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

THIRTIETH DAY (Thursday, February 28, 1974)

### AFTER RECESS

The Convention met at 9:00 o'clock a.m., pursuant to recess, and was called to order by the President.

The roll was called and the following were recorded present: 166 Present, 11 Apsent-excused, 4 Absent. (Record 1, Appendix)

Reverend Albert D. Moser, a Paulist Father and Director of the Catholic Student Center, University of Texas at Austin, offered the invocation.

### LEAVES OF ABSENCE

Delegate McAlister was granted leave of absence for today on account of illness in family on motion of Delegate Laney.

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

Delegate Madla was granted leave of absence for today on account of death in family on motion of Delegate Bird.

Delegate Evans was granted leave of absence for today on account of important state business on motion of Delegate Green of Navarro.

Delegate Meier was granted leave of absence for today or account of important state business on motion of Delegate Green of Navarro.

Delegate Whitehead was granted leave of absence for today on account of death of his mother on motion of Delegate McDonald of Dallas.

Delegate Weddington was granted leave of absence for today on account of important business on motion of Delegate bird.

Delegate Hall of Harris was granted leave of absence for today on account of travel difficulties on motion of Delegate Coleman.

Delegate Donaldson was granted leave of absence for today on account of illness in family on motion of Delegate Olson.

Delegate Mauzy was granted leave of

ansence for today on account of important business on motion of Delegate Bryant.

### ARTICLE VII ON SECOND READING

The President laid before the Convention as unfinished business Article VII, Section 10.

Question: Shall Article VII be adopted?

Delegate Kubiak offered the following amendment to Article VII, Section 10:

Amend Education Committee Report, Article VII by striking all of Section 10 thereof and substituting a new Section 10 to read as follows, to wit:

Section 10. STATE HIGHER EDUCATION ASSISTANCE FUND. (a) There is hereby established the State Higher Education Assistance Fund to which is appropriated from the state treasury each fiscal year an amount equal to the Available University Fund in the fiscal year in which this constitution is adopted. The legislature may increase this annual appropriation but may never decrease the same below the initial amount.

(b) Funds derived from the appropriation to the fund shall be allocated to the state public senior institutions and systems of higher education other than those institutions included in The University of Texas System and The Texas A & M University System. The allocation of funds to the several institutions and systems shall be pursuant to equitable formulae, based on statewide needs of the institutions, devised by the legislature or by an agency or department authorized by the legislature.

(c) The State Higher Education Assistance Fund may be used for the following purposes: (1) acquiring land either with or without permanent improvements; (2) constructing new buildings or other permanent improvements; (3) repairing and rehabilitating existing buildings or other permanent improvements; (4) acquiring library books and materials; (5) acquiring capital equipment; (6) paying the principal of and interest on any bonds or notes issued pursuant to this authority; and (7) such other purposes as provided by law.

(d) There may be issued and refunded under this section bonds payable from an irrevocable lien and pledge of the monies on deposit in the Higher Education Assistance Fund. These bonds may be issued for any one or more of the said purposes by the respective institutions. The total aggregate principal amount of such bonds which may be outstanding at any one time shall not exceed fifty per cent (50%) of the value of the Permanent University Fund, exclusive of real estate, at the time of any issuance. The legislature shall by law provide the procedures and limitations by and subject to which the bonds shall be issued and the manner in which their terms and details will be determined. Responsibility for the issuance of bonds shall be by the respective institutions or as provided by law.

(e) This section shall not preclude the acquisition of properties and facilities of the same type herein described by any lawful and Constitutional means by or for the institutions to which this Section applies.

KUBIAK HIGHTOWER SULLIVANT CALDWELL OLSON HUTCHISON CLOWER MENEFEE

The amendment was read.

### DELEGATE PRESENT

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

Delegate Hale offered the following amendment to the amendment to Article VII, Section 10:

Amend kubiak amendment by deleting subsection (e) and substituting in lieu thereof the following:

(e) Any bonds issued by any institution to which this section applies, which bonds are secured or funded by a pledge or commitment of local funds, shall correspondingly reduce the amount of bonds which such institution shall be permitted to issue under authority of this section.

The amendment to the amendment was read.

pelegate Sullivant moved to table the amendment to the amendment.

The motion to table prevailed by the following vote: 105 Yeas, 54 Nays, 3 Present-Not Voting, 19 Not Voting. (Record 2, Appendix)

Question: Shall the amendment be adopted?

### PAIRED VOTES

pelegate Wallace (present), who would vote "Yea", with Delegate Mauzy (absent), who would vote "Nay".

Delegate Doyle (present), who would vote "Nay", with Delegate McAlister (absent), who would vote "Yea".

Delegate Nugent offered the following amendment to the amendment to Article VII, Section 10:

Amend the Kubiak amendment to Section 10 by:

(1) Strike out the words "or notes" in Subsection (c)(6).

(2) Insert the word "State" before the word "Higher" in the first sentence of Subsection (a).

(3) Strike out the words "by the respective institutions or" in the last sentence of Subsection (d).

The amendment to the amendment was read and was adopted.

Delegate Davis offered the following amendment to the amendment to Article VII,

Section 10:

Amend Kubiak Amendment to Committee Report on Article VII, Section 10(a) as follows:

Delete the sentence "These bonds may be issued for any one or more of the said purposes by the respective institutions." and substitute the following: "These bonds may be issued for the respective institutions for any one or more of the said purposes set forth in (c), except (7)."

The amendment to the amendment was read and was adopted.

Delegate Bock offered the following amendment to the amendment to Article VII, Section 10:

Amend Kubiak amendment by adding a new paragraph to read as follows:

(f) All bonds issued pursuant to this section shall be approved by the Attorney General of Texas and when so approved shall be incontestable.

BOCK HUTCHISON LARY

The amendment to the amendment was read and was adopted.

pelegate Sherman of Potter offered the following amendment to the amendment to Article VII, Section 10:

Amend Subsection (e) of the Kubiak Amendment by adding the Words "or construction" between the Words "acquisition" and "of" on the first line of subsection (e).

SHERMAN OF POTTER HIGHTOWER

The amendment to the amendment was read and was adopted,

Delegate Washington offered the following amendment to the amendment to Article VII, Section 10:

Amend Kubiak Amendment to Education Committee Report, Article VII by striking all of subsection (a) of Section 10 thereof and substituting in lieu thereof the following, to wit:

(a) There is hereby established the State Higher Education Assistance Fund to which is appropriated from the state treasury each fiscal year an amount equal to the state's official estimate of the money that will become a part of the Available University Fund in the same fiscal year. At such time as the Available University Fund exceeds the level of \$40 million, such amount in excess of \$40 million shall be appropriated by the legislature to the State Higher Education Assistance Fund and the amount appropriated from the state treasury each fiscal year shall decrease in direct proportion thereto, until the amount received from the Available University Fund reaches the level of \$40 million, after which time the Available University Fund and the State Higher Education Assistance Fund shall

increase, or decrease in parity.

WASHINGTON

The amendment to the amendment was read.

Delegate Hightower moved to table the amendment to the amendment.

### LEAVE OF ABSENCE

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

The motion to table prevailed by the following vote: 98 Yeas, 66 Nays, 2 Present-Not Voting, 15 Not Voting. (Record 3, Appendix)

### PAIRED VOTE

Delegate Adams (present), who would vote "Yea", with Delegate Mauzy (absent), who would vote "Nay".

Delegate Clayton offered the following amendment to the amendment to Article VII, Section 10:

Amend Kubiak amendment, Subsection (b) by striking the last sentence of the subsection and adding in its place the following:

The allocation of funds to the several institutions and systems shall be pursuant to equitable formulae based on statewide higher educational needs, devised by the legislature or by an agency or department authorized by the Legislature.

The amendment to the amendment was read and was adopted.

Delegate Spurlock offered the following amendment to the amendment to Article VII, Section 10:

Amend Kubiak amendment by striking all of the last sentence in paragraph (a) of Section 10.

The amendment to the amendment was read.

(Vice President in the Chair)

### DELEGATE PRESENT

Delegate Weddington wno was previously recorded as "Absent-excused" was announced "Present".

### LEAVE OF ABSENCE

Delegate Andujar was granted leave of absence for the remainder of today and tomorrow on account of illness on motion of Delegate Cooke.

### (President in the Chair)

Delegate Kubiak moved to table the amendment to the amendment.

The motion to table prevailed by the following vote: 114 Yeas, 44 Nays, 3 Present-Not Voting, 20 Not Voting. (Record 4, Appendix)

### PAIRED VOTES

Delegate Braecklein (present), who would vote "Nay", with Delegate McAlister (absent), who would vote "Yea".

Delegate Wallace (present), who would vote "Yea", with Delegate Mauzy (absent), who would vote "Nay".

Delegate Washington offered the following amendment to the amendment:

Amend Kubiak Amendment to Education Committee Report, Article VII by striking all of subsection (a) of Section 10 thereof and substituting in lieu thereof the following, to wit:

(a) There is hereby established the State Higher Education Assistance Fund to which is appropriated from the general revenue fund in each fiscal year an amount equal to the state's official estimate of the money that will become a part of the Available University Fund in the year in which this constitution is adopted. At such time as the Available University Fund exceeds the level of \$40 million, one-half of such amount in excess of \$40 million shall be appropriated by the legislature to the State Higher Education Assistance Fund and the amount appropriated from the general revenue fund in each fiscal year shall decrease in direct proportion thereto, until the amount received from the Available University Fund reaches the level of \$40 million, after which time the Available University Fund and the State Higher Education Assistance Fund shall increase, or decrease in parity.

WASHINGTON MATTOX

The amendment to the amendment was read.

Delegate Hightower moves to table the amendment to the amendment.

The motion to table prevailed by the following vote: 101 Yeas, 57 Nays, 2 Present-Not Voting, 21 Not Voting. (Record 5, Appendix)

### STOV CERIAS

Delegate Adams (present), who would vote "Yea", with Delegate Mauzy (apsent), who would vote "Nay",

Question: Shall the amendment as amended be adopted?

On motion of Delegate Aikin the Convention at 12:17 c'clock p.m. took recess until 2:00 c'clock p.m. today.

### AFTER FECESS

The President called the Convention to order at 2:00 o'clock p.m., pursuant to recess.

Question: Shall the amendment as amended be adopted?

### LEAVES OF ABSENCE

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

Delegate Heatly was granted leave of absence for the remainder of today on account of important business on motion of Delegate

### DELEGATES PRESENT

Delegates Santiesteban and Massey who had previously been recorded as had previously been recorded as "Absent-excused" were announced "Present".

Delegate Mattox moved to table amendment as amended.

The motion to table was lost by the following vote: 50 Yeas, 113 Nays, 2 Present-Not Voting, 16 Not Voting. (Record 6, Appendix)

### PAIRED VOTE

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

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

The amendment as amended was then adopted by the following vote: 107 Yeas, 55 Nays, 2 Present-Not Voting, 17 Not Voting. (Record 7, Appendix)

### PATRED VOTE

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

### REASON FOR VOTE

As a delegate from El Paso, with a University in the University of Texas system in my district, I voted against the amendment giving those universities in the State outside the UT and A&M systems the authority to use a dedicated fund for "such other purposes as provided by law"--a right which only UT at Austin and A&M at College Station have been given. This authority then, is prohibited only to such schools as UTEP (all schools within the UT and A&M systems other than UT at Austin and A&M at College Station).

In addition, by this amendment, the only schools which are prohibited from receiving any general revenue funds for acquiring land (with or without permanent improvements) or for constructing and equipping new buildings or other permanent improvements are such schools as UTEP (all schools within the UT and A&M systems other than UT at Austin and A&M at College Station).

> UTEP The relegation of and other

colleges and universities within the UT and A&M systems to a 3rd class status (following [1] UT at Austin and A&M at College Station, and [2] 22 colleges and universities outside the systems) has been successfully accomplished by the adoption of this amendment. I can only hope to correct this inequity by a later vote amending Section 9 of Article VII.

COLEMAN

REPORT OF THE COMMITTEE ON RIGHTS AND SUFFRAGE

February 28, 1974

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

Sir:

We, your Committee on Rights, Suffrage, Amendments, and Separation of Powers, to whom was referred Article XI of Constitutional Convention Proposal 1, have had the same under consideration and beg to report back with the recommendation that it do pass in the form attached.

The proposal was reported from committee by the following record vote: 12 leas, 3 Nays.

Respectfully submitted,

151 SCHWARTZ Chairman

(January 11, 1974, filed; January 14, 1974, referred to Committee on Rights and Suffrage; February 28, 1974, reported favorably by a vote of 12 Yeas, 3 Nays; February 28, 1974, sent to printer.)

February 28, 1974

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

Committee on Rights, Suffrage, Amendments, and Separation of Powers submits herewith its report containing recommended provisions for a new article on the mode of amending the Texas Constitution. This proposed new article is intended to replace Article XVII of the present constitution in its entirety.

The committee attempted to provide an cle XI which contained the proper Article framework for amending the state constitution. Aspects of the amendment process which required detailed prescription were left to legislative discretion. Every attempt was made to put the provisions of Article XI into language having one plain meaning so that the average citizen of this state can easily understand its contents.

There was substantial agreement among committee members on most of the issues discussed. There was minority support for allowing amendment of the constitution by initiative.

The report was adopted

after consideration was given to recommendations of

Constitutional Revision Commission, the suggestions by persons who testified before the committee in public hearings, delegates who submitted proposals, and the citizens who have contributed to the work of the committee.

During its work the committee utilized the services of the following staff members and advisors: David Garza, John Langdon,

Mark Cohen, and Mary K. Wall.

The committee believes this proposal provides a much improved constitutional framework for the modes of amending the Texas Constitution and urges its adoption by the Constitutional Convention.

> SCHWARTZ Chairman

BE IT PROPOSED BY THE COMMITTEE ON RIGHTS AND

That there be a new article on the mode of amending the constitution of the state to read as follows:

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

Sec. 1. AMENDMENTS TO THE CONSTITUTION. (a) Amendments to this constitution may be proposed to the qualified voters of the state record vote of two-thirds of the a membership of each house.

(p) A proposed amendment shall be submitted at the next statewide general election following the expiration of 90 days it is proposed by the legislature. Procedures shall be provided by law for publicizing proposed amendments.

(c) A proposed amendment shall become a of this constitution on approval by a majority of the qualified voters voting on

the question.
Sec. 2. CONSTITUTIONAL CONVENTION. (a) legislature by a record vote of a majority of the membership of each house may submit to the qualified voters of the state the question of whether to call a constitutional convention and the articles of the constitution which may be considered. The question shall be submitted at the first statewide general election occurring at least six months after the legislature proposes the question. A constitutional convention shall be called if approved by a majority of qualified voters voting on the question. of the

(b) The guestion of whether to call a constitutional convention shall be submitted to the qualified voters at least once every

legislative session following approval of a constitutional convention by the gualified voters, provide by law for the time, place, duration of the convention; fix and and provide for the pay, allowances, and expenses of delegates and officers; and provide for the expenses of the convention. The first meeting of the convention shall be within three months after the election of delegates.

(d) One delegate shall be elected from each representative district in existence at the time of such election and shall have the same qualifications for office as a member of the house of representatives. Delegates shall be elected and vacancies filled as provided by law. No other provision in this constitution shall prohibit a public officer from serving as a delegate.

(e) The constitutional convention may, by a majority vote of its membership, propose any revision or amendments to the constitution in a manner consistent with this section. The convention shall determine the manner of submission, the date of the election, and the manner of publicizing the

proposals to be voted on.

(f) Any proposed revision or amendments shall become effective, as the convention provides, if approved by a majority of qualified voters voting on the question.

### SECTION-BY-SECTION ANALYSIS OF COMMITTEE REPORT

Introduction

The committee began its work with the version of Article XI in Constitutional Convention Proposal 1. After witness testimony, staff memoranda, and intracommittee discussion, the committee proceeded to vote on amendments to Proposal A committee substitute for Proposal 1 was offered and 5 amendments to the committee substitute were proposed by committee members. Four of the 5 amendments received approval of a majority of the committee, and the committee substitute, as amended, was subsequently adopted.

Section 1 provides for the legislature to propose amendments to the constitution and for approval of the proposals by the voters. Section 2 provides for the submission to the voters of the question of whether to call a constitutional convention and the articles of the constitution which may be considered. This section also provides for approval of or amendments by the proposed revision

The revised Article XI was submitted to the committee for approval as a whole. The article was approved by a majority vote of the committee membership, with 12 votes for the committee report and 3 against.

Section-by-section Analysis

Sec. 1. AMENDMENTS TO THE CONSTITUTION. Amendments to this constitution may be proposed to the qualified voters of the state by a record vote of two-tnirds of membership of each house.

(b) A proposed amendment shall be submitted at the next statewide general election following the expiration of 90 days after it is proposed by the legislature. Procedures shall be provided by law for publicizing proposed amendments.

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

COMMENTS

Section 1 provides that the legislature may propose constitutional amendments upon a two-thirds vote of the membership of each house. It further provides for approval by the voters of the proposed amendment by a majority vote of those voting on

question. This section requires proposed amendments to be submitted only at statewide general elections and leaves the manner of publicizing proposed amendments to legislative direction.

The committee substitute for Article XI, as originally offered, made no substantive changes in Section 1 of Article XI of Constitutional Convention Proposal 1. An amendment to the committee substitute was offered which deleted the provision requiring the submission of a proposed amendment to the attorney general before the legislature voted on the proposal. The amendment deleting this provision was approved by a vote of 16 yeas, 0 nays.

Sec. 2. CONSTITUTIONAL CONVENTION. (a) The legislature by a record vote of a majority of the membership of each house may submit to the qualified voters of the state the question of whether to call a constitutional convention and the articles of the constitution which may be considered. The question shall be submitted at the first statewide general election occurring at least six months after the legislature proposes the question. A constitutional convention shall be called if approved by a majority of the qualified voters voting on the question.

(b) The question of whether to call a constitutional convention shall be submitted to the qualified voters at least once every 20 years.

(c) The legislature shall, at the next legislative session following approval of a constitutional convention by the qualified voters, provide by law for the time, place, and duration of the convention; fix and provide for the pay, allowances, and expenses of delegates and officers; and provide for the expenses of the convention. The first meeting of the convention shall be within three months after the election of delegates.

(d) One delegate shall be elected from each representative district in existence at the time of such election and shall have the same qualifications for office as a member of the house of representatives. Delegates shall be elected and vacancies filled as provided by law. No other provision in this constitution shall prohibit a public officer from serving as a delegate.

(e) The constitutional convention may, by a majority vote of its membership, propose any revision or amendments to the constitution in a manner consistent with this section. The convention shall determine the manner of submission, the date of the election, and the manner of publicizing the proposals to be voted on.

(f) Any proposed revision or amendments shall become effective, as the convention provides, if approved by a majority of qualified voters voting on the question.

COMMENTS

section 2 provides for submission to the voters of the question of whether to call a constitutional convention and the articles of the constitution which may be considered. The legislature may submit the question upon a majority vote of the membership of each house. In addition, Section 2 requires the periodic submission of the question every 20 years. A constitutional convention is called if approved by a majority of the voters

voting on the question. This section also requires a majority of the membership of the convention to propose a revision or amendments and a majority of those voting on the question to approve a proposed revision or amendments.

The committee substitute as originally offered made two substantive changes in Section 2, Article XI, of Constitutional Convention Proposal 1. The committee substitute deleted a prohibition in Section 2(d) barring judges, justices, members of the legislature, and elected officials of the executive branch from serving as delegates to future constitutional conventions. The committee substitute also deleted a requirement in Section 2(e) of Constitutional Convention Proposal 1 that any revision or amendments proposed by a constitutional convention be submitted within two to six months after the convention adjourns.

There were three proposed amendments to Section 2 of the committee substitute. The first amendment added the words "and the articles of the constitution which may be considered." This amendment expressly authorizes the legislature to limit the scope of a constitutional convention when it submits the question of whether to call a constitutional convention. This amendment was approved by a majority of the committee membership with 15 members for the amendment and 1 against.

A second committee amendment was proposed which added to Section 2(d) of the committee substitute the sentence: "No other provision in this constitution shall prohibit a public officer from serving as a delegate." The committee felt this amendment was necessary to overcome prohibitions in other provisions of the constitution which would prevent public officers from serving as delegates. This amendment was approved by an affirmative vote of 16 members of the committee, with none against.

The third committee amendment added the words "in a manner consistent with this section" in Section 2(e) of the committee substitute. This amendment was necessitated by the express authorization given the legislature in the first committee amendment to limit the scope of a constitutional convention. This amendment was approved by a majority vote of the committee membership, with 15 votes for the proposal and none against.

The committee also considered an amendment which would have authorized public initiative as a means of amending the constitution. The committee rejected the constitutional initiative amendment by adoption of a motion to table it with a vote of 8 yeas and 7 nays.

### ARTICLE VII ON SECOND READING

The President laid before the Convention Article VII, Section 11.

Delegate Coody explained Section 11.

### DELEGATES PRESENT

Delegates Mauzy, Evans and Hall of Harris who had previously been recorded as "Absent-excused" were announced "Present".

Constitutional Revision Commission, the suggestions by persons who testified before the committee in public hearings, delegates who submitted proposals, and the citizens who work of the the have contributed to committee.

During its work the committee utilized the services of the following staff members and advisors: David Garza, John Langdon,

Mark Cohen, and Mary K. Wall.

The committee believes this proposal provides a much improved constitutional framework for the modes of amending the Texas Constitution and urges its adoption by the Constitutional Convention.

> SCHWARTZ Chairman

BE IT PROPOSED BY THE COMMITTEE ON RIGHTS AND SUFFRAGE,

That there be a new article on the mode amending the constitution of the state to read as follows:

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

AMENDMENTS TO THE CONSTITUTION. Sec. 1. (a) Amendments to this constitution may be proposed to the qualified voters of the state by a record vote of two-thirds of the membership of each house.

(p) A proposed amendment shall be submitted at the next statewide general election following the expiration of  $90\,$  days after it is proposed by the legislature. Procedures shall be provided by law for publicizing proposed amendments.

(c) A proposed amendment shall become a of this constitution on approval by a majority of the qualified voters voting on

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Sec. 2. CONSTITUTIONAL CONVENTION. (a) legislature by a record vote of majority of the membership of each house may submit to the qualified voters of the state call a question of whether to constitutional convention and the articles of the constitution which may be considered. The question shall be submitted at the first statewide general election occurring at least six months after the legislature proposes the A constitutional convention shall question. be called if approved by a majority of the qualified voters voting on the question.

(b) The question of whether to call a constitutional convention shall be submitted to the qualified voters at least once every

20 vears.

(c) The legislature shall, at the next legislative session following approval of a constitutional convention by the qualified voters, provide by law for the time, place, and duration of the convention; fix and provide for the pay, allowances, and expenses of delegates and officers; and provide for the expenses of the convention. The first The first meeting of the convention shall be within three months after the election of delegates.

(d) One delegate shall be elected from representative district in existence at each the time of such election and shall have the same qualifications for office as a member of the house of representatives. Delegates shall be elected and vacancies filled as provided by law. No other provision in this constitution shall prohibit a public officer from serving as a delegate.

(e) The constitutional convention may, by a majority vote of its membership, propose revision or amendments to constitution in a manner consistent with this section. The convention shall determine the manner of submission, the date of the election, and the manner of publicizing the

proposals to be voted on.

(f) Any proposed revision or amendments shall become effective, as the convention provides, if approved by a majority of qualified voters voting on the question.

### SECTION-BY-SECTION ANALYSIS OF COMMITTEE REPORT

Introduction

The committee began its work with the version of Article XI in Constitutional Convention Proposal 1. After witness Proposal 1. After witness staff memoranda, and testimony, intracommittee discussion, the committee proceeded to vote on amendments to Proposal A committee substitute for Proposal 1 was offered and 5 amendments to the committee substitute were proposed by committee members. Four of the 5 amendments received approval of a majority of the committee, and the committee substitute, as amended, was subsequently adopted.

Section 1 provides for the legislature to propose amendments to the constitution and for approval of the proposals by the voters. Section 2 provides for the submission to the voters of the question of whether to call a constitutional convention and the articles of the constitution which may be considered. This section also provides for approval of proposed revision or amendments by the voters.

The revised Article XI was submitted to the committee for approval as a whole. The article was approved by a majority vote of the committee membership, with 12 votes for the committee report and 3 against.

Section-by-section Analysis

Sec. 1. AMENDMENTS TO THE CONSTITUTION. (a) Amendments to this constitution may be proposed to the qualified voters of the state a record vote of two-tnirds of the membership of each house.

(b) A proposed amendment shall be submitted at the next statewide general election following the expiration of 90 days after it is proposed by the legislature. Procedures shall be provided by law for publicizing proposed amendments.

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

COMMENTS

Section 1 provides that the legislature may propose constitutional amendments upon a two-thirds vote of the membership of each house. It further provides for approval by the voters of the proposed amendment by a majority vote of those voting on the

question. This section requires proposed amendments to be submitted only at statewide general elections and leaves the manner of publicizing proposed amendments to legislative direction.

The committee substitute for Article XI, as originally offered, made no substantive changes in Section 1 of Article XI of Constitutional Convention Proposal 1. An amendment to the committee substitute was offered which deleted the provision requiring the submission of a proposed amendment to the attorney general before the legislature voted on the proposal. The amendment deleting this provision was approved by a vote of 16 yeas, 0 nays.

Sec. 2. CONSTITUTIONAL CONVENTION. (a) The legislature by a record vote of a majority of the membership of each house may submit to the qualified voters of the state the question of whether to call a constitutional convention and the articles of the constitution which may be considered. The question shall be submitted at the first statewide general election occurring at least six months after the legislature proposes the question. A constitutional convention shall be called if approved by a majority of the qualified voters voting on the question.

(b) The question of whether to call a constitutional convention shall be submitted to the qualified voters at least once every 20 years.

(c) The legislature shall, at the next legislative session following approval of a constitutional convention by the qualified voters, provide by law for the time, place, and duration of the convention; fix and provide for the pay, allowances, and expenses of delegates and officers; and provide for the expenses of the convention. The first meeting of the convention shall be within three months after the election of delegates.

(d) One delegate shall be elected from each representative district in existence at the time of such election and shall have the same qualifications for office as a member of the house of representatives. Delegates shall be elected and vacancies filled as provided by law. No other provision in this constitution shall prohibit a public officer from serving as a delegate.

(e) The constitutional convention may, by a majority vote of its membership, propose any revision or amendments to the constitution in a manner consistent with this section. The convention shall determine the manner of submission, the date of the election, and the manner of publicizing the proposals to be voted on.

(f) Any proposed revision or amendments shall become effective, as the convention provides, if approved by a majority of qualified voters voting on the question.

Section 2 provides for submission to the voters of the question of whether to call a constitutional convention and the articles of the constitution which may be considered. The legislature may submit the question upon a majority vote of the membership of each house. In addition, Section 2 requires the periodic submission of the question every 20 years. A constitutional convention is called if approved by a majority of the voters

voting on the question. This section also requires a majority of the membership of the convention to propose a revision or amendments and a majority of those voting on the question to approve a proposed revision or amendments.

The committee substitute as originally offered made two substantive changes in Section 2, Article XI, of Constitutional Convention Proposal 1. The committee substitute deleted a prohibition in Section 2(d) barring judges, justices, members of the legislature, and elected officials of the executive branch from serving as delegates to future constitutional conventions. The committee substitute also deleted a requirement in Section 2(e) of Constitutional Convention Proposal 1 that any revision or amendments proposed by a constitutional convention be submitted within two to six months after the convention adjourns.

There were three proposed amendments to Section 2 of the committee substitute. The first amendment added the words "and the articles of the constitution which may be considered." This amendment expressly authorizes the legislature to limit the scope of a constitutional convention when it submits the question of whether to call a constitutional convention. This amendment was approved by a majority of the committee membership with 15 members for the amendment and 1 against.

A second committee amendment was proposed which added to Section 2(d) of the committee substitute the sentence: "No other provision in this constitution shall prohibit a public officer from serving as a delegate." The committee felt this amendment was necessary to overcome prohibitions in other provisions of the constitution which would prevent public officers from serving as delegates. This amendment was approved by an affirmative vote of 16 members of the committee, with none against.

The third committee amendment added the words "in a manner consistent with this section" in Section 2(e) of the committee substitute. This amendment was necessitated by the express authorization given the legislature in the first committee amendment to limit the scope of a constitutional convention. This amendment was approved by a majority vote of the committee membership, with 15 votes for the proposal and none against.

The committee also considered an amendment which would have authorized public initiative as a means of amending the constitution. The committee rejected the constitutional initiative amendment by adoption of a motion to table it with a vote of 8 yeas and 7 nays.

### ARTICLE VII ON SECOND READING

The President laid before the Convention Article VII, Section 11.

Delegate Coody explained Section 11.

### DELEGATES PRESENT

Delegates Mauzy, Evans and Hall of Harris who had previously been recorded as "Absent-excused" were announced "Present".

### LEAVES OF ABSENCE

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

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

Delegate Preston offered the following amendment to Article VII, Section 11:

Amend Article VII by striking Section 11.

PRESTON

The amendment was read.

Delegate Munson moved to table the amendment.

The motion to table was lost by the following vote: 72 Yeas, 91 Nays, 1 Present-Not Voting, 17 Not Voting. (Record 8, Appendix)

(Delegate Sullivant in the Chair)

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

### (President in the Chair)

The amendment failed of adoption by the following vote: 81 Yeas, 83 Nays, 1 Present-Not Voting, 16 Not Voting. (Record 9, Appendix)

Delegate Preston requested a verification of Record 9. The verification was ordered and reflected the following: 81 Yeas, 83 Nays.

### DELEGATES PRESENT

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

Delegate McAlister who had previously peen recorded as "Absent-excused" was announced "Present".

### LEAVE OF ABSENCE

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

Delegate Preston offered the following amendment to Article VII, Section 11:

Amend Section 11 by striking the word "shall" and insert the word "may".

The amendment was read.

Delegate Coody moved to table the amendment.

The motion to table prevailed by the following vote: 91 Yeas, 73 Nays, 1 Present-Not Voting, 16 Not Voting. (Record 10, Appendix)

Delegate Truan offered the following amendment to Article VII, Section 11:

Amend Section 11 of the Education Committee Report by adding the words "composed of elected members" between the word "System" and the period.

The amendment was read and failed of adoption by the following vote: 59 Yeas, 104 Nays, 1 Present-Not Voting, 17 Not Voting. (Record 11, Appendix)

### DELEGATE PRESENT

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

Delegate Coody offered the following amendment to Article VII, Section 11:

Amend Section 11 of Article VII to read as follows:

The legislature shall provide by law for a coordinating board for higher education.

The amendment was read.

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

Delegate Hale offered the following amendment to Article VII, Section 11:

Amend Section 11 of Article VII by adding thereto an additional sentence to read as follows:

No new state public senior institution or system of higher education shall be created nor shall any existing institution or system be extended to a new campus or undertake any additional major course of instruction without the prior approval of the coordinating board.

The amendment was read.

Delegate Baker offered the following amendment to the amendment to Article VII, Section 11:

Amend the Hale amendment to Section 11 of Article VII by adding after the word "board" the following:

"unless by a 2/3 vote of each house of the legislature."

The amendment to the amendment was read.

Delegate Hale moved to table the amendment to the amendment.

The motion to table prevailed by the following vote: 92 Yeas, 66 Nays, 1 Present-Not Voting, 22 Not Voting. (Record 12, Appendix)

Question: Shall the amendment be adopted?

Delegate Vick offered the following amendment to the amendment to Article VII, Section 11:

Amend the Hale amendment to Section 11 of Article VII by striking the words "or undertake any additional major course of instruction".

The amendment to the amendment was read.

Delegate Agnich offered the following substitute for the amendment to the amendment to Article VII, Section 11:

Amend the Hale amendment to Section 11 of Article VII by striking the words "undertake any additional major course" and substitute in lieu thereof the following: "establish any new department".

The substitute for the amendment to the amendment was read.

Delegate Truan moved to table the substitute for the amendment to the amendment.

The motion to table was lost by the following vote: 71 Yeas, 88 Nays, 2 Present-Not Voting, 20 Not Voting. (Record 13, Appendix)

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

### LEAVE OF ABSENCE

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

The substitute for the amendment to the amendment was adopted by the following vote: 94 Yeas, 69 Nays, 2 Present-Not Voting, 16 Not Voting. (Record 14, Appendix)

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

The amendment as substituted was then adopted by the following vote: 95 Yeas, 69 Nays, 3 Present-Not Voting, 14 Not Voting. (Record 15, Appendix)

Delegate Blanchard offered the following amendment to the amendment as amended to Article VII, Section 11:

Amend the Hale amendment to Section 11, Article VII to read as follows:

No new state public senior institution of higher education shall be created nor shall any existing institution or system be extended to additional sites or campuses after the adoption of this Constitution.

The amendment to the amendment as amended was read.

Delegate Hale moved to table the

amendment to the amendment as amended.

The motion to table prevailed by the following vote: 121 Yeas, 43 Nays, 1 Present-Not Voting, 16 Not Voting. (Record 16, Appendix)

Question: Shall the amendment as amended be adopted?

### UNANIMOUS CONSENT TO RECORD VOTES

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

Delegate Allred requested to be recorded as voting "Yea" on Record Vote 9.

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

Delegate Tupper requested to be recorded as voting "Yea" on Record Vote 12.

Delegate Wieting requested to be recorded as voting "Nay" on Record Vote 13.

### RECESS

On motion of Delegate Aikin the Convention at 5:23 o'clock p.m. took recess in memory of E. D. Segura, father-in-law of Delegate Frank Madla, until 9:00 o'clock a.m. tomorrow.

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Motion to table Hale Amendment to Art VII, Sec. 10

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#3 Motion to table Washington
Amendment to Art VII Sec. 10.

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### TEXAS CONSTITUTIONAL CONVENTION

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# 4 Motion to table Spurlock
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## Motion to table Washington Amendment to Art VII Sec 10.

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Barnhart	Grant	_Massey	_Slack
Bigham	Green, F.	• Mattox	Snelson
Bird	Green, R.	Mauzy Meier	Spurlock
Blake	Hale Hall, A.	_Meier	Sullivant
Blanchard	Hall, A.	_Menefee	Sutton
Blythe	Hall, W.	_Mengden	_Tarbox
Bock	Hanna	_Miller	Temple
Boone	Harrington	Montoya	• Thompson
Bowers	Harris, E.	_Moore	Traeger
Braecklein	<ul><li>Harris, O.</li></ul>	Munson	_Truan
Brooks •	Head	Murray	_Tupper
Bynum	_Heatly _ X	Nabers Newton	• Uher
Caldwell	Henderson	_NewtonX	_Vale
Calhoun	_Hendricks	Nichols	_Vecchio
Canales	_Hernandez	_Nowlin	• Vick
Cates	Hightowc:	_Nugent	_Von Dohlen
Clark	_Hilliard	• Ogg	• Wallace
Clayton	_Hoestenbach	Olson	• Washington
Clower	Hollowell	Parker, C.	• Waters
Cobb	_Howard	Parker, C. • Parker, W. •	_Watson
Cole	_Hubenak	Patman	Weddington
Coleman	• Hudson	Pentony	_Whitehead
Coody	Hutchiso	_Peveto	_Whitmire
Cooke	Johnson	Poerner	_Wieting
Craddick	Jones, Gene	Poff	_Williams
Creighton	Jones, Grant	Powers	• Williamson
Creighton Daniel	Jones, L.	Presnal	_Willis
Davis	_Kaster	Preston	
Denson	Korioth	• Ragsdale	_Wilson
Denton	Kothmann	• Reyes	_Wolff
Doggett	_Kubiak	- Reyes	
Doggett	_Laney	• Reynolds	_Bryant
Doran	Lary		X-Excused

# #6 Motion to table Kubiak Amenament to Art VII, Sec 10.

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Parker, C.	• Waters
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#8 Motion to table Preston
Amendment to Art VII, Sec11.

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#9 Adoption of Preston Amendment to Art VIII, Sec 11. Failed

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# Motion to table Preston Amenament to Art VII Sec11.

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Allen, John	Finney	McDonald, F.	Schwartz
Allred	Foreman	McDonald, T.	Scoggins
Andujar X	Fox	McKinnon	• Semos
Atwell	Gammage	McKnight	Sherman, M.
Bailey	Garcia	Madla X	Sherman, W.
Baker	_Gaston	_Maloney	Short
Bales	_Geiger		<ul><li>Simmons</li></ul>
Barnhart	Grant	<ul><li>Massey</li></ul>	• Slack
Bigham •	• Green, F.	Mattox	Snelson
Bird	Green, R.	_Mauzy	Spurlock
Blake	_Hale	_MeierX	Sullivant
Blanchard	• Hall, A.	Menefee	_Sutton
Blythe	•_Hall, W	Menaden	_Tarbox
Bock	Hanna	Miller	Temple
Boone	Harrington	· Montoya	Thompson
Bowers	Harris, E.	Moore	
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Clower	Hollowell	Parker, C.	• Waters
Cobb	_Howard	Parker, W.	• Watson
Cole	_Hubenak	Patman	Weddington
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Cooke	_Johnson	Poerner	_Wieting
Craddick	Jones, Gene	● Poff	_Williams
Creighton	_Jones, Grant	Powers	_Williamson
Daniel	Jones, L.	Presnal	Willis
Davis	_Kaster	_Preston	_Wilson
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Amendment to Art VII Sec 11

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Bales	_Geiger	Martin	• Short
Barnhart	• Grant	Massey	Simmons
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## # 12 Motion to table Baker Amendment to Art VII, Sec 11.

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Motion to table Agnich Substitute
Amendment to Art VII Sec 11

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# 14 Adoption of Agnich

Amendment to Art VII, Sec 11.

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Baker	• Gaston	Maloney	Short
Bales •	_Geiger	• Martin	Simmons
Barnhart	• Grant	Massey	_Slack
Bigham	Green, F.	Mattox	• Snelson
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Cates	- Hightower	Nugent	Von Dohlen
Clark	• Hilliard	Ogg	Wallace
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#15 Adoption of Vick Amendment
as Substituted to ART VII Sec 11

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### # 16 Motion to table Blanchard Amendment to ART III Sec 11

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