convention, and except as otherwise provided in these Rules. No committee report shall be made to the Convention unless ordered by a majority of the entire membership of the committee, and no committee report shall be made except by record vote of the members of the committee, with the yeas and nays to be recorded in the minutes of the committee. Proxies cannot be used in committees.

The amendment was read.

Delegate Davis offered the following substitute for the pending amendment to the resolution:

Amend Proposed Convention Rules by deleting Section 7 of Rule VI, and substituting in lieu thereof the following:

Section 7. A majority of a committee shall constitute a quorum. No action or recommendation of a committee shall be valid unless taken at a meeting of a committee with a quorum actually present, and the committee minutes shall reflect the names of those members of the committee who were actually present. All decisions made by a committee and all actions taken by a committee shall be by simple majority vote, except for the making of committee reports to the

Convention, and except as otherwise provided in these Rules. No committee report shall be made to the Convention unless ordered by a majority of the entire membership of the committee, and no committee report shall be made except by record vote of the members of the committee, with the yeas and nays to be recorded in the minutes of the committee. Proxies cannot be used in committees.

The substitute for the pending amendment was read. On motion of Delegate Davis and by unanimous consent, the substitute was withdrawn.

Question recurring on the adoption of the amendment by Senator Schwartz, "Yeas" and "Nays" were demanded. The amendment was adopted by the following vote: Yeas 172, Nays 2. (Record 5, Appendix)

Delegate Hale offered the following amendment to the resolution:

Amend C.C.R. No. 4 by amending Proposed Convention Rules by deleting Sections 3, 4, and 5 of Rule XXI, and substituting in lieu thereof the following:

Section 3. No mileage shall be paid to any delegate except for travel actually performed in a privately owned vehicle. If the travel by the delegate is performed by commercial transportation, such delegate shall be reimbursed the actual cost of such public transportation. Each delegate shall be entitled to mileage or reimbursement for one trip each week to and from the delegate's home district to attend a meeting of the Convention or a committee thereof.

Section 4. Compensation and per diem shall be payable to each delegate for each day the delegate is in attendance at a meeting of the Convention or one of its committees. Full compensation and per diem shall be paid for each such day, but no compensation or per diem will be paid to any delegate for those days in which the delegate does not attend a meeting of the Convention or a meeting of one of the Convention committees.

Section 5. Attendance at a meeting of the Convention shall be certified by the Secretary of the Convention from the Convention Journal. Attendance at a meeting of a convention committee shall be certified by the chairman of the committee from the official minutes of the committee. Certification by the Secretary of the Convention, or by the chairman of the appropriate committee, shall entitle the delegate to full compensation and per diem for each day's activities covered by such certification.

The amendment was read.

Question, Shall the amendment be adopted?

DELEGATE PRESENT

Delegate Jim Vecchio of Dallas County who was previously recorded as "Absent-Excused" was announced as "Present" by the President.

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RECESS

On motion of Delegate Doran the Convention at 5:55 o'clock p.m. took recess until 9:00 o'clock a.m. tomorrow.

TEXAS CONSTITUTIONAL CONVENTION

1974

YEA N-V NAY

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

YEA N-V NAY

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

YEA N-V NAY

Lee
 ● Leland
 ● Lewis
 ● Lombardino
 ● Longoria
 ● McAlister
 ● McDonald, F.
 ● McDonald, T.
 ● McKinnon
 ● McKnight
 ● Madla
 ● Maloney
 ● Martin
 ● Massey
 ● Mattox
 ● Mauzy
 ● Meier
 ● Menefee
 ● Mengden
 ● Miller
 ● Montoya
 ● Moore
 ● Munson
 ● Murray
 ● Nabers
 ● Newton
 ● 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.
 ● Short
 ● Simmons
 ● Slack
 ● Snelson
 ● Spurlock
 ● Sullivan
 ● Sutton
 ● Tarbox
 ● Temple
 ● Thompson
 ● Traeger
 ● Truan
 ● Tupper
 ● Uher
 ● Vals
 ● Vecchio
 ● Vick
 ● Von Dohlen
 ● Wallace
 ● Washington
 ● Waters
 ● Watson
 ● Weddington
 ● Whitehead
 ● Whitmire
 ● Wieting
 ● Williams
 ● Williams, J.
 ● Willis
 ● Wilson
 ● Wolff
 ● Wyatt

X- Excused Absence

RECORD 3
 ADOPTION OF CCR 2

YEA 149

TOTALS NAY 26

N-V 5

ARTICLE

DATE: 1

100-200		N-V		100-200		Comm.		SECTION	
0	0	0	0	0	0	10	10	1	1
1	1	1	1	1	1	20	20	2	2
2	2	2	2	2	2	1	1	3	3
3	3	3	3	3	3	2	2	4	4
4	4	4	4	4	4	3	3	5	5
5	5	5	5	5	5	4	4	6	6
6	6	6	6	6	6	5	5	7	7
7	7	7	7	7	7	6	6	8	8
8	8	8	8	8	8	7	7	9	9
9	9	9	9	9	9	8	8	00	0

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

1974

YEA	N-V	NAV
-----	-----	-----

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

X- Excused Absence

YEA 146		TOTALS MAY 26		N-V 8	
N-V		N-V		N-V	
100-200	100-200	100-200	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
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

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 ● Hollowell
 ● Howard
 ● Hubenak
 ● Hudson
 ● Hutchison
 ● Johnson
 ● Jones, Gene
 ● Jones, Grant X
 ● Jones, L.
 ● Kaster
 ● Koriath
 ● Kothmann
 ● Kubiak
 ● Laney
 ● Lary

YEA N-V NAY

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 ● Leland
 ● Lewis
 ● Lombardino
 ● Longoria
 ● McAlister
 ● McDonald, F.
 ● McDonald, T.
 ● McKinnon
 ● McKnight
 ● Madla
 ● Maloney
 ● Martin
 ● Massey
 ● Mattox
 ● Mauzy
 ● Meier
 ● Menefee
 ● Mengden
 ● Miller
 ● Montoya
 ● Moore
 ● Munson
 ● Murray
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 ● Nowlin
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 ● Sutton
 ● Tarbox
 ● Temple
 ● Thompson
 ● Traeger
 ● Truan
 ● Tupper
 ● Uhor
 ● Vale
 ● Vecchio X
 ● Vick
 ● Von Dohlen
 ● Wallace
 ● Washington
 ● Waters
 ● Watson
 ● Weddington
 ● Whitehead
 ● Whitmire
 ● Wieting
 ● Williams
 ● Williamson
 ● Willis
 ● Wilson
 ● Wolff
 ● Wyatt

X- Excused Absence

RECORD 5

ADOPTION OF SCHWARTZ AMENDMENT TO CCR 4

YEA- 172

TOTALS NAY- 2

N-V- 6

ARTICLE

DATE: 1

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