

Con Office  
4/3/74

TO: CONVENTION DELEGATES, MEDIA AND PRESS REPRESENTATIVES  
FROM: CONVENTION INFORMATION CENTER

Summary of Committee Action  
For  
Wednesday, April 3, 1974

Committee on the Judiciary: The Committee, Wednesday morning adopted Sections 9 and 20 for inclusion in the Committee Report.

Section 9, as approved, reads: "Compensation. The state shall pay the basic salaries of all justices and judges of the unified judicial system and shall pay such other expenses of the system as provided by law. Funds collected by the courts may not be used to support the unified judicial system except to the extent of reimbursement of salaries and other expenses."

Section 20 reads: "Judicial Retirement: (a) The Legislature may prescribe by law the mandatory retirement age of a justice or judge in the unified judicial system.

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

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

Committee on General Provisions: The Committee voted final approval on 11 sections of its Article during a Wednesday morning meeting.

The Committee also voted to reconsider at a May 15 meeting in Austin several sections of the Article which the Committee had earlier tentatively approved.

The sections to be opened up for additional consideration include language dealing with homesteads, open beaches, bank holding companies and a discussion of pension and retirement systems as they deal with judicial retirement.

Included among sections approved Wednesday were those dealing with official oath, residence of civil officials, forfeiture of resident for reason of absence on public business; vacancies filled for unexpired terms; creation of private corporations by general law only; alcoholic beverages (including retention of local option); practitioners of medicine; disqualification for constitutional office; liens on mechanics; environment; protection of personal property from forced sale and wages not subject to garnishment.



3/27/74

TO: CONVENTION DELEGATES, MEDIA AND PRESS REPRESENTATIVES  
FROM: CONVENTION INFORMATION CENTER

Summary of Committee Action  
For  
Tuesday, March 26, 1974

Committee on the Judiciary: The Judiciary Committee accepted amendments for Sections 11, 12, 13 and 14 of Article V, during an evening session in the Old Supreme Court Room.

The Committee approved language to its Article that would provide that any rule of civil procedure adopted by the Supreme Court may be disapproved by either house of the Legislature.

The Committee also approved language providing that "No rule of procedure may take effect until the Legislature has the opportunity to disapprove it at a regular session".

Amendments were added to sections on district and county court clerks, juries (permitting alternate jurors) and sentencing and probation.



3/26/74

TO: CONVENTION DELEGATES, MEDIA AND PRESS REPRESENTATIVES  
FROM: CONVENTION INFORMATION CENTER

Summary of Committee Action  
For  
Monday, March 25, 1974

Committee on Rules: The Committee approved for Convention consideration two recess resolutions -- one providing an April 5 to May 6 recess and the other providing for four-day weekends between April 4 and May 14.

Delegate Fred Agnich is sponsor of the resolution which would recess the Convention at the close of business each Thursday until the following Tuesday afternoon.

Agnich said his proposal is a compromise to the recess problem, in that it would provide long weekends for primary campaigns while continuing abbreviated weekly work sessions on the proposed 1974-model Constitution.

Convention President Price Daniel, Jr. said his recess proposal would allow Legislators to campaign for re-election during the April 5 - May 6 recess and provide opportunity for Delegates to explore citizen views on the work of the Convention thus far.

Also sent to the Convention Floor was a second Daniel resolution calling for an extension of up to 60 days past the May 31 cut-off date for the Convention.

Committee on the Legislature: The Committee voted 20-3 on the final version of their report. The 2,200 word Legislative Article approved by the Committee basically follows the recommendations of the Constitutional Revision Commission.

The Article will now go to the Convention Floor for consideration once Delegates finish with Finance and Local Government Articles.



3/22/74

TO: CONVENTION DELEGATES, MEDIA AND PRESS REPRESENTATIVES  
FROM: CONVENTION INFORMATION CENTER

Summary of Committee Action  
For  
Thursday, March 21, 1974

Committee on Local Government: The Local Government Committee completed work on the sections of Article IX at its Thursday work session and formally adopted the entire article Friday morning.

Sections approved at the Thursday session were 7, 11, 12, 13 and a substitute for Section 10 submitted by Delegate Ray Hutchison.

A re-draft of Section 7, offered by Hutchison, was a shortened version of the tentative language earlier adopted by the Committee on Special Districts and Authorities.

One difference in the new section is a sentence providing that a city, town, or county may not enact a local law to set up a special district which could be set up by an existing general law. The Committee decided to include the sentence and let the full Convention debate the issue.

Section 11, previously numbered 12, on Intergovernmental Cooperation, was adopted by a vote of 15-1.

Section 12 of the article, on political subdivisions, defining what the term shall be construed to mean, was approved 17-0.

A closer vote passed Section 13 on "consolidation of offices and functions," after some members of the Committee contended that provisions had already been made earlier in the article for such mergers. The vote was 10-8 for adoption on the section.

The Committee then took up a substitute for Section 10 on Tax Rates and Debt Limitations sponsored by Delegate Ray Hutchison.

Committee members changed one provision in the substitute which would have allowed a maximum annual ad valorem tax for purposes other than debt service of \$1.35 per \$100 of assessed valuation of taxable property in counties.

The Committee voted to go back to the original \$1.25 proposed in language submitted to the Styling Committee staff.

The vote on the Hutchison substitute on the special districts section was 15-1 for adoption.

Convention President Price Daniel, Jr. dropped in during the work session to discuss with members the chances of having the article adopted on Friday, which, under the 72-hour rule, would allow it to be taken up by the Convention next week.

Daniel told members he was not trying to hurry them, but, as matters now stand, the Convention does not have any articles to consider when the Finance article is finished.



Summary of Committee Action  
For  
Thursday, March 21, 1974  
Page Two

Committee on the Judiciary: Sections 6, 9 and 10 of the Judiciary Article were tentatively approved by the Judiciary Committee after several amendments and substitutions were accepted by the Committee.

Delegate Bob Hendricks presented a substitute for Section 6, concerning county judges. Hendricks' substitute to the article on Local Government allows county judges judicial functions as "now or hereafter provided by law."

The Committee adopted the substitution by an 11-7 vote.

Several complete substitutions were offered by Delegates to Section 9 on the election of judges. Members finally accepted 10-8 Delegate Ronald Earle's proposal to allow election of Supreme Court Justices at large rather than from single member districts.

Earle's proposal also included the election of Justices of the Peace and the selection of Municipal Judges "in the manner provided by law."

Two subsections were added to Section 10. Subsection (b) allows for the removal of a Justice of the Supreme Court by the Governor "on the address of two-thirds of each house of the Legislature for willful neglect of duty, incompetency, oppression in office or other reasonable cause not a sufficient ground for impeachment."

Subsection (c) provides that any justice, judge or other judicial officer may be removed, suspended or censured as provided by law.

Committee on the Legislature: The Committee amended Section 4 of the Committee Report to return the terms for Senators and Representatives to the current 4 and 2 year terms (respectively).

A substitute offered by Delegate Bryan Poff was adopted making the change in Section 2 allowing the composition of the Senate to range from 40 to 60 members and the House from 120 to 180 members.

An amendment to the substitute set the salary for Legislators at \$8,750 plus per diem travel expenses as allowed by law.



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3/21/74

TO: CONVENTION DELEGATES, MEDIA AND PRESS REPRESENTATIVES  
FROM: CONVENTION INFORMATION CENTER

Summary of Committee Action  
For  
Wednesday, March 20, 1974

Committee on Local Government: Meeting for little more than an hour, the Committee adopted five sections of the Committee report, leaving only five more for consideration.

The Delegates turned down a motion to delete Section 2 in its entirety and accepted 18 to 1 Delegate Menton Murray's motion to delete only the second sentence.

Deleting excess explanation, the Section as amended reads:  
"The power of counties shall be those granted by this Constitution and by general law."

Also adopted were Sections 5, 6, 8 and 9.

Committee on the Judiciary: Committee members restored to the Judiciary Article draft provision for circuit courts.

Language submitted by Delegate H. J. (Doc) Blanchard provides that a circuit court with one or more judges will be established in each judicial district, now or hereafter provided by law.

The Committee also adopted language providing that the governing body of each county shall divide the county from time to time into justice precincts--not less than four nor more than eight.



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3/20/74

TO: CONVENTION DELEGATES, MEDIA AND PRESS REPRESENTATIVES  
FROM: CONVENTION INFORMATION CENTER

Summary of Committee Action  
For  
Tuesday, March 19, 1974

Committee on General Provisions: Public testimony on banking was reopened by the General Provisions Committee to acquire more information on branch banking and the new provision limiting multi-bank holding companies to an eight percent ceiling of total domestic funds on deposit in the state.

Robert E. Stewart, Texas Banking Commissioner, appeared before the Committee to answer questions. Stewart was questioned intensively by Delegate John Wilson about whether the state commission is concerned with the rapid growth of holding companies in the state.

Stewart said he personally feels that any control should be left in the statutes to be more responsive to change and to allow future limitation on holding companies instead of locking into an eight percent ceiling. He added he felt there should be some control but that it should be statutory rather than in the Constitution.

Lewis H. Bond, Chairman of the Board of the Fort Worth National Corporation, the sixth largest bank holding company in the state, said the holding company provides some services that independent banks cannot. He also emphasized that holding companies are adequately controlled by many regulatory boards. Most holding companies allow member banks to maintain their own management and board of directors, he added.

Derrell Henry, President of the American Bank of Odessa, told the Committee he is not a proponent of branch banking but that he opposes putting a limitation or prohibition in the Constitution. He mentioned several advantages of holding companies including the addition of capital to the bank, the assistance of qualified experts, the increased capacity of the bank to aid local customers, the total resources of the bank remaining in that bank, retention of autonomy of the bank and others.

The American Bank of Odessa recently merged with Texas Commerce Bancshares, Inc. and Henry said all the advantages mentioned had been given to the American Bank of Odessa.



Summary of Committee Action  
For  
Tuesday, March 19, 1974  
Page Two

Committee on Local Government: The Local Government Committee voted 14 to 2 to include a "county home rule" proposal in its report to the Convention, but as an item to be considered for submission to the voters as a separate issue.

After several parliamentary questions and substitute motions, the Committee, which was evenly divided on the question of home rule, agreed that the issue should be separate from the whole Constitution.

The Committee adopted an amendment by Delegate Ray Hutchison as a substitute for Section 4 of Article IX, on County Ordinances.

Changes in the wording of Subsection (a) provided that if a county adopts the power to enact ordinances, the County Commission may enact any ordinances that are not inconsistent with the Constitution or the laws of the State.

A sentence was also added to Subsection 4 (a) reading "this Subsection does not limit the power of the Legislature to grant directly to counties authority to enact ordinances."

The Hutchison substitute was adopted by a vote of 15 to 0.

Committee on the Legislature: The Committee voted to reconsider their action of last week on the proposed Section 16, providing for initiative and referendum.

The Committee then approved a motion by Delegate Ben Bynum of Amarillo to delete any mention of initiative and referendum in the Legislative Article by a vote of 8 to 4 with 2 not voting.

The Committee also voted not to require the publishing of verbatim reports of the proceedings of each house and made some other minor changes in their proposed language.

They finished reconsiderations and the final Committee report will be prepared for the full Committee to review.

Committee on the Judiciary: Though the question has apparently not been entirely resolved, the Committee voted Tuesday to delete from its Article a proposal to establish circuit courts.

Indications are, however, that attempts will be made by various Committee members to restore the Section 5 provision for circuit courts.

The Committee adopted Section 3 providing for courts of appeals and Section 4, providing for district courts.

Section 3 now reads "There shall be one or more court of appeals as provided by law, each consisting of a chief judge and at least two other judges, of whom a majority shall be necessary to decide a case."

Section 4, as adopted by the Committee, reads "The State shall be divided into judicial districts as now or hereafter provided by law. In each district there shall be one district court with one or more district judges."



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3/19/74

TO: CONVENTION DELEGATES, MEDIA AND PRESS REPRESENTATIVES  
FROM: CONVENTION INFORMATION CENTER

Summary of Committee Action  
For  
Monday, March 18, 1974

Committee on the Legislature: The Committee narrowly accepted an amendment by Delegate Richard Geiger providing for 31 members in the Senate and "not more than" 150 members in the House.

The amendment was accepted by a vote of 11 to 10.

Delegates Paul Ragsdale and Sarah Weddington made several unsuccessful attempts to lower the age of persons eligible to serve as members of the House and Senate.

The Committee approved, 14 to 2, a motion by Delegate Bob Davis to accept Style and Drafting Committee suggestions on Section 3, requiring a person to be a qualified voter, at least 25 years old, and immediately preceding election to have been a resident of the State five years and of the Senatorial district one year in order to be eligible to seek a State Senate seat.

The Committee also accepted an amendment to Subsection (d) by the Chairman of the Committee, Robert Maloney, which reads "the office of a member of the Legislature becomes vacant if the member changes residence from the district from which the member was elected unless the change is to comply with Subsection (c)." The Committee voted for the amendment 13 to 5.

Delegate Ben Bynum added a Subsection (f) which provides that "no judge of any court, Secretary of State, Attorney General, clerk of any court of record or any person holding a lucrative office under the United States or this State and its subdivisions, or any foreign government shall during the term for which he is elected or appointed, be eligible to the Legislature.

The Committee accepted Bynum's addition in a 10 to 5 vote.

Committee on the Judiciary: The Committee Monday night narrowly defeated a proposal to maintain the present system of two courts of final jurisdiction, sticking with an earlier Committee decision to provide for a single court of last resort.

Delegate Oscar Mauzy unsuccessfully proposed an amendment to the Judiciary Article to retain Texas' present Supreme Court for civil matters and the State's Court of Criminal Appeals in criminal matters.

The amendment failed of adoption on a 9 to 9 vote.

The Committee is working on its third section-by-section consideration of the Judiciary Article.



Summary of Committee Action  
For  
Monday, March 18, 1974

Page Two

Committee on Finance: The Committee met to vote on one remaining section of the transition schedule.

Discussion centered on whether the Committee should maintain existing authorized, statutorily limited bonds with a prohibition on refinancing. The section was approved unanimously.

Chairman Neil Caldwell then made a plea to the Committee to support the article as far as their consciences would allow them.

Tati Santiesteban, Vice-Chairman, discussed a game plan for presenting and explaining the article to the Delegates.

Committee on Local Government: The Committee met briefly following adjournment of Monday afternoon's General Session, to continue discussion on Section 4 of the preliminary draft.

Delegate Ray Hutchinson of Dallas, offered a substitute which would add wording to the section, assuring home rule to county voters on referendums. The Committee adjourned as the substitute will be studied and presented again at Tuesday's meeting.



3/8/74

TO: CONVENTION DELEGATES, MEDIA AND PRESS REPRESENTATIVES  
FROM: CONVENTION INFORMATION CENTER

Summary of Committee Action  
For  
Thursday, March 7, 1974

Committee on Finance: The Committee completed work on Article VIII at its Thursday night work session, approving the final report by a unanimous 21-0 vote.

The night work session was devoted to Section 7 of the Article and its language dealing with State debt.

Following lengthy discussion of Subsection 7 (b) on definition of State debt, the Committee decided to include as State debt, requiring a Statewide referendum for approval, any bonds or other evidences of indebtedness to be repaid from tax revenue, tuition, fees or other charges of any college or university, or State agency with Statewide jurisdiction.

Committee on the Legislature: The Committee Thursday night finished its Article, adopting in the process a provision for referendum and initiative which will be included as Section 16 of the Article.

The Committee agreed to language which authorizes initiative petitions to be valid following the conclusion of each session of the Legislature.

Committee on Public Information: The Committee met briefly Friday morning, but transacted no business.



3/7/74

TO: CONVENTION DELEGATES, MEDIA AND PRESS REPRESENTATIVES  
FROM: CONVENTION INFORMATION CENTER

Summary of Committee Action  
For  
Wednesday, March 6, 1974

Committee on Finance: The Committee has completed work on 10 of the 11 sections in its Article. In action Wednesday the Committee voted to retain the Highway-User Fund without amendment.

The fund allocates three-fourths of its revenue from gasoline taxes to maintenance and construction of highways and one-fourth to the Available School Fund.

The Committee by vote of 13-10 voted to delete a subsection adopted earlier which would have provided that any revenue generated by an increase in gasoline taxes would go into a general revenue fund to be used as the Legislature wished.

Committee on the Legislature: Lack of a quorum prevented the Committee from voting on the question of including referendum and initiative in the Legislature Article.

Delegate Bill Patman added an amendment to the Section which would require 35 percent of the voters who voted in the preceding gubernatorial election to approve an initiative proposal. Patman claimed his amendment was intended to be a safeguard against a few citizens imposing laws on the majority.

Delegate Don Adams added an amendment to require bond be posted to cover the cost of verifying signatures on initiative and referendum petitions. Bond would be forfeited if signatures were not valid under the proposal.



2/27/74

TO: CONVENTION DELEGATES, MEDIA AND PRESS REPRESENTATIVES  
FROM: CONVENTION INFORMATION OFFICE

Summary of Committee Action  
for  
Wednesday, February 27, 1974

Committee on Local Government: Delegate Tom Massey of Tom Green presented his revised and amended version of Section 14 of Article IX, the consolidation of governmental functions, and the committee accepted the amended version by an 11-8 vote. Section (a) of the revised proposal was changed little except to allow the Legislature to provide for consolidation of offices by general law rather than special statute.

Section (b) was added to the proposal by Massey to empower the Legislature to allow a political subdivision in a consolidation to revoke the decision to consolidate. Massey's revised proposal provides that revocation could only take place if a majority of voters approved.

The committee adopted Delegate Matt Garcia's amendment to Massey's proposal striking the last sentence of Section (b), concerning the method of revocation of consolidation. Garcia's amendment to strike the last sentence was adopted by a 9-7 vote.

Massey emphasized that the new section differs from the old section of the Constitution because the new section is not the consolidation of governments but of function or offices of governments. Under the new section some offices could be dissolved, he said.

Committee on the Legislature: The committee added a subsection to the redistricting section of its article and made a number of minor word changes in the tentatively approved draft.

The new subsection states in the event the Supreme Court of Texas declares a redistricting plan invalid, the governor shall call a special session of the Legislature within 10 days of the ruling.

Committee on Rights and Suffrage: The committee continued its discussion on the mode of amending the State Constitution in future years. Among language accepted was a provision that at future constitutional conventions there shall be one delegate from each of the House of Representative districts and each delegate shall have the same qualifications as a member of the House of Representatives.

Committee on Finance: The committee completed its straw vote consideration of language to be included in its article. Roll call votes will begin on the various sections of the Finance Article at its next meeting Thursday.

Included among provisions tentatively approved Wednesday was the following language for Section 8, State Debt: "(a) No state debt shall be incurred unless authorized as provided in this Constitution."

"(b) State debt shall mean bonds or other evidences of indebtedness which are secured by the general credit of the state or are to be repaid from tax revenue, fees, tuition or other charges of the state or an agency,

(more)



TO: PRESS AND MEDIA REPRESENTATIVES

FROM: CONVENTION INFORMATION CENTER

DATE: March 1, 1974

FOR IMMEDIATE RELEASE

AUSTIN -- Marathon debate was triggered during the 10-day Education Article wrangle over sections dealing with "equal educational opportunity" and a new "State Higher Education Assistance Fund".

Opponents to the State Higher Education Assistance Fund which delegates and the press promptly dubbed "SHEAF" -- called it a move to quieten fears of universities and colleges in the state which don't share in the revenues of the Permanent University Fund.

The Permanent University Fund was retained intact in the proposed Constitution of 1974 after it withstood a barrage of amendments.

The Permanent Fund consists of two million acres of land set apart by the Constitution of 1876 together with the proceeds of the sale of such land, including sale of oil, gas and other minerals from the land.

The so-called "Available Fund" is income derived from investment of the Permanent Fund, and it is only that income which may be expended for the use and benefit of the University of Texas and Texas A&M University systems.

The Permanent Fund now contains about \$680 million which is currently yeilding about \$31 million annually to the Available Fund.

SHEAF, as finally accepted 107-55 by Convention delegates this past week, will require an annual appropriation from the State Treasury for use of other Texas colleges and universities. The appropriation will be an amount

(more)



equal to the Available University Fund in the fiscal year in which the new Constitution is adopted.

The new section also provides that the Legislature may increase the annual appropriation but may never decrease it below the initial amount.

At current levels the Legislature would be required to appropriate about \$31 million annually to SHEAF for use in servicing bonds that would be issued for campus construction, land acquisition and other expenditures necessary to provide colleges and universities with needed educational facilities.

The section would limit principal amount of bonds issued to not more than 50 per cent of the value of the Permanent University Fund, exclusive of real estate. The Legislature would retain the right to provide for procedures and limitations under which bonds could be issued.

Section 1 of the proposed Education Article, dealing with support of free public schools sparked two days of debate on the floor of the Constitutional Convention.

After two days of debate the Constitutional Convention agreed to wording of one section of the new Education Article that would "furnish each individual an equal educational opportunity".

The section reads: "Equitable Support of Free Public Schools. A general diffusion of knowledge being essential to the preservation of the liberties and rights of the people, it shall be the duty of the Legislature to establish and make suitable provision for the equitable support and maintenance of an efficient system of free public schools below the college level that will furnish each individual an equal educational opportunity."

Local enrichment of educational programs by local school and community junior college districts is still provided for in Section 6 of the Education Article.

(more)



Summary of weekly committee action:

Committee on Local Government: A majority of the committee agreed to accept an amendment by Delegate Tom Massey dealing with consolidation of governmental functions of a county and one or more political subdivisions in the county. The approved amendment provides:

"(a) The Legislature by general law may provide for the consolidation of one or more offices or governmental functions of a county and of one or more political subdivisions in the county."

"(b) Any consolidation under this section must be approved by a majority of the qualified voters on the question in each political subdivision affected."

Committee on the Legislature: The committee has adopted wording to provide that in the event the Supreme Court of Texas declares a redistricting plan invalid, the governor shall call a special session of the Legislature within 10 days of the ruling.

The committee also amended Section 7 (c) of its Article to require that neither house of the Legislature may adjourn or recess for more than 10 days during a general or special session without the consent of the other. The committee also adopted language to provide that special legislative sessions may be called by the Governor or by two-thirds of the membership of each house.

Committee on Rights and Suffrage: The committee has completed its work on Article VI, Voter Qualifications and Elections and the article awaits consideration by the Constitutional Convention.

Committee on Finance: The committee has completed its straw vote on tentative language to be included in its article. The committee was to begin taking a series of record votes on March 4 in an effort to finish its final report to the Convention.

(more)



Committee on General Provisions: The much-debated branch banking provision of the committee's article received tentative approval with limitations placed on holding companies in addition to the prohibition on branch banking.

Committee on the Judiciary: The committee has given tentative approval to the popular election of judges. Also okayed tentatively is a provision to require that Associate Justices of the Texas Supreme Court seek election from regions of the state. The Chief Justice of the Texas Supreme Court would continue to seek election on a statewide basis.

Committee on the Executive: The committee has completed work on Article IV, the Executive, and the report now awaits consideration by the Constitutional Convention.



Summary of Committee Action  
for  
Wednesday, February 27, 1974  
Page Two

institution, college or university of the state. State debt shall not include bonds or other evidences of indebtedness authorized by general law to be incurred on behalf of the state or an agency, institution, college or university of the state which are to be payable solely from the revenues to be generated by the project if such bonds or other evidences of indebtedness are not secured by the general credit of the state."

"(c) State debt may be authorized if approved by two-thirds vote of the membership of each house of the Legislature and submitted to and approved by a majority of the qualified electors voting on the question."

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

Committee on General Provisions: The much debated branch banking provision of the General Provisions Article received tentative approval with limitations placed on holding companies in addition to the prohibition of branch banks.

Subsection (b) of Section 16 would prohibit a holding company from acquiring control that would result in having more than eight per cent of the total domestic funds on deposit in the State.

The committee did not place a prohibition in the Constitution on foreign banks but will reflect in their commentary that is their intent the regulation remain in general law.

Committee on the Judiciary: The committee gave tentative approval to the popular election of judges and provided that Supreme Court justices would be elected from regions of the state. The Chief Justice would continue to be elected on a statewide basis.

Vacancies would be filled by gubernatorial appointment, with the office subject to election at the next succeeding election.



*Con Office*

2/26/74

TO: CONVENTION DELEGATES, MEDIA AND PRESS REPRESENTATIVES  
FROM: CONVENTION INFORMATION OFFICE

Summary of Committee Action  
for  
Tuesday, February 26, 1974

Committee on Finance: The Committee voted to remove from the proposed Constitution of 1974 any mention of a state income tax. The present Constitution of 1876 contains a provision authorizing the Legislature to impose an income tax if it wishes.

Removal of the income tax provision from the proposed new Constitution would not bar the Legislature, however, from voting to enact a tax on income at some future date.

The Committee also voted 12-9 to accept an amendment by Delegate Jack Brooks dealing with mass transit. The Brooks amendment to Article VIII, Section 3 inserts the following new language: "The Legislature may allocate and dedicate the receipts from other state taxes not dedicated by this Constitution to be used for the support of mass transportation, and may authorize the establishment of local mass transit authorities. Local tax sources and local bond issues shall be subject to approval by voters in the affected jurisdiction."

The Committee also voted 17-0 to provide a citizen with the right to seek rehearing in trial de novo in cases involving disputed appraisal of property for ad valorem taxation purposes.

Committee on the Executive: The Committee completed almost all work on its article and commentary and planned a final review of the document Wednesday.

Committee on the Legislature: The Committee adopted three changes in Article III Tuesday, pertaining to regular and special sessions.

The wording in Section 7 (b) was changed to read "All sessions of the Legislature shall be open to the public."

By using the word "sessions," the Committee made provision for executive sessions of Committees, which would not be covered by the section.

Section 7 (c) was amended to require that neither house may adjourn or recess for more than 10 days during a general or special session without the consent of the other. The CRC proposal had designated three days as the limit.

Delegate Richard Geiger's amendment for Section 7 (e) provides that special Legislative sessions may be called by the Governor or two-thirds membership of each house. A special session, which would not exceed 30 days, would be restricted to matters named by the Governor in his proclamation or in a petition by the membership of the houses.



Committee on the Judiciary: Section 8 of the proposed Constitution concerning Merit Selection of Judges came under fire again in an amendment proposed by Delegate Ron Coleman.

The Coleman amendment provides that the "state shall be divided into a number of judicial election districts, which number shall be equal to the number of associate justices of the Supreme Court..."

The voters of each district would elect one associate justice from that district under the proposed amendment. Voters would be entitled to elect the Chief Justice of the Supreme Court, under Coleman's proposal.

"I brought up the amendment because we had judges come here and tell us that too much money was being spent on state-wide elections and the people didn't know who they were voting for," Coleman told the Committee.

Delegate Jack Ogg told the Committee "we're really doing something wrong by having these judges elected from districts."

"You've thrown the people into a political process more now than they ever have been before," he added.

The Committee recessed without taking action on the Coleman amendment.

The Committee adopted 9-2 an amendment to Section 7, submitted by Delegate Ben Grant concerning the qualification of judges and mandatory retirement.

The amendment provides that each justice under the unified judicial system be a citizen and licensed to practice law in the State.

The mandatory retirement age of each justice was left to be "provided by law."

Committee on General Provisions: The Committee accepted by a vote of 17-1 the CRC wording of the Section dealing with Practitioners of Medicine. The vote came after some debate about the material not being constitutional and motion to strike the section had failed.

Earlier the Committee heard Delegate Oscar Mauzy testify for his proposal dealing with Right to Privacy (CCP #229). Delegate Jim Clark's attempt to obtain a Committee vote on the Mauzy amendment was tabled.

Also tabled was a motion to bring Access to Public Records before the Committee. Some Committee members expressed concern about taking up matters that have been scheduled for Friday. It was pointed out that the schedule has always been called "tentative".



Committee on Local Government: The Committee by a 10-6 straw vote accepted language of an amendment by Delegate Tom Massey dealing with consolidation of governmental functions of a county and one or more political subdivisions in the county.

The approved amendment provides:

"(a) The Legislature by general law may provide for the consolidation of one or more offices or governmental functions of a county and of one or more political subdivisions in the county."

"(b) Any consolidation under this section must be approved by a majority of the qualified voters voting on the question in each political subdivision affected."

Committee on Rules: The Committee heard Delegate Max Sherman advocate changes in the rules to make them consistent grammatically and more easily understood. He insisted that he had made no substantive changes, though he did concede that one change in the section dealing with extension of time for debate would leave to the Chairman's discretion whether to grant a third extension.

Delegate L. DeWitt Hale brought an amendment before the Committee to make a 2/3 vote necessary on second reading for an article to be passed by the Convention.

The Committee postponed action on the amendment until it hears additional witnesses, including Convention President Price Daniel, Jr. and possibly representatives from other conventions.



*Con office*

2/26/74

TO: CONVENTION DELEGATES, MEDIA AND PRESS REPRESENTATIVES  
FROM: CONVENTION INFORMATION OFFICE

Summary of Committee Action  
For  
Monday, February 25, 1974

Committee on Rights and Suffrage: The Committee voted, 12-8, Monday to adopt Article VI as amended, following an acceptance of an amendment to Section 2 offered by Delegate Kay Bailey.

Delegate Bailey's amendment states that property ownership can be an additional requirement for voting in elections held by the State or its political subdivisions when such additional qualification is not prohibited by the Constitution of the United States. The amendment was adopted 13-7.

Committee Chairman A. R. Schwartz opposed the amendment, saying it will leave Texans under the impression that property ownership is a requirement for voting privileges.

An amendment by Delegate R. C. Nichols of Harris County to allow a person convicted of a single felony to vote following his prison term, was tabled by a vote of 12-8. Nichols' amendment proposed that persons convicted of more than one felony would not receive the right to vote following the completion of the prison term.

Committee on Local Government: Governmental consolidation proposals by Delegate Tom Massey and Committee Chairman Craig Washington were both tabled following considerable debate Monday.

Both proposals provided for the consolidation of county governments with any political subdivisions within the county.

Committee on the Executive: The Committee passed a series of "corrective amendments" making minor changes in wording of sections already approved by the Committee.

The Committee also approved a revised Section 6 to Article IV, which deals with disability of elected officials.

Committee on General Provisions: The Committee met briefly Monday afternoon to receive language prepared by the staff on tentatively approved sections.

Committee on the Judiciary: The Committee added the County Judge to Article V with a new Section 6. The new section tracks exactly the tentative language pending in the Local Government Committee which states the County Judge shall preside over the county Commission and perform such Judicial duties as now or in the future may be provided by law.

The proposals dealing with Section 7 would set the Justice of the Peace in the Constitution.



Summary of Committee Action  
February 25, 1974  
Page Two

Committee on the Legislature: After discussion on an amendment by Delegate Ben Bynum, action on Section 5 was postponed until Wednesday.

Bynum's amendment proposes to mandate the Governor to call a special session for redistricting if the courts declare a redistricting bill unconstitutional.

"I just want to find a way to make doggone sure that if the courts throw a redistricting bill out, the Legislature will get another crack at it," he said.

Section 6 on compensation was deleted, but the Committee agreed to offer an alternate proposal on a salary commission. Debate was begun on Section 7 on Sessions of the Legislature.

Committee on Finance Committee: The problems of tax exemptions were debated until after 10 p.m., Monday with the problems not really solved to the Delegates satisfaction.

The Committee did finish straw vote approval of the ad valorem exemption section, Section 4, and was to begin work on Section 5, State Taxes on Income, Tuesday morning.

The debate Monday evening centered around what would be exempted and what would be "un-exempted" under suggested language as compared to the 1876 Constitution.

Delegate Ben Munson expressed fears that if a listed exemption was not included in the proposed Constitution, people would not understand and feel the exemption no longer exists.

Committee Chairman Neil Caldwell stated the proposed language was broader than the existing exemption, therefore, he did not see how anyone could be "un-exempted".



2/22/74

TO: PRESS AND MEDIA REPRESENTATIVES  
FROM: CONVENTION INFORMATION CENTER

FOR IMMEDIATE RELEASE

Austin -- In five days of debate last week seven of the 11 sections of the Education Article were approved by the delegates to the 1974 Constitutional Convention.

At one point in debate, President Price Daniel Jr. attempted to allay frustrations of weary delegates by noting the 1876 Convention spent seven days of debate on the Education Article and then referred it to a special committee for even further deliberation.

Sections 1 and 8 of the committee report have been the most controversial, with more than 10 hours of debate before the final approval of Section 1. That section, the delegates finally agreed, would provide to "furnish each individual an equal educational opportunity."

The Convention adopted Section 8 on the Permanent University Fund after considerable debate. The final decision made no substantive changes from the committee report.

The sections on the permanent and available school funds, the county public school fund, the state board of education, school and community junior college districts, and first class colleges and universities were passed.

The Convention delayed action on Section 2, dealing with prohibition of discrimination, at the request of a member of the Black Caucus.

The Education Committee is the only committee to complete its work to date. Several other committees are close to voting out full reports.

(more)



The following is a summary of committee action during the week:

Rights and Suffrage: The Committee, after recalling its Article from the Convention floor for some language changes, has voted to reopen testimony on felon's right to vote and the constitutionality of requiring property ownership in order to vote.

Optimism had prevailed that the section dealing with voter qualifications and elections could receive Convention action more than a week ago.

But a change in wording of the election section by the staff of the Committee on Style and Drafting prompted the Rights and Suffrage Committee to recall the section for more work.

The wording change, which prompted the controversy, switched the phrase "more burdensome" for the Committee's original language containing the word "disproportionately".

Early in Convention activity, the Committee reported out Article I, the Preamble and Bill of Rights. Neither section was changed from the 1876 Constitution and both have received preliminary approval of the full Convention.

Local Government Committee: The Committee has heard expert testimony this week urging that the value of land should be based on its use and worth. Farm and ranch land should be valued accordingly and should not be held as farm land by speculators for future capitol gains, said James McGrew, Executive Director of the Texas Research League.

The Committee is nearing completion of work on its 11-section Article. With some exceptions the Committee appears to be tracking the constitutional wording suggested by the Constitutional Revision Commission. Among departures from the CRC recommendations was a vote to sever the home rule issue from the main document and have it considered by voters as a sidebar issue to the Charter as a whole.

Judiciary Committee: The Committee expects to complete its work in about two weeks. The Committee this past week agreed that a majority of the membership of the Supreme Court should be required to decide the outcome of a case before it.

The Committee has also agreed on a provision to grant the Legislature authority to grant the State Supreme Court jurisdiction to receive and answer questions of State law certified to it from Federal courts.

The Judiciary Committee earlier took a series of straw votes to shape a proposed system of courts and justice in Texas. The Committee has adopted a proposal which provides for a Supreme Court, Courts of Appeal and District Courts. Committee Chairman, L. Dewitt Hale, Jr., anticipates County Courts and Justice of the Peace Courts to be included in some form when the final Committee report is written.

Among key issues apparently settled are merger of the Supreme Court and the Court of Criminal Appeals and the election of all judges in the State.

Finance Committee: Following an appearance by Convention President Price Daniel, Jr. before it, the Committee has directed its Chairman to follow closely debate on the Convention floor on the Education Article as it pertains to matters also before the Finance Committee.

Specifically, the Finance Committee has before it provisions concerning the University Permanent Fund and taxation for higher education purposes -- also matters to be dealt with in the Education Article.

(more)



2/22/74

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The Committee has completed action on sections of its Article dealing with State debt, appropriations, public funds and public purposes. Delegates on the Committee have tentatively agreed to remove the constitutional ceiling on welfare spending.

Among other provisions agreed to by the Committee is a section on "Appraisal for Land Preservation". The section will read: (a) "The Legislature by general law shall prescribe separate formulas for the appraisal of land to promote the preservation of open space land devoted to farm or ranch purposes, and by general law may prescribe separate formulas for the appraisal of forest land to promote the preservation of land devoted to timber production." (b) "In passing laws pursuant to the section, the Legislature by general law may provide for the appraisal of land on the basis of productive capacity and may prescribe all limitations and sanctions as may be appropriate."

The Committee has voted to retain present constitutional language dealing with assessment for tax purposes of rolling stock of railroads. Under present constitutional language assessment of rolling stock is made in the county where the principal office is located and the tax collected is apportioned among the several counties through which the railroad has right of way.

Legislative Committee: The Committee is at work on a section of its Article dealing with legislative redistricting. On Thursday of this week the Committee agreed that counties entitled to one or more Senators or Representatives with excess population over that required for complete districts within the county be joined with population of adjacent counties to form one or more districts.

Earlier the Committee agreed to expand the membership of both the House and Senate. The number of Senators would range from 40 to 50 and House members rangins between 150-155. The automatic increase of nine Senators over the present 31 would become effective with redistricting following the 1980 census.

Executive Committee: The Committee this week voted to change the date for the inauguration of Texas Governor from the second Tuesday in January to the second Thursday, to allow time for the Legislature to get itself organized.

The Committee appears in agreement on a proposal to call for a review of the usefulness of State agencies -- with the exception of those related to higher education -- every 10 years following their creation.

The Committee has reviewed all 27 of the proposed sections in its Article, in preparation for presenting the finished report to the full Convention.

General Provisions: The Committee has snubbed proposals to establish a "Legislative Salary Commission", choosing to let the Legislative, Judicial and Executive Committees decide how officials should be paid.

The salary commission would have set the maximum pay of officials, allowing the Legislature to approve pay rates up to maximum figure.

A proposal protecting the separate and community property of a husband and wife was adopted by the Committee. The proposal retains the present community property restrictions as far as the Legislature is concerned, but spouses would be given the power, subject to restriction by law, to enter into contracts or other transactions between themselves which affect their property rights.

The present constitutional protection of the homestead has also received Committee support, with the addition of a proposal that would allow a rural homestead of 200 acres to be split into a residential homestead of 50 acres and a non-residential homestead of 150 acres. The non-residential homestead could then be abandoned by the owner and used as collateral for a loan.

(more)



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Submission and Transition: Sam Gove, Director of the Institution of Government and Public Affairs at the University of Illinois this week discussed with the Committee the successful adoption of the Illinois Constitution. In order to attract voters to the polls at which the Illinois document gained 57 per cent of those voting, Gove said a brochure was mailed to every registered voter in the state containing the new constitutional language.

In addition, he said, a tabloid bearing the new Constitution was inserted in Sunday newspapers on a statewide basis. The Committee resolved to check into costs of doing the same in Texas.

Gove also said the Illinois document was presented as a package, but with separate articles on major issues such as election of judges, continuation of capital punishment and the 18-year-old voting rights.

The Committee has heard requests of Spanish-speaking citizens that it consider distribution of ballots both in English and Spanish. The action, the spokesman said, would be of benefit to Texas citizens who have limited command of the English language, but who are anxious to participate in the election process.



2/22/74

TO: CONVENTION DELEGATES, MEDIA AND PRESS REPRESENTATIVES  
FROM: CONVENTION INFORMATION OFFICE

Summary of Committee Action  
For  
Friday, February 22, 1974

Committee on the Executive: In absence of a quorum, no meeting was held.

Committee on Rights and Suffrage: The Committee met briefly on adjournment of the Constitution Convention to discuss with a representative of the Attorney General's office legal interpretations of Federal and State law dealing with personal property as a voter qualification.

Assistant Attorney General Colin Carl told the Committee the intent of present law is that the citizen is eligible to vote in bond elections if he owns real or personal property.

The law requires -- though the provision is often ignored by election officials -- that the property be rendered for taxation to qualify a citizen to participate in bond elections.

Committee Chairman A. R. (Babe) Schwartz expressed some concern that unless language of the new Constitution is made completely clear there may be some "panic" among minority groups that they must own property to vote in all elections -- not just those involving bonds.

The Committee accepted into the record several exhibits submitted by Committee member R. C. (Nick) Nichols dealing with restoration of voting rights for ex-felons.

Among the exhibits was a letter from a Montana official indicating that the Montana Constitution of 1973 contains a provision that full rights and citizenship are restored to a prisoner once he has served his sentence and been released.

The Kansas Constitution contains a provision that after a prisoner has completed his sentence and is released his full civil rights are restored, another Nichols document indicated.

Under present Texas law an ex-felon must apply to the courts or the Board of Pardons and Paroles for restoration of his voting rights. It was noted, ironically, that an inmate in Texas State prison may learn to be a barber, but once freed from prison he cannot receive a license due to State law denying the license to convicted felons.



*office*  
2/20/74

TO: CONVENTION DELEGATES, MEDIA AND PRESS REPRESENTATIVES  
FROM: CONVENTION INFORMATION OFFICE

Summary of Committee Action  
for  
Wednesday, February 20, 1974

Legislature Committee: Section 4 of Article III was approved with minor changes in the wording. The committee decided that the Legislature shall determine the date on which terms of office for state senators and state representatives shall begin.

Subsections (a) and (b) of Section 5 were approved.

The committee will attempt to complete the redistricting section (Section 5) Thursday. Section 3 is still under consideration.

Rights and Suffrage Committee: The committee voted to reopen testimony on the rereferred Article VI, on suffrage. The only testimony will be expert testimony on felon's right to vote and the constitutionality of requiring property ownership in order of vote.

Local Government Committee: Local debt was the topic of discussion. Delegate Jack Ogg stated that his CCP #185 provided that tax rates for cities and counties be set by the Legislature rather than the Constitution. Delegate Bill Clayton, on the other hand, was highly in favor of the limits being in the Constitution.

Buck Tinsley fielded questions on local debt, the main thrust being that local debt does not mean fiscal irresponsibility nor does debt mean fiscal responsibility. It just depends on the local situation, he said.

Delegate Ray Hutchinson discussed his amendment to Section 11, setting tax limits on cities and towns eliminating debt service payments from inclusion.

Judiciary Committee: Approved was Section 2 to Article VIII, relating to the Supreme Court. The main change is that a majority will be necessary to decide a case. An amendment by Delegate Ben Grant added that the Legislature can grant the Supreme Court jurisdiction to receive and answer questions of state law certified to it from federal courts.

Finance Committee: The committee continued working on language concepts it will include in its final article. Accepted Wednesday was wording of CCP #1, Section 3--"Appraisal for Land Preservation".

The section will read: "(a) The Legislature by general law shall prescribe separate formulas for the appraisal of land to promote the preservation of open space land devoted to farm or ranch purposes, and by general law may prescribe separate formulas for the appraisal of forest land to promote the preservation of land devoted to timber production."

"(b) In passing laws pursuant to this section, the Legislature by general law may provide for the appraisal of land on the basis of productive capacity and may prescribe all limitations and sanctions as may be appropriate."

The committee also voted to retain present constitutional language dealing with assessment for tax purposes of rolling stock of railroads.

(more)



Summary of Committee Action  
for  
Wednesday, Feb. 20, 1974  
Page Two

Under the present language the assessment is in the county where the principal office is located and the tax collected is apportioned among the several counties through which the railroad passes.

General Provisions Committee: By a vote of 11-7, an "environment and natural resources" section to Article X was approved with a minority report on the section still pending.

The section was adopted from a substitute amendment made by Delegate Gib Lewis.

Delegate Lloyd Doggett said he is preparing a minority report dealing with this section. It will require the signature of six committee members before it can come out of the committee.

Public Information Committee: Chairman Pike Powers was authorized to seek an advisory from Atty. Gen. John Hill on what funds, if any, might be available to conduct a campaign for ratification of the Convention's final document by the voters.

The motion was made by Delegate McAlister. The vote was unanimous.

On motion by Delegate Johnson, the committee approved a pilot project for a cable television program designed to depict the work of the Convention.

Staff reports were heard on progress of the official Convention program and on the ratification campaign under way in Louisiana.

Submission and Transition Committee: Sam Gove, the director of the Institution of Government and Public Affairs at the University of Illinois, described the method Illinois used when writing and submitting their new constitution to the people.

Gove said the Illinois Constitutional Convention submitted its plan to the voters in a special election rather than a general election because they felt they would get a lower, but more informed turnout. He added that the convention decided an active campaign would only encourage opposition. The Illinois Constitution was passed with a 57 per cent majority.

The committee questioned Gove intensively concerning how the information about the new constitution was distributed to the voters. Gove showed the committee the type of tabloid document which was sent to every registered voter as well as inserted in Sunday newspapers. The committee was very interested in the tabloid explanation of the constitution and agreed to check cost factors of producing a similar brochure for Texas voters.

Gove also said that the constitution was presented as a package but with separate articles on major issues such as the election of judges, cumulative voting, continuation of capital punishment and the 18-year-old voting right. He said it proved to be a wise choice because some of the separate provisions lost while the main constitution passed.

Two witnesses, San Antonio attorney Mario G. Obledo and Father Joe Znotas of St. Julia's Catholic Church in Austin, asked that the ballot be distributed in Spanish, as well as English. Obledo said that other informative material be presented in Spanish for the benefit of Mexican-Americans who do not have a command of the English language.



2/19/74

TO: CONVENTION DELEGATES, MEDIA AND PRESS REPRESENTATIVES  
FROM: CONVENTION INFORMATION OFFICE

Summary for Committee Action  
for  
Tuesday, February 19, 1974

Executive Committee: The committee reviewed all 27 proposed sections in preparation for presenting the Article in its final form to the full Convention.

Chairman Bill Meier asked the committee members to prepare written suggestions regarding substantive changes and for clarifying the language of the proposed Article.

Meier also asked his delegates to include any further commentary to supplement the final draft of the committee's work.

Executive compensation prescribed under Section 7, was discussed as to whether or not Article IV should so provide specifically. Such matters would be written into the constitution by the General Provisions committee, Meier said.

It was asked whether the University of Texas President or Chancellor would fall under the consideration of Section 8 regarding dual office holding.

Meier answered that it would not, unless such a provision were included in the constitution, "as provided by law".

Local Government Committee: James McGrew, Executive Director of the Texas Research League testified that the value of land should be based on its use and worth.

Farm and ranch land should be valued accordingly and should not be held as farm land by speculators for future capital gains, he said.

"As long as it is being used as farm land, it should be valued as farm land," McGrew added, "in conjunction with the market value of all lands which is determined by its productivity."

The committee reviewed an amendment proposed by Delegate Hutchison which would substitute for the present CCP #1's proposed Section 11, relating to local debt.

Hutchison reviewed such tax limitations within charters from the state's larger cities.

The provision is written to give the city the lowest rate of interest possible for the sale of bonds except for school districts, Hutchison said.

Legislature Committee: The Committee approved Section 3 (c) of Article III, providing for qualification of members after a legislative redistricting, making one change from the CCP #1.

Subsection (c) provides that following a redistricting, a person shall be eligible for election to the Legislature from any new district that contains a part of the district in which he was eligible for election on the effective date of redistricting, but only if within 60 days after the filing deadline that person becomes a resident of the new district.

CCP #1 allowed only 30 days after the filing deadline for a person to become resident on his new district.

(MORE)



Discussion on Section 3(d) of CCP #1 centered on amendments which would allow teachers to be eligible for membership in the legislature.

While teachers are exempted from eligibility in CCP #1, Delegates Paul Ragsdale and Joe Hernandez said they felt there should be no restriction on their running for office.

Other members said allowing college instructors to become legislators could lead to problems, such as lobbying for their interests while serving as a public official.

An amendment by Hernandez to allow teachers and college instructors but not city, county, and state officials to serve in the Legislature, was not voted on, pending the testimony of CRC members on the reasons for their proposal.

CCP #1 would allow members of military reserve groups and retired military personnel, as well as notary publics, to be legislators while holding their office of profit or trust under the State, United States, or any foreign government.

Finance Committee: Two financial experts recommended the new Constitution contain no language relating to authority of the Legislature to enact a state tax on personal and business income.

Lynn Anderson, of the LBJ School of Public Affairs, said he is strongly convinced many Texas citizens do not know the present 1876 -model Constitution gives the Legislature authority to enact an income tax. Publicity on inclusion of an income tax provision in the proposed new constitution has those same people fearful an effort is being made to impose a tax on income, he said.

James W. McGrew of the Texas Research League said he believes inclusion of an income tax provision in the constitution is a "red flag" that will raise opposition to a new constitution.

McGrew also referred to confusion on the part of citizens who do not realize the present provides the authority for the Legislature to enact a tax on income--though the Legislature has never done so.

Submission and Transition Committee: The committee adjourned for lack of a quorum. Committee chairman Nelson Wolff informed those members present that Sam Cove, a delegate to the Illinois Constitutional Convention, will testify before the committee Wednesday, on recess of the Convention's general session. Cove is head of the Institute of Government and Urban Affairs at the University of Illinois.



TO: CONVENTION DELEGATES, MEDIA AND PRESS REPRESENTATIVES 2/19/74

FROM: CONVENTION INFORMATION OFFICE

Summary of Committee Action  
for  
Monday, February 18, 1974

Subcommittee on Local and Special Laws (Legislature Committee):

No action was taken at a pair of brief meetings by this subcommittee, created to consider the section of the Local Government Article which deals with local and special laws. The subcommittee, chaired by Delegate Richard Geiger of Dallas, will seek one additional week of study time before making their report to the full committee. Testimony was presented by Bob Freeman, of the Texas Legislative Council, and Don O'Dell, representing the Texas State Association of Firefighters. Other delegates on this subcommittee are Jerry Donaldson, Billy Clayton, Robert Davis and Joe Hernandez.

Committee on Finance: After a short discussion of the constitutional language needed for the sale and security of bonds, the debate centered around "fair and equal" during the committee meeting. Testimony was given by a panel of experts including Dean John Gronouski and Lynn Anderson of the Lyndon Baines Johnson School of Public Affairs, James McGrew of the Texas Research League and UT Law School Professor Mark Yudof. Discussion centered on guidelines which could be set in the Constitution which would meet the requirements of "fair and equal" yet still be workable on the state level.

Committee on Judiciary: A brief meeting was held but no action was taken.



2-14-74

TO: CONVENTION DELEGATES, MEDIA AND PRESS REPRESENTATIVES  
FROM: CONVENTION INFORMATION OFFICE

Summary of Committee Action  
For  
Thursday, February 14, 1974

Finance Committee: Members of the Finance Committee completed deliberations on concepts and philosophy acceptable to Committee members. The Committee anticipates the Finance Article will contain 12 sections. Committee Vice Chairman Tati Santiesteban, informed Convention Delegates Thursday that the panel hopes to have its report out by next Tuesday or Wednesday.

Submission and Transition Committee: Testimony was presented by two persons who have experienced constitutional revision.

John Schiltz, formerly the Chairman of the Style and Drafting, Submission and Transition Committee of the Montana Constitutional Convention, advised that the revised Constitution be submitted for a vote by the electorate as quickly as practical. He said Montana waited about 90 days between the end of their Convention and the election at which the new Constitution was adopted by 1/10 of one percent. Schiltz was adamant against submission of the new Constitution in Texas at the general election in November. He also opposed a special election between the Convention's finish and the November election.

"We opted against that because we were frankly leery that only the 'aginnners' would come out and vote," he noted.

Post-convention activities, Schiltz said, were supervised by a "loose organization" which largely amounted to an educational and informational campaign to acquaint the voters with the revisions of their Constitution. Included in this effort, he said, were considerable speaking and traveling by their Convention Chairman in behalf of the new document, along with preparation of hand-outs, and other informational materials by the Publicity Committee and its staff.

Schiltz opposed a recent suggestion that the Convention complete its basic tasks, adjourn and return in possibly mid-summer to rekindle the fires of public interest and enthusiasm. Instead, he suggested, the Delegates should make whatever schedule adjustments necessary to expedite their revision of the Constitution and, therefore, possibly give a 60-day margin before presenting the document to the voters at the soonest date practical. "I don't think any purpose is served by adjourning, going home and coming back," he said.



Summary for Thursday, Feb. 14, 1974  
Page Two

Patrick Juneau, a Lafayette attorney and current Chairman of the Louisiana Constitutional Convention's Public Information Committee, advised that the new Constitution be submitted "as soon as practical."

The Louisiana Convention met for most of 1973 and adjourned January 29, 1974. A special election will be held April 20, 1974, at which time the Convention's recommended Constitution; along with one alternate proposal relating to education, will be considered.

Juneau termed a "tremendous service to the people" his Committee's preparation and distribution of a tabloid form of the new Constitution to every occupant household, rural and city Post Office Box. He said it cost about \$220,000. Before setting a date for the election, he advised that the Delegates insure that such informational campaigns will have enough time to be implemented and that such mailings hinge greatly on the paper supply--a possible victim of shortage conditions too.

Dissemination of information via the press and media outlets in the State was accomplished by mailing a journal-type extract of the new Constitution to every member of the press and media and every public official in the State, a number reaching about 20,000, he said.

Juneau strongly advised against more than five or six separate proposals--"if you get beyond five or six, you're asking for trouble."

He said his Public Information Committee and staff, which is working full time in post-convention activities, wrote a brochure with the "highlights" of the new Constitution and also coordinated a one-hour documentary featuring the Convention Chairman and the PI Committee Chairman discussing each article. It had "lots of graphics" too, he added. Juneau said the film was shown across the State in prime television time.

Education Committee: The Education Committee reviewed the final plan for presentation of the Education Report to the full Convention at Friday's session. The panel also held an informal discussion on the Committee staff's commentary which will accompany the final report.



Judiciary Committee: The Committee completed work on preliminary draft for Article V Thursday, with a straw vote on Section 20, district attorneys and county attorneys.

Chairman DeWitt Hall said work on the final draft would begin at the Friday 2 p.m. session.

Section 20 as preliminarily drafted provides for election of a District Attorney in each county, and election of county attorneys with such exceptions as may be provided by law.

Each district and county attorney shall serve four-year terms and be licensed to practice law in the State, the section also provided.

Legislature Committee: Tentatively adopted was an amended Section 1 of Article III, providing for a Senate and House of Representatives with legislative powers.

Delegate Bill Clayton's approved amendment reads, "The legislative power of the State of Texas is vested in a Senate and a House of Representatives, together 'The Legislature of the State of Texas.'"

An amendment on initiative proposed by Delegate Bob Davis was tabled until discussion of Section 16, after Ben Bynum objected to its consideration as part of Section 1.

Lengthy discussion followed on Section 2, on the composition of the two houses. CCP #1 provides for a Senate of not less than 31 members nor more than 40, and a House of not less than 93 nor more than 155.

Delegate Don Henderson's amendment would have set a fixed number of 41 Senators.

Delegate Clayton offered an amendment allowing for "flexibility," with 30 to 50 Senators, and 90 to 180 Representatives.

Some argued that such wording would allow the present ratio of five-to-one between the House and Senate members to be increased, rather than lowered as they feel is needed to balance the power of the houses.

Delegate Dick Geiger offered an amendment with the figures in CCP #1.

The Committee tabled the original Henderson amendment, and took up Clayton's proposal.

Amendments by Delegates Clayton, Fred Head and Henderson were defeated. The Committee adopted an amendment by Ben Reyes which provides for not less than 40 nor more than 50 Senators, with 150-155 Representatives. Section 2, as amended and adopted 10-8, includes provision that the redistricting of Senatorial districts will be included in the transition schedule for 1980.

Attempts by Delegates Sarah Weddington and Joe Hernandez to lower age limits for persons wishing to run for the two houses were defeated.



Local Government Committee: Delegate Ray Hutchinson's draft of Section 7 of Article IX, concerning special districts and authorities was passed by the Committee in a 16-1 vote. The draft was substituted for the CRC proposal.

Mrs. Cleaves McDannald, President of the Northwest Galveston County Civic Club, testified against unlimited annexation power of home rule cities to annex undeveloped farm and ranch land with no intention of offering city services, solely for "putting the people and their lands on the tax rolls of the city."

The Committee accepted Article IX, Section 8, terms of office, unamended.

Section 9 of Article IX was stricken entirely and Delegate James J. Kaster's draft was accepted by a 12-1 margin. Section 9 concerns compensation of officials and was changed to say they shall not be compensated on a fee basis.

Section 10 concerning local redistricting was deleted entirely from consideration by a unanimous vote.

Executive Committee: CCP #1 language was left intact except for striking the last sentence which had detailed how long an appointee (appointed to fill an unexpired term) would serve until he came up for election. The Committee substituted language that said "until the first general election".

Section 26 was left as stated in CCP #1 except that the last sentence was removed.

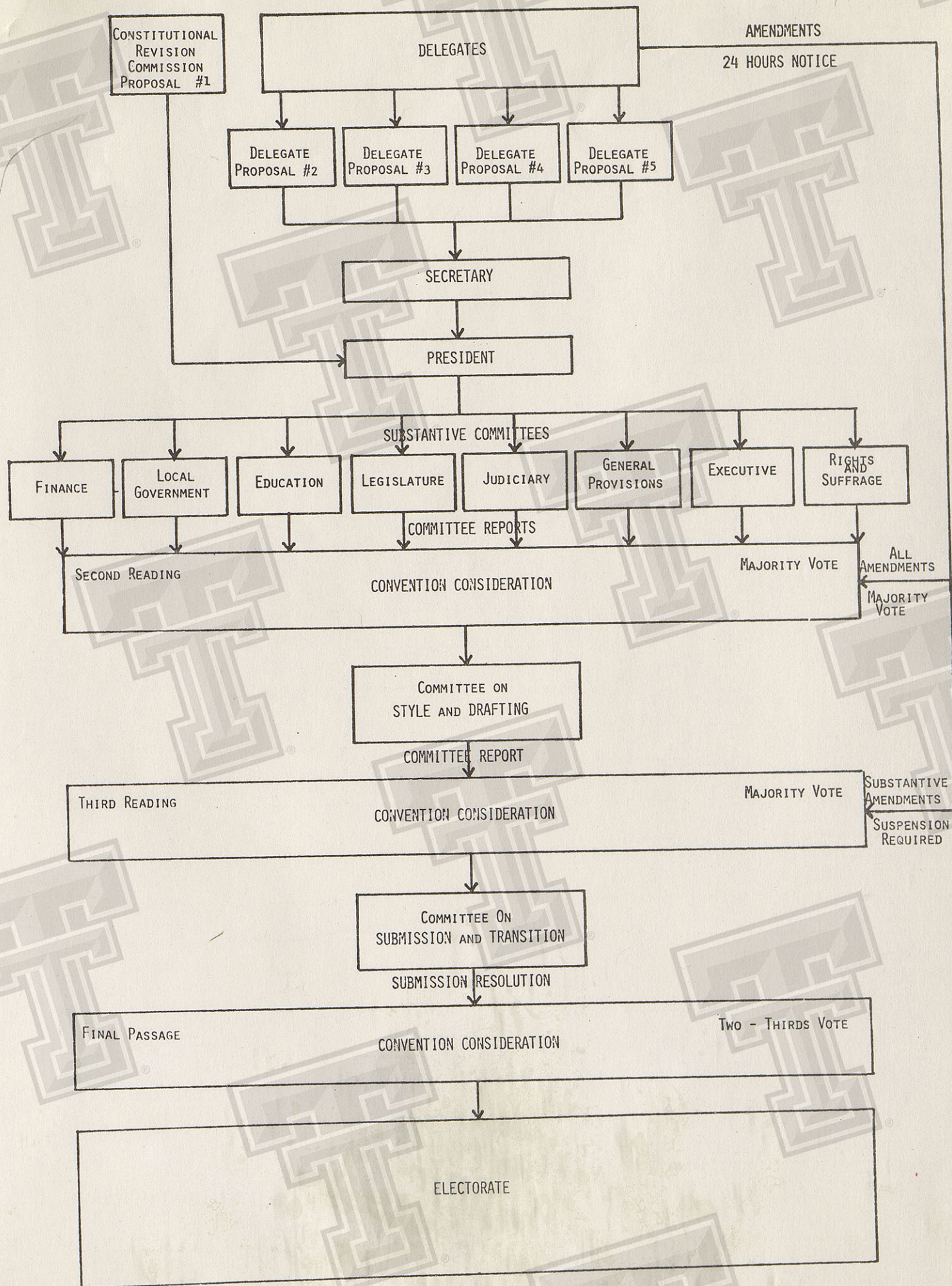
The rest of the Committee consideration dealt with Section 25 which, after being amended by Delegate Von Dohlen, became Section 2. The Committee also tentatively approved two amendments by Delegate-Chairman Bill Meier, one dealt with removal powers of the Governor. The Senate could stop removal by 2/3 vote. The second Meier amendment put all officers appointed by the Governor under the Senate conformation rule.

General Provisions Committee: Article X, Section 15 concerning private corporations was accepted without amendment, 17-0. It provides that no private corporation may be created except by general law.

After testimony by Professor M. K. Woodward of the University of Texas Law School, Section 20 of Article X was passed, 15-2. Section 20 concerns the liens of mechanics, artisans and materialmen. Woodward told the Committee that it would "make very little difference" if Section 20 was left out of the Constitution because the situation was provided for in statutory law. Woodward said the statutory law required workers to file for a lien while constitutional law grants it automatically. For the automatic constitutional lien to be effective, Woodward said, the mechanic or worker would have to file an official lien anyway.

The Committee also discussed the merits of two substitutes to Article X, Section 12 concerning homesteads. The Committee finally voted, 15-3, to accept Delegate Lloyd Doggett's substitute rather than Delegate Richard Reynold's proposal.







2/13/74

TO: CONVENTION DELEGATES AND PRESS AND MEDIA REPRESENTATIVES  
FROM: CONVENTION INFORMATION CENTER

Summary of Committee Action  
for  
Wednesday, Feb. 13, 1974

Rights and Suffrage Committee: The committee approved a motion to recall Article VI when presented to the Convention Thursday because of "substantive changes" made by the Styling and Drafting Committee.

If the motion for referral, which would recall the Article on Suffrage to the committee, is defeated by the Convention, the committee instructed vice chairman James Nowlin to call down the article.

Unanimous displeasure with the "re-styled" article was displayed by the committee at the Wednesday session. It was called to discuss the procedure in presenting the Constitution's sixth article to the first full floor session Thursday.

Delegate Peyton McKnight introduced the motion to recall the Suffrage Article, stating, "The language we actually voted on...has been changed completely."

Committee chairman A.R. Schwartz is out of town until Monday, so Nowlin will present the Article to the Convention.

Nowlin announced he anticipated committee work on the Article VI report by next week.

The committee which is also working on the tentative draft of Article XI, mode of amending the Constitution, also heard former Sen. Ralph Yarborough speak on all sections of Article XI.

Local Government Committee: The committee spent most of the day discussing Section 7 of Article IX, dealing with special districts and authorities.

After lengthy consideration, the committee approved a proposal offered by Delegate Menefee prohibiting the creation of a special district unless notice of the intention to do so is given.

Executive Committee: The Executive Committee passed Sections 18, 19, and 20 of Article IV exactly as proposed by CCP #1.

On a motion from Delegate G.J. Sutton of Bexar County, the committee approved the CCP #1 version of Section 18, which gives the governor the power to grant reprieves, commutations, and pardons. The motion carried 12-4, with Delegates Bock and Craddick failing with repeated attempts to place a board of pardons and paroles in the proposal.

Section 19, dealing with the office of the lieutenant governor, and Section 20, dealing with the office of the secretary of state, were approved as in the CCP #1 version with little opposition.

Finance Committee: Committee members, after considerable discussion Wednesday, voted tentatively 12-11 to remove from the Constitution the ceiling on financial assistance to the state's welfare recipients.

(more)



Committee members casting straw votes on the losing side of the controversy were encouraged to make use of committee staff to draft a minority committee report. Several members of the minority wanted to retain the present constitutional ban, though there was some disagreement whether the ceiling should be a dollar figure or a percentage of the state budget.

The committee rejected a proposal to give the Legislature authority to elect a state auditor by majority vote. The majority of committee members indicated a desire to retain the present statutory authority for appointment of an auditor.

The committee also snubbed, 13-10, the concept of placing "some kind" of limitation in the Constitution on "all" ad valorem taxes.

General Provisions Committee: Approved was Section 11 of Article X, relating to separate and community property of husband and wife. The vote was unanimous, 17-0. The section was amended, eliminating superfluous passages and the amendment passed 14-2. The amendment did not change essentially the meaning of the passage.

The committee also passed Section 13 of Article X, as proposed by CCP #1, the protection of personal property from forced sale. The provision was accepted without amendment.

Education Committee: The chairman appointed groups to present and defend each section before the Convention on Friday.

Legislature Committee: The chairman distributed a committee report draft and the committee discussed procedure.

Judiciary Committee: Straw votes were taken on proposals for Sections 6-17, Article V, in order to draw up a working report.

Submission and Transition Committee: Two expert witnesses and Delegate Ben Z. Grant, who claimed not to be an expert but just a "confused delegate", testified before the Committee on Submission and Transition Wednesday.

Paul Wehrle, formerly with the Secretary of State's office, talked in general about problems dealing with putting the proposed Constitution on the ballot in Texas. The use of voting machines in some counties as opposed to paper ballots in others will have to be taken into consideration.

Delegate Grant expressed fear that the committees were not considering what issues should be put on the ballot as separate proposals as they reported articles out of committee.

Dr. Janice May spoke of the history of proposed constitutional amendments in Texas. She pointed out that the results in special elections was negative, with only 6 per cent to 27 per cent of the amendments passing. Dr. May said that 84 per cent of the proposed amendments had passed when submitted in a general election.

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NOTE: Please make this addition to your committee schedule for:  
Thursday, February 14, 1974

Committee on Education: Convention Floor, 10:30 a.m. Review session on completed Article VII.



Office

2/12/74

TO: CONVENTION DELEGATES, MEDIA AND PRESS REPRESENTATIVES  
FROM: CONVENTION INFORMATION OFFICE

Summary of Committee Action  
for  
Tuesday, February 12, 1974

Submission and Transition Committee: Members of the Submission and Transition Committee heard expert testimony on the presentation of the new constitution, when completed, to the state's voters.

Dr. John Bebout, director of the Urban Studies program at the University of Houston testified on ballot form, election scheduling and "salesmanship" of the new document.

Bebout advocated setting presentation of the document at the general election in November, 1974.

To enhance chances of voter approval of the constitution, Bebout supported previous testimony on the separation of some controversial issues from the document on the printed ballot. However, he said no more than eight issues should be placed separately on the ballot, suggesting four as an appropriate number.

Bebout, an expert on modern constitution revision, emphasized to the committee the importance of "salesmanship" by the delegates on the new document if Texas voters are going to vote for it.

Paul Wehrle, expected to give testimony on election procedures, will testify at the Wednesday morning hearing. The committee will hold hearings during the evening hours next week, to gain more citizen input.

Finance Committee: Committee members explored various proposals to provide state funds for mass transit programs in Texas. State funds are necessary to attract federal money at the rate of 80/20, delegates were informed.

Delegate Bill Sullivant proposed that one-tenth of fuel and lubricants taxes now being collected be ear-marked for mass transit. The Sullivant proposal drew objection because it would divert funds now being used by the Texas Department of Public Safety to police state highways. Sullivant argued the \$34-plus-million needed by DPS to police roadways could be obtained from general revenue.

Delegate Grant Jones argued that the diversion of DPS funds would place additional burden on the state's general revenue fund.

Delegate Chet Brooks urged that the legislature be authorized to dedicate taxes to mass transit rather than divert funds already dedicated. He said the State Highway Fund will be hard-pressed in future years to pay for needed highway improvements and to maintain those already built.

Earlier, the committee agreed to the concept of allowing the legislature to exempt from state taxation cultural, historical and natural history resources of the state. The committee agreed that the matter of tax exemption at the local level be left to local governments.

General Provisions Committee: The committee voted 11-7 not to have a salary commission and instructed the committee staff to inform the Executive, Judicial, and Legislative committees of this action.

-MORE-



General Provisions Committee(cont.)

Changes in section 2 from CCP #1 added the words "or district" and struck the words "which they serve".

Section 3 was struck completely as was Section 7. The words "or district" were added twice to Section 4 and the Section was renumbered as were Section 5 and Section 6. Section 5 and 6 were not changed from the language in CCP #1.

Legislature Committee: This committee heard its 50th witness in a short session.

Dr. John Bebout, president of the Southwest Center for Urban Research, and State Program Director at the Institute for Urban Studies at the University of Houston, said he hopes "the people will support higher pay for representatives in a more modern constitution".

Bebout said that initiative has been used very little and encouraged its use in statutes solely.

"If you're going to have initiative, you'd better limit them to statutes and not to the constitution," he said.

The committee held several straw votes on separate proposals to aid rewriting of proposed Article III.

Education Committee: The Committee, which adopted Article VII Monday night, met briefly to allow committee members to choose which section of the Article they would prefer to present and defend when the Article comes up for action before the full Convention.

Judiciary Committee: A contingent of representatives of various lawyers groups concentrated on Section 3 of the Judiciary Article, relating to the selection of judges.

Jack Banner, President of the Texas Trial Lawyers Association (TTLA), said he felt judges should be elected in free and unrestricted non-partisan elections. He said this would pertain to all judges named in the constitution.

William R. Edwards, also of the TTLA, testified that criminal and civil courts should not be merged. He also advocated non-partisan election of judges.

Another member of the TTLA, Wayne Fisher, said he would be apprehensive about appointment of judges. because they would not "have to answer to the people".

He said election of judges would insure the quality of "judicial temperament" among judges, which he said is important to both lawyers and the people who appear in court.

Phil Burleson, President of the Texas Criminal Defense Lawyers, said that he favored the separate courts for criminal and civil cases.

The committee tentatively approved Sections 1 and 2 (a) of Article V.

Section 1 now reads "Judicial Power". The judicial power of the State is vested in a unified judicial system composed of a Supreme Court, courts of appeals, district courts, and no others. All courts shall have jurisdiction as provided by law, but jurisdiction of courts of the same level shall be uniform throughout the state."

Section 2(a) provides for a Supreme Court with authority as provided by law.



Rights and Suffrage Committee: Two experts on constitutional revision testified on the value of including constitutional initiative in the new document.

Dr. Janice May, CRC member and University of Texas government professor, proposed five options to the panel, saying initiative for constitutional change should not be left entirely to the legislature, but that the people should have "a voice in such a change".

Among the possible options she named is the deletion of constitutional initiative, but providing for a vote every 20 years on whether a constitutional convention should be called.

Dr. May also said members could choose among "unlimited initiative", a limited initiative allowing citizens to vote only on the question of calling a convention and a third choice limiting initiative to making changes in legislative structures and processes.

Dr. John Bebout, constitutional revision expert, also spoke on Article XI, Amending the Constitution, warning the committee that constitutional initiative could be a "potential disaster".

Local Government Committee: Formal adoption of the county home rule authority as a separate proposition from Article IX was passed. It will be presented to the Convention for consideration apart from the local government Article IX.

County home rule had been included in the Article as subsection (a) of Section 4. Subsection (b) was stricken from the section and amended to read as subsection (a).

Subsection (c), as proposed by CCP # 1, was approved.

Sections 5 and 6, dealing with general law and chartered cities, were approved as written with the change, in both, from definition of 1,500 to 600 population.

Executive Committee: Discussion on Sections 14, 15 and 16 of Article IV centered on the governor as chief planning officer, the governor's budgetary powers and execution of those powers.

Section 14, as proposed by CCP #1, was finally adopted after discussion of whether to include it at all.

Sections 15 and 16 were tentatively approved.

Section 13, relating to action on bills and resolutions by the Legislature, with subsection (b) amended.

Sections 9 and 10, as proposed in CCP # 1, were adopted without change.

Section 11, slightly amended, also was approved.

Section 12, as proposed by CCP # 1, also received approval.

Tentative approval or disapproval of Sections 17-25 are anticipated by Thursday.



*Office*  
2/11/74

TO: CONVENTION DELEGATES, MEDIA AND PRESS REPRESENTATIVES

FROM: CONVENTION INFORMATION OFFICE

Summary of Committee Action  
for  
Monday, February 11, 1974

Local Government Committee: On a motion by Delegate Lyndon Olson of Waco, the Committee on Local Government voted to present the section dealing with "county home rule" as a separate proposal to the Convention.

Because of the controversial nature of the proposal, the Committee felt it should be dealt with separately from the rest of the Local Government article.

The Committee then approved the wording of the proposal, also on the suggestion of Delegate Olson, which was patterned after the municipal charter amendment in the old Constitution.

Delegate Tom Creighton of Mineral Wells asked that the caption, "COUNTY HOME RULE AUTHORITY" be placed above the section, "so that the voters will know exactly what this section deals with."

Judiciary Committee: The Committee on the Judiciary met briefly Monday afternoon, mainly making plans for the rest of the week.

The meeting was set to hear any additional proposals or any testimony that might be offered before final voting starts on Article V.

Voting will start at 10 a.m. Tuesday.

Legislative Committee: A straw vote was taken on all proposals referred to the Committee Monday afternoon.

The main consensus was that there is not total agreement on any proposal save that there should be a bicameral legislature.

Finance Committee: The panel directed its staff to draft proposed language to authorize the legislature to provide an exemption from ad valorem taxation of personal automobiles not used for the production of personal income.

Considerable discussion centered around the merits of any tax on personal automobiles with Delegate Chet Brooks commenting that Harris County officials found the cost of collection exceeded the amount collected. Delegate Fred Agnich responded that Dallas County collections are running at nearly 100 percent.

General Provisions Committee: Chairman, Gammage brought consideration of Section 9 of Article X concerning a salary commission before the committee ahead of schedule noting that action on it now would allow the Legislative, Executive and Judicial Committees time to consider its inclusion in their articles. After several amendments and substitute motion failed, Al Koriath's motion to strike the salary commission from the General Provisions article failed to get the 11 votes making the action final. The vote was 8 for and 8 against.

The Committee moved on to consider Sections 1 through 7. By a vote of 15-1 the panel combined the oath of office for elected and appointed officials including the language concerning payments or promises made or offered to secure the offices.



Executive Committee: The panel voted Monday to adopt Section 6 of Article IV as amended by Delegate Joe Wyatt.

Wyatt's amendment would differentiate between "temporary" and "permanent disability" of the seven major executive officers.

The amendment calls for the voluntary initiation and termination of temporary disability by the official himself. A two-thirds vote of the other six officials would be needed for the ruling of temporary disability.

One year would be designated as the period for temporary disability, at which time if the official did not submit a sworn statement of his ability to return to office, the office would be termed vacant.

For permanent disability, the decision would be left to the Supreme Court of Texas. Wyatt's proposal also stated that the Governor could not be removed twice for the same incident.

Education Committee: The Committee, in one of their final few work sessions, initially voted, 12-10, to reconsider the vote by which Delegate John Poerner's CCP #199, relating to the County Public School Fund, a new Section 10 which had been added by the Committee on Feb. 8, 1974. With the Poerner proposal now up for reconsideration, the Committee adopted a substitute by Delegate Pete Snelson instead, on a 14-7 vote, which retains Constitutional recognition of the County Public School Fund.

A proposal by Delegate Ron Clower died for lack of a sponsor to present it. The Clower proposal related to mandatory funding of "free public libraries." Committee sentiment appeared against the proposal on the basis that the Legislature is not now restricted from carrying out this function.

A new Section 11 to Article VI was added on a 13-7 vote which states that a Coordinating Board for Higher Education will be provided for by law.

The Committee voted to give permission to the Style and Drafting Committee to alter Section 9(a) to more clearly specify intent of the section relating to the use of Permanent University Fund Bonds for Notes. The Education panel opted for specifying that the PUF bonds and notes may be used only for the six (6) designated functions. permission was also given to the Style and Drafting Committee to make changes in Section 10 relating to the State Higher Education Tax Fund for changes which committee members were told would result in better bond ratings of bonds in this Section.

The Committee approved three sections: Section 2, relating to prohibition against discrimination; Section 4, relating to the County Public School Fund; and Section 11, relating to the Coordinating Board. The Committee voted unanimously to request an attorney general's ruling concerning the intent of the now new Section 2.

The panel voted to instruct the Style and Drafting Committee to include mineral income into the Permanent School Fund in Section 2(a).

The complete Article VII was finally adopted by a 13-7-1 vote.



2/8/74

TO: CONVENTION DELEGATES, MEDIA AND PRESS REPRESENTATIVES  
FROM: CONVENTION INFORMATION OFFICE

*State office*

Summary of Committee Action  
for  
Friday, February 8, 1974

Executive Committee: Sections 4 and 5 of Article IV were tentatively approved, with a few changes from the Constitutional Revision Commission document.

The President Pro Tempore of the Senate was replaced as second in line to replace the Governor when the Governor is absent or disabled. The CRC recommended the House Speaker as second in line.

One member of the committee objected to the words "the Legislature" being used in the Executive Article, so the Section 5(f) was reworded.

Everything following the first sentence of Section 4(c) was deleted.

Rights and Suffrage Committee: The committee began deliberation of Article XI. It was the general feeling of the Committee that any proposal dealing with initiative as a means of amending the Constitution should be considered in the Rights and Suffrage Committee.

General Provisions Committee: Members took a straw vote to determine in what order and what priority they would consider the proposals that have been referred to the General Provisions Committee. More than 80 proposals were considered and voted on to determine a work schedule for the coming weeks of discussion and debate in the committee. The vote was not binding and may be reconsidered at any time.

Legislature Committee: For the second day, the Committee heard testimony dealing with initiative, referendum and recall. Delegate Authur "Buddy" Temple of Dibol, author of the proposals, carried the favorable testimony. UT Law School Dean Page Keeton explained the arguments against including the provisions in the proposed constitution. Keeton stated while there seemed to be some public sentiment in favor of initiative and referendum, past history points that action usually comes from special interest groups.

(MORE)



Summary of Committee Action  
for  
Friday, February 8, 1974  
Page Two

Education Committee: Two delegates' proposals were adopted by the Education Committee in their morning session.

The committee adopted Houston Delegate Senfronia Thompson's CCP #119 on the prohibition of discrimination after striking the word "age" from the original version. This proposal became a part of Section IX.

Hondo Delegate John Poerner's proposal was adopted without amendment as a completely new Section X as a result of renumbering and referral of other sections to different committees for consideration. The proposal relates to county school funding.

Finance Committee: Members agreed to accept the concept of the Constitutional Revision Commission recommendation that the authority for a state income tax as it now appears in the present Constitution be retained. The provision would allow the Legislature to enact laws to provide for a graduated income tax or a so-called "piggy-back" income tax. The "piggy-back" tax would be a percentage of the federal income tax paid by individual taxpayers.

Judiciary Committee: Fort Worth attorney Harold Hammett urged retention of the authority of the Legislature to allow county commissioners courts to provide salary supplements for judges. He contended a constitutional ban on supplements may create problems in the future, though he said he agreed that some method should be found to clear up disparities in salaries and workloads of judges. Hammett is co-chairman of the Constitutional Revision Committee of the State Junior Bar of Texas.

Local Government Committee: Section 3 of Article IX, dealing with county and district officials, received approval Friday afternoon.

Earlier the committee adopted subsections (c) and (e) after making slight alterations. In subsection (c), a second sentence was added requiring that prosecutors in criminal cases in county and district courts will have to be a county, district or criminal attorney.

In subsection (e), the word "district" was added to include county and district officials. This subsection allows the legislature to set duties and functions of county and district officials and provide for their suspension.

The committee also replaced subsection (f) with an amendment authored by Delegates Kaster, Hutchison and Russell. The amendment states that county voters can by majority vote, create additional offices, eliminate offices or combine duties and functions of offices.

Subsection (g) was passed as written except for the elimination of the words "or chartered." A unanimous vote by the committee to accept the section as amended closed the session.



2/7/74

TO: CONVENTION INFORMATION AND MEDIA AND PRESS REPRESENTATIVES  
FROM: CONVENTION INFORMATION OFFICE

Summary of Committee Action

For

Thursday, February 7, 1974

Committee on Finance: The Committee, by a show of hands, indicated the majority of members favor retaining in any new Constitution a provision to give agricultural land different treatment than other taxable property. The present Constitution allows agricultural land to be assessed for taxation based on the agricultural use of the land, rather than its true market value.

The Committee also indicated by show of hands they favor including agricultural property, not incidental to farm and ranch use -- such as swimming pools, farm homes, etc. -- along with other taxable property.

The Committee also agreed to maintain in the Constitution "the thrust of present language" pertaining to railroad rolling stock. Present language in effect spreads tax income from railroads over counties in which the carriers operate. Without the language in the Constitution, said Texas Railroad Association attorney Walter Caven, railroads might be required to pay their entire tax bill to the county in which their principal headquarters is located -- and deprive other counties on the railroad line a share of the tax income.

Committee on General Provisions: The Committee heard testimony on the right-to-work provisions all day.

Vernon Briggs, Jr., Economic Professor at UT, said that the term "right-to-work" is a misnomer and that the phrase is "a complete deception, a Madison Avenue gimmick."

Right-to-work, he said, would better be called "right-to-open-shop". The majority of these testifying were for inclusion of right-to-work in the Constitution.

Committee on Local Government: The Committee on Local Government tentatively passed three subsections under Section 3 of Article IX, dealing with county and district officials.

In Subsection (a), the Committee adopted the CRC proposal with the addition of the phrase, the county judge "shall perform such judicial duties and functions as may be provided by law."

(MORE)



Summary of Committee Action  
for  
Thursday, February 7, 1974  
Page Two

Subsection (b) was amended only slightly by the Committee, adding only the phrase, "elected by the qualified voters of the county."

Subsection (d) was accepted as the CRC proposed it.

Committee on Executive: The Executive Committee of the Constitutional Convention tentatively approved Article IV, Section 2, selection and terms of officers, as amended at its Thursday session.

Lengthy discussion centered on the change in wording in earlier straw votes which would have replaced "Executive Department" with "Executive Branch." Tim Von Dohlen's substitute to the amendment which passed 17-1, retained "Executive Department", which would include the Governor, Lieutenant Governor, Attorney General, Comptroller of Public Accounts and Commissioner of the General Land Office, as elective offices.

Subsection (a) also provides that the five elective officers of the department shall serve four-year terms. Subsection (b) provides that the Secretary of State shall be appointed by the Governor.

Section 2, Subsection (c) reads "Appointive officers of the Executive Department shall be appointed by the Governor with the advice and consent of the Senate and shall serve at the pleasure of the Governor."

The office of Comptroller had been designated "elective or appointive" in the straw vote taken on Wednesday.

An amendment by delegate Joe Wyatt of Bloomington Thursday placed the Comptroller back into the elective Executive Department after the Committee discussed the importance of the office to the state's citizens. Delegate Frank Gaston had argued that the position was "archaic" and should not be included in the department.

Backtracking following action on Section 2, the Committee voted on Section 1, which had been previously approved. The new wording states that the "Executive Department of the Executive Branch includes a Governor, Lieutenant Governor, Attorney General, Comptroller of Public Accounts, Secretary of State, Commissioner of the General Land Office, and such other officers as may be provided by law." It also states that the Governor shall be the Chief Executive Officer of the State.

Several members of the Committee expressed bewilderment at the change in wording, but as explained by Chairman Bill Meier, the department would be a subsection of the broader "Executive Branch," as worded in the Separation of Powers.

(MORE)



Summary of Committee Action  
for  
Thursday, February 7, 1974  
Page Three

Committee members began work on Section 3, returns of elections, declaration of election, tie votes and contests after approval of the first two sections.

Lieutenant Governor Bill Hobby testified at the morning session, answering members' questions on several sections in the article. Hobby said he favored allowing elected officials at all levels to serve "as long as the people elect them" to office.

Education Committee: The Committee unanimously adopted Section 7 of Article VII after shortening the CCP #1, the Constitutional Revision recommendation, considerably to read: "Section 7. First Class Colleges and Universities. The Legislature shall provide for a system of higher education of the first class."

Section 8 of Article VII was adopted by an 18-5 vote after the committee tabled or otherwise rejected several amendments to that Section. Section 8 relates to the Permanent and Available University Funds. Rejected were amendments by Delegate Pentony, CCP # 215 (tabled 14-4); Delegate Thompson, CCP#208, a complete substitute for Section 8 (tabled 12-8); Delegates Mattox and Madla, dealing with use of Available University Fund monies for programs to attract and aid financially-deprived Texas students (tabled 13-9-1). The Mattox-Madla amendment, before ultimately being tabled, was successfully amended by Delegate Vale and withstood challenge of a substitute offered by Delegate Foreman (tabled 18-3-2).

Section 9 of Article VII was adopted by the committee, 18-4 with very little alteration from the CCP #1 form. The panel rejected an amendment by Delegate Mattox, 13-9, to allow the Permanent University Fund to be used to set up financial assistance programs; and amendments by Delegate Pentony, one relating to approval of bond issuances and one relating to future institutions admitted to The University of Texas and Texas A&M University Systems.

The panel took under consideration Section 10 of Article VII with discussion under way at day's adjournment of an amendment by Delegate McAlister and a subsequent amendment offered by Delegate Vale to the McAlister amendment.

Judiciary Committee: The Committee shifted gears Thursday, working on delegate proposals dealing with Article V.

The proposals ranged from dealing with specific areas of the Judicial Article to complete revision of Article V.

(MORE)



There have been 14 proposals referred to the Judiciary Committee that are complete revisions of the Article. Seventeen proposals refer to limited areas like grand juries and salaries of judges.

The discussion of proposals seemed always to end up in a debate of what should be and what would be accepted by the people.

Legislature Committee: Testimony centered on the power of initiative and referendum, with proposals from both witnesses and delegates.

Several Bellaire citizens testified that the power was needed to "allow the people to have a hand in the power which they elect their officials to," explained on city council member. Beverly Van Siclen said more than half of the 50 states now have the provision.

Delegate Ron Clower offered CCP #331 to Article III, which would include both initiative and referendum at a statewide and local level. The present law does not address the issue, which Mrs. Van Siclen said caused problems for home-rule cities such as Bellaire.

Rights and Suffrage Committee: Final approval was given on Article VI, relating to suffrage. This is the second full article the committee has reported back to the Convention.



2/06/74

*office*

TO: CONVENTION INFORMATION AND MEDIA AND PRESS REPRESENTATIVES  
FROM: CONVENTION INFORMATION OFFICE

Summary of Committee Action  
for  
Wednesday, February 6, 1974

Rights and Suffrage Committee: The Committee on Rights and Suffrage heard almost four hours of testimony Tuesday night about the needs and reasons for felons to have voting rights restored.

The committee then began re-deliberation on the entire Article VI Wednesday morning. Only minor changes made, two seemingly coming from testimony Tuesday night.

Delegate Doyce Lee inserted the word "unsigned" in front of "secret ballot", in Section 2, feeling that signatures on ballot stubs could be traced and do away with the secret ballot concept.

Another change was broader language in dealing with property ownership provisions in qualifications for voting for directors in some special districts. Final vote on the section will come Thursday morning.

Legislature Committee: Delegate Joe Hernandez of San Antonio explained his proposal No. 137 relating to dual office-holding by the Legislature. He proposes that school teachers be allowed to be members of the Legislature.

The present Constitution prohibits anyone from receiving paychecks from two state agencies.

Delegates Frank Madla and Bill Coody, who were both teachers, also testified for the proposal.

Delegate Bill Patman of Ganado testified on proposals 216 and 257, concerning the Legislature's power to fix maximum rates of interest.

Testimony was also presented on the age limit for legislators, legislative power for granting reprieves, conflict of interest, legislative continuance and legislative immunity.

Judiciary Committee: The panel, in work session, began taking a non-binding informal straw vote on subject matter its staff will include in a draft of various proposals to be presented for committee consideration. The committee agreed, for example, the Courts of Civil Appeals or Courts of Appeals, whichever they are eventually titled, should be expandable above three members.

The panel also agreed that a majority decision should be required in opinions in the appellate courts, whether civil or Supreme Court. The committee agreed informally that appellate court clerks should not be treated in the Constitution.

Education Committee: The committee adopted Section 1 of Article VII, with the final result being only a slight variation from the recommendation made by the Constitutional Revision Commission in CCP #1. The section, which passed 11-9, underwent minor change due to an amendment offered by Delegates Kubiak, Mattox and Hightower. The section relates to Support of Free Public Schools.

(more)



Summary of Committee Action  
for  
Wednesday, February 6, 1974  
Page Two

The committee also considered several amendments to Sections 7-10, taking several tentative votes on the more minor amendments. The slight modifications to these sections were recommended and endorsed by the Committee of Governing Boards and the Council of Presidents, Public Senior Colleges and Universities of Texas, and are supported by the Texas A&M System and the University of Texas System, according to Delegate McAlister of Lubbock.

The committee withheld voting upon an amendment to Section 8c, which would substitute the word "stock" for the word "securities, until experts from the University of Texas System could be brought before the committee to clarify the ramifications of the amendment.

Committee members expressed a desire to reach a final vote on Sections 7, 8, and 9 on Thursday, with consideration of Section 10, and a possible final vote on Section 10, also on tentative schedule.

Finance Committee: Still working with "concepts" rather than final proposals, the Finance Committee tentatively agreed Wednesday to make counties the appraising authorities for all taxing subdivisions of the state.

In the committee-created Section 2 of Article VIII, dealing with ad valorem taxation, the committee agreed to require each county to "make tax appraisals of all property within the county which shall be used by all taxing authorities imposing a property tax on that property within the county and allocate costs and expenses for the appraisals among the taxing authorities sharing the information."

The committee had previously agreed on providing uniform appraisal standards by general law throughout the state.

At the request of Delegate Buddy Temple, the committee considered the possibility of requiring taxation at one hundred per cent of market value, but a straw vote indicated that the majority of the committee was not in favor of that proposal.

General Provisions Committee: People from all over the state of Texas, union and non-union, for and against labor, listened and gave testimony concerning the inclusion of the right-to-work provision in the new Constitution.

Delegate Larry Vick of Houston presented his proposal #2 asking that the inherent right to work be included in the Constitution. Delegates Richard Geiger and Ray Hutchison of Dallas also presented a proposal co-authored by 60 delegates and providing for a right-to-work clause. The committee heard testimony from Harry Hubbard, president of the Texas AFL-CIO. Hubbard said his organization would not work for the passage of the new Constitution if a right-to-work proposal was included or submitted as an alternative to the people for a vote.

Charles Loring, a labor economist at the University of Texas Center for Human Resources, opposed the right-to-work provision, saying it was secured already by federal law. He spoke in favor of the agency shop, calling it the solution to compulsory unionism and those who are "freeloading" off the benefits for which union workers bargain.

Numerous witnesses from around the state representing unions and private corporations gave testimony for the against a right to work clause. Committee

(more)



Summary of Committee Action  
for  
Wednesday, February 6, 1974  
Page Three

members asked almost every witness if he would work for or against the Constitution if a right work clause was written into the body or listed as an alternative. Depending on the philosophy and position of the witness, the committee received various indications of support or opposition. Suggestions ranged from allowing voters to express their opinions in a separate ballot to including the right-to-work as a "high priority like the right to freedom to worship, freedom of speech and freedom to own property."

Over 300 witnesses and spectators filled the Convention Hall to hear the testimony and provide support for their representatives.

Executive Committee: The committee postponed tentative approval of Article IV, Section 2, as amended by earlier straw votes, until Thursday at 2 p.m. The vote to delay the vote on Section 2 was 13-5.

After listening to seven amendments proposed by several of the committee's members, Delegate Bill Meier, chairman, conducted a series of straw votes on what to include in Section 2, the selection, terms and residence of officers of the executive branch.

The amended section, as "straw voted" by the committee to be put up for the tentative approval or disapproval, included the Governor, Lieutenant Governor, Attorney General and Commissioner of General Land Office be elected by the State's qualified voters, at general elections beginning in 1978. The comptroller of public accounts, conversely, would be elected or appointed as provided by law.

Section 2, as amended, also provided elective officers serve four-year terms, with these officers required to reside at the seat of government.

Appointive offices specified in the amended Section 2 included the Secretary of State. Appointive officers of the executive branch would be appointed by the Governor "with the advice and consent of the Senate and... serve at the pleasure of the Governor."

Tentative voting on the section was postponed so members could "further study" the wording of the amended section.

Atty. Gen. John Hill testified that the Attorney General's charge of civil suits involving the State should remain. Criminal cases should remain at the local level with county or district attorneys, Hill said.

He also testified the office of Attorney General remain elective to retain independence from the Governor, "where he (Attorney General) can truly serve the electorate."

Proposals and amendments on Section 3, returns of election, declaration of election, tie votes and contests, will begin immediately following tentative approval or disapproval of Section 2.

Local Government Committee: Tentatively passed were first two sections of Article IX, relating to counties and powers of county government, respectively.

Section 1 was tentatively approved in the morning session, with four subsections included in the section entitled "counties".

Three members of the Texas Legislative Council were called in by the committee to clarify the question of powers granted to counties by general law and local or special law.

The proposed Section 2 on the powers of county government includes those powers included in general law and not local law.

(more)



Summary of Committee Action  
for  
Wednesday, February 6, 1974  
Page Four

An amendment to include local with general law in the section failed after a straw vote. The powers of county government, then, as specified in the tentatively approved Section 2, are those granted by the proposed Constitution and "by general law".

An amendment proposed by Delegate Elmer Martin was adopted by straw vote and included in the tentatively approved section.

Tacked on to the section is the statement, "They (the county governments) may levy, assess and collect such taxes as may be authorized by law."

Committee members began discussion of Section 3, county and district officials, following the vote on Section 2.



office  
2/5/74

TO: CONVENTION DELEGATES AND MEDIA AND PRESS REPRESENTATIVES  
FROM: CONVENTION INFORMATION OFFICE

Summary of Committee Action  
for  
Tuesday, February 5, 1974

Education Committee: The committee adopted, by a 16-5 vote, an amended Section 2 of Article VII, with the amended section being a slight variation of a proposal requested by the Texas State Teachers Association. The amended Section was the result of a subcommittee's work, combining proposals by the Constitutional Revision Commission, in CCP #1, the Texas Education Agency and the TSTA. Before adoption of the subcommittee report, the committee tabled an amendment to the report. The tabled amendment, offered by Delegates Snelson of Midland and Rosson of Snyder, was tabled by a 13-7 vote and would have required that the Available Fund continue to be distributed on the basis of scholastic population.

The Committee took under consideration, but did not reach a vote upon, an amendment to Article VII, Section 1, relating to "Equitable Support of Free Public Schools." The primary amendment is being offered by Delegate Mattox of Dallas. Delegate Kubiak of Rockdale, Committee Chairman, is offering an amendment to the Mattox amendment.

In earlier testimony relating to Section 1 of Article VII, Dr. J. W. Edgar of the Texas Education Agency, offering his "personal opinions" and not those of his agency or the State Board of Education, advocated the strongest language possible for this section, and said he did not dispute the language used in the CRC proposal.

Delegate Neil Caldwell of Alvin, Chairman of the Committee on Finance, briefly addressed the Education Committee about a section found in both the Education and Finance Articles which relates to the distribution of the motor fuel tax. Chairman Caldwell, noting that his committee had heard all testimony related to this taxation item, suggested that the Education Committee table that Section 4 of Article VII, the Education Article, to permit work upon that section by the Finance Committee initially. Chairmen Kubiak and Caldwell assured the Education Committee members joint meetings upon overlapping sections would be held. The Education Committee voted, 16-3, to table the Section, subject to call.

Testimony was also presented by several delegates concerning their proposals on the Education Article. These included: Delegates Reynolds of Richardson, CCP 54; Pentony of Houston, CCP 140; and Ogg of Houston, CCP 183.

Testimony was also presented by Vernon Turner, a member of the School Board at Cypress-Fairbanks Independent School District.

Finance Committee: Delegate Walter Mengden of Harris County offered an explanation of his proposal No. 249, relating to taxation on real property, through the testimony of Carter Groves of Houston.

Groves tried to clear up any confusion caused by the proposal, which states that all taxing agencies shall revalue property within their boundaries every third year and also states that taxpayers that enter litigation over the taxable value of his or her property, and win, shall be reimbursed for court costs and attorney's fees. It also deals with uniformity of "inventory of property" forms used in the state.

The committee also questioned Steve Bickerstaff, a committee staff member and formerly a CRC researcher.



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"Many good lawyers could serve as Supreme Court justices, but they do not want to submit to political campaigns," Martin said.

"We have to understand that these positions are different from legislators," he added. "Legislators represent the people and judges represent the law."

General Provisions Committee: What was scheduled to be a work session on community property and the homestead for the general provisions committee turned out to be a day of listening to delegates present various proposals.

Paul Wehrle, clerk to the committee, described the committee as being "very behind" in their work--the reason for the last minute witnesses. The work session has been postponed until Friday, Wehrle said.

Senator Bill Patman presented two proposals authored by him, both providing the Legislature with the power to define interest on loans, fix maximum rates of interest, define usury and specify the rate of interest in the absence of a contract.

Witnesses who spoke in favor of Patman's proposals were Larry Nieman, representing the Texas Apartment Association, and Jim Boyle of the Texas Consumer Association

Patman's proposals would retain constitutional interest rate restraints as provided in the present Constitution.

Delegate Lyndon Olson presented his proposal, described by him as a "housecleaning proposal," on disposition of community property by spouses.

Olson's proposal specified a spouse may dispose of community or separate property of the other spouse "in unusual circumstances as provided by law."

The Family Code of Texas, Olson said, provides the spouse may dispose of property in three cases, abandonment, disappearance or incompetency. Olson asserted his wording would "leave flexibility" in the community or separate property section of the proposed constitution.

Also on the subject of the spouses' homestead property, delegate Ben Munson introduced a proposal dealing with joint tenancy with the right of survivorship, in homestead cases only.

Munson's proposal, which he called the "poor man's will," would allow a husband and wife, by written agreement, to create a joint estate with rights of survivorship without partitioning.

Two provisions for recall elections were presented to the committee, also. Delegates Buddy Temple and Ron Clower both introduced similar proposals for State officials' recall from office.

Temple's proposal would allow 25% of the qualified voters in the last election to petition the dismissal of the official in question.

A special election, Temple added, would be called to fill the vacancy if the official was ousted.

Clower's proposal specified all State officials, at whatever level they served, elected or appointed, could be recalled. However, only 10 percent of the qualified voters in the last election being recalled would need to sign the petition, and no more than 40 percent of the signatures could come from one county.

In speaking on three proposals referred to the committee, delegate Dick Geiger asked to drop one of his proposals dealing with the prohibition of lotteries and gift enterprises. He proposed the committee, instead, consider Senator A. R. Schwartz's proposal on lottery prohibition, which exempts charitable organizations from sponsorship.

Geiger's other proposals dealt with the defining and prohibition of bribery involving public officials and garnishment of wages for child support.

The bribery proposal would make any convicted official ineligible to hold "thereafter any State office of profit or



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Bickerstaff was primarily questioned on a clause in Article VIII, Section 1, which some delegates would like to see included in the new constitution, which states, "all taxation shall be equal and uniform." This clause is not included in the CRC's proposed constitution.

Although a motion was made to accept wording on such a clause, Committee Chairman Neil Caldwell suggested the committee agree on basic "concepts" before going on to specific wording.

Legislative Committee: Testimony before the Committee on the Legislature of the Constitutional Convention Tuesday centered on frequency and duration of legislative sessions and pay for legislators.

At the morning session, delegate Bill Moore of Bryan said although he favors the present biannual sessions of 140 days, if the current pressure for annual sessions brought about such change, a limit of four months should be set. The proposal of the CRC provides that the Legislature shall meet once every two years and at such times and for such duration as provided by law.

Committee member Bob Davis testified, proposing that the Legislature should meet in March of odd-numbered years for a duration of 180 days, or some fixed length session.

Delegate Hilary Doran presented proposal 296 to the committee which would reduce the number of House members to 100, and would set salaries for members of both legislative bodies at \$14,000. He said he believed a salary commission, included in Article X of the CRC proposal, would cause voters to reject the entire document. Chairman Robert Maloney said work on the committee report would begin no later than Monday, February 11.

Judiciary Committee: Austin was the city of respite for Leon Jaworski and his duties as special Watergate prosecutor, as he testified before the Judiciary Committee on sections he helped to write as a member of the Constitution Revision Commission.

"It's time our State should adopt a system different from that which we have today," he said to a packed audience.

Jaworski's comments on the Merit Selection system and Compensation attracted the most questioning during the hour and 45-minute testimony.

The CRC Judiciary Chairman felt that elections would discourage the best qualified persons from best serving the courts.

"There will be great difficulty to get judges to sit on the bench if they are subjected to running around campaigning or collecting funds," he said.

"It's difficult for a judge, as a human being, to divorce himself to do that kind of thing," Jaworski added.

As prescribed under Section 8, a Judicial Qualifications Commission would replace the present election of appellate judges.

"You have a group here which can evaluate these people (judges) better than the voter," Jaworski said concerning the non-partisan selection system.

"There is a bit of recourse with the recommendations by the Judicial Qualifications Commission and the influence of the Supreme Court," he added.

This type of provisal leaves for ample protection against such processes as exercised on the federal level, he said.

"The Legislature has the opportunity to put real teeth into the selection process," Jaworski said.

In morning testimony, Mark Martin supported his CRC Judiciary Committee brother, Leon Jaworski, in supporting the Merit Selection System.

Martin said there is a complete lack of qualification on the part of the public to know the candidates for that high office. He said to campaign would force the neglect of judicial duties.

The Dallas attorney called the campaigning for such a judicial position "a farce, a waste and a shame."



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Tuesday, February 5, 1974  
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trust." The garnishment proposal, Geiger said, would "enforce private rights" for the citizen which are presently prohibited in the Constitution.

Three delegates ended the committee's session, including the convention's newest delegate, John Bryant.

Bryant's proposal called for a constitutional mandate for the Legislature to enforce lobby controls. This provision in the proposed Constitution, Bryant said, would add to the "quality of saleability" to the voters of the Constitution.

Delegate Sam Hudson introduced a proposal insuring citizen's to the right to physical integrity. No person, Hudson states, would be subjected to any sort of medical experimentation without his or her informed consent.

The right to "adequate, comprehensive health care, of high quality" was the subject of delegate Mickey Leland's proposal. "Every man, woman and child deserve this right," Leland said.

Executive Committee: The Executive Committee considered delegate proposals dealing with Article IV, Section 1, and approved tentative language, after several attempts to amend failed.

Attempts were made to include several officers in the constitution including the State Treasurer and the Commissioner of Agriculture. The agriculture Commissioner came the closest to being included with a 9 to 10 vote.

Section 1 with only minor wording changes reads the same as the Daniel-Aikin CCP 1.

The committee started discussing Section 2 and plans to start voting on it Wednesday. Attorney General John Hill will testify Wednesday morning at 10:00 a.m.

Local Government Committee: The Committee on Local Government after testimony dealing with delegate proposals, started work on Article IX, Section 1.

With a great deal of discussion dealing with what would be approved by the public, the Section was changed only by requiring a 2/3 vote rather than a majority of the voters to change county lines or merger of counties and removal of the word "division" from the language.

"...as provided by general law" was added to the last sentence of the section to enable the legislature to provide more detailed structure of implementing changes or mergers.

The committee staff was instructed to work on the actual language of the section. The votes taken were only "straw" votes to enable the committee to work through the section.



office  
2/4/74

TO: CONVENTION DELEGATES AND MEDIA AND PRESS REPRESENTATIVES  
FROM: CONVENTION INFORMATION OFFICE

Summary of Committee Action  
for  
Monday, February 4, 1974

Local Government Committee: Ben F. McDonald, Jr., Executive Director of the Department of Community Affairs, said the Advisory Council of his department feels local governments should be given constitutional authority to deal with local needs and problems.

McDonald's office favors local option county home rule and municipal home rule in cities of any size. He also favors only legislative authority needed for special districts but first consideration should be made to see if present governmental units could provide the service needed.

Following the Department of Community Affairs, Delegate Dick Reynolds, Dallas, presented his CCP 54, that was taken from the Reorganization and Simplification done by Texas Advisory Commission on Intergovernmental Relations. Reynolds said while he did not endorse all of the provisions included, he felt it was a better starting place than the Constitutional Revision Commission proposal.

Finance Committee: The Finance Committee heard delegates' proposals for sections 1, 2 and 4 of Article VIII, dealing with taxation. A total of 17 proposals were on the agenda, as each delegate had five minutes for their presentation.

Delegate Joseph Sage, Bexar County, proposed that the Legislature be prohibited from putting a state personal income tax in the Constitution. Delegate Ron Bird, also of Bexar, suggested that exemptions be provided for non-profit and church-oriented organizations. Bird said that the proposal is similar to House Bill #1165 which passed both the House and Senate.

A number of proposals were introduced that would reinstate into the Constitution the language in the 1876 charter, making taxes equal and uniform. The CRC proposal had eliminated this language. Delegate Luther Jones of El Paso urged that the "equal and uniform" language should be applied for all taxable properties. He also said that language stating that property value will be arrived at by bonafide evaluation procedures is important to clarification.

Delegate Bill Sullivant, Cooke County, proposed that the equal and uniform language be applied to real and personal property. A state board, he said, should be set up to equalize evaluation and assessment between districts. This would introduce a graduated income tax without stating so in the Constitution itself.

Besides advocating the reinstatement of equal and uniform language, Delegate Dick Reynolds, Dallas, proposed that Section 4 of Article VIII be reworded to insure no income tax be levied unless a popular mandate demands it.

A proposal was introduced by Delegate Doyle Willis, Tarrant County, that would give the Legislature the right to make exempt from taxes, posts used by the American Legion, The Veterans of Foreign Wars and Disabled Veterans.

Joe Hubenak, Fort Bend County, presented proposals that would tax land used exclusively for agriculture on a production basis. Hubenak also suggested that this form of taxation be extended to open lands as well as forestry.

Following the presentation, members of the committee will begin debate on each proposal, and decide which to include in Article VIII.

Judiciary Committee: Judge Robert W. Calvert, Constitutional Revision Commission Chairman, made his second appearance before the Judiciary Committee, this time speaking for himself, and underscored his support for a unified judicial system. He said he feels that criminal justice will suffer as long as the courts are separate because criminal cases have always been the "step-child" of the judicial system.

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Summary of Committee Action  
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Major Don Doyle of the Austin Police Force spoke upon the erosion of confidence in law enforcement. In addition to rising crime rates, he pointed to delays between arrest and trial and justices of the peace who are uninformed as to bad contacts that people have with our court system.

Dr. Janice May, Constitutional Revision Commissioner, and government professor at the University of Texas at Austin, appeared before the committee to make sure that the layman's point of view was represented. She said she feels strongly that the public will happily adopt merit selection of judges.

Judge A.L. Crouch of Fort Worth, retired probate judge, testified in favor of uniform requirements for all judgeships -- from JPs to higher courts. He opposed merit selection of judges and said he feels that most people in Tarrant County feel the same way.

General Provisions Committee: Testimony before the General Provisions Committee centered around two proposals by Delegate Ron Clower that, according to testimony, would insure separation of church and state.

A great deal of the testimony came from Lester Roloff, who has had a running battle with state welfare officials over his homes for children.

Education Committee: The committee, in work session, adopted by a 16-3 vote, committee amendment #3, offered by Delegate Kubiak, the committee chairman. This amendment is a slight variation of an amendment proposed by the Texas State Teachers Association on Section 6, relating to "School and Community College Districts". The adopted amendment basically adds the word "Junior" in both the title and the body of Section 6 as it now appears in Article VII of the Constitutional Revision Commission proposal (CCP 1). The adopted amendment also adds to actions enumerated in the CCR proposal the action of "enlarging" such districts.

The committee considered several amendments dealing with Section 2 of Article VII, relating to the Permanent and Available School Fund. Following a lengthy discussion of several of the amendments, the committee voted favorably on a motion by Midland Delegate Pete Snelson to postpone any further discussion on amendments to Section 2 and the appointment of a subcommittee to consider all the amendments and attempt to arrive at a common effort. Chairman Kubiak instructed the subcommittee to have their deliberations finished by Tuesday, Feb. 5, at 10 a.m. Delegate Hightower was appointed chairman of this subcommittee. Others appointed to the subcommittee were Delegates Vale of San Antonio, Snelson of Midland, Preston of Paris, and Presnal of Bryan.

Rights and Suffrage Committee: Meeting was scheduled Monday night.

Legislature Committee: Testimony was presented by only one witness, John Bean of Fort Worth, representing Common Cause of Texas. Bean testified in favor of the "pod" concept in districting of state legislative districts, which simply provides that all state senatorial districts have the same number of state representative districts within them.



February 1, 1974

TO: CONVENTION DELEGATES AND MEDIA AND PRESS REPRESENTATIVES

FROM: CONVENTION INFORMATION OFFICE

Summary of Committee Action

For

Friday, February 1, 1974

Rules Committee: Committee members adopted two resolutions amending Rules of Procedure of the 1974 Constitutional Convention. CCR 10 by Delegate L. DeWitt Hale of Corpus Christi provides that if an amendment is offered from the convention floor which exceeds one page in length, the sponsor must provide the Secretary a minimum of 15 copies for use of delegates requesting copies. The amendment also provides that the Secretary shall make additional copies of amendments one page in length or less for distribution to delegates requesting copies. The amendment adds new language to Rule XV, Section 2, of the Rules of Procedure. The second resolution, CCR 18 by Delegate Peyton McKnight adds language to Rule VI, Section 19 reading: "No minority report shall be recognized unless it has been signed by not less than six delegates of a committee of 21 or more members, four delegates of a committee of more than 10 but less than 21 members and two delegates of a committee of less than 10 members."

Finance Committee: Walter Richter, representing himself and the Texas United Community Services, urged that the Finance Committee remove the Constitutional ceiling on welfare. Listing his reasons for this position, he stated that: 1) establishing budgets is a legislative function; 2) having a constitutional ceiling implies that the legislature is incapable of making competent decisions on the matter; 3) providing for future possibilities such as the opportunity to match federal funds, would necessitate election expenses.

Donna Brandon of the Texas Council of the National Association of Social Workers and Jane Hickie of the Texas Women's Political Caucus advocated removal of the welfare ceiling from the Constitution.

Testifying in relation to Article VIII, Section 3, Lionel Schooler opposed a dedication of the highway fund solely for the purpose of building and maintaining roads.

Fred Adams of the Adams Extract Company presented his views against inclusion of the highway fund in the Constitution. Mr. Adams also said that he wanted a total limit on taxation.

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Summary of Committee Action  
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Rights and Suffrage Committee: The Rights and Suffrage Committee was asked by C.U.R.E., Citizen's United for Rehabilitation of Errants, to postpone final vote on Article VI until they could be heard. C.U.R.E. stated they did not understand that testimony was taken on subject rather than Proposal and were waiting for hearing to be set on Delegate Joe Hernandez's proposal on felon's rights.

Testimony was given by Delegate Hernandez on felon's rights. The Committee said it would hear from C.U.R.E. before a final vote was taken. The Committee postponed the final vote until 7:30 p.m.

Committee on Local Government: There were no witnesses Friday and no testimony presented. The Committee held a brief work session with members of the Committee staff.

Judiciary Committee: Tom C. Clark, Associate U. S. Supreme Court Justice, retired, termed the present Texas Judicial system a "crazy quilt of courts" and stressed the importance of establishing a unified judicial system in Texas.

"We need one system with one control. Businessmen wouldn't put up with this system for a minute---they'd go bankrupt," he told the committee.

Combining civil and criminal courts would temper the court system, he said, adding, "judges tend to get callous when only listening to criminal cases."

General language would be preferable in the new Constitution, Clark said. He said it should be up to the Legislature to establish courts under a unified system.

The retired justice said he feels very strongly that the merit plan of appointing judges should be implemented in the new Constitution.

"Judges shouldn't have to take off their robes at 5 o'clock, and go out to campaign for office," he said.

Clark said that if judges were to continue to be elected by the people, the merit tenure plan should be adopted. If this isn't possible, then election on a non-partisan basis should be implemented, he said.

Clark was adamant on the point that all judges should be licensed attorneys.

Clark drew a standing ovation from the convention delegates as well as the audience, which included several Texas Supreme Court justices, following his testimony.

Other witnesses testifying before the Committee on the Judiciary included: Judge William Martin, Gray County Court of Domestic Relations; Judge Hollis Garmon, 107th Judicial District; Benny Goodman, Dallas, representing Fathers for Equal Rights; Joe Smith, Denton County citizen.

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Education Committee: Sentiment swung both ways concerning the creation of a separate board of directors for Prairie View A&M University.

Dr. Jack Williams, president of the Texas A&M University System, stated that A&M was adequately funding Prairie View A&M. Dr. Alvin Thomas, president of Prairie View A&M, recommended that the school remain under the A&M Board. Randolph Strickland, former student body president at Prairie View A&M, urged a separate board for the university. Delegate Craig Washington, Houston, recommended more money per student for Prairie View A&M.

Ed Wendt, a former student at Prairie View A&M, disputed President Thomas' statement that 11 per cent of the student body is non-black. He added that Prairie View A&M operates on a separate but equal basis, and supports a racist society.

Alumni testifying included Herbert Elmore, Willie Mae Butler and Eristus Sams. All urged the adoption of a separate board of directors for Prairie View A&M, maintaining Prairie View's state and land grant status, and the guarantee that Prairie View will receive a proportionate share of the permanent school fund.

Freddie Frazier, professor of mathematics, said the present board has genuine interest in making Prairie View a first rate university, as he voiced his disapproval for a separate board. Professor Robert Cole, who is co-chairman of the Alumni Council, which is separate from the alumni association, favored the remainder of Prairie View A&M in the Texas A&M System. Frank Hawkins, professor at Prairie View contended that if the school was to continue its growth, it must remain under the current board.

Joseph Mack, Director of Development at Prairie View A&M, urged the sharing of the available funds with Texas A&M. Two members of the Greater Houston Advisory Council spoke in favor of retaining Prairie View A&M in the Texas A&M System.

General Provisions Committee: The first witness before the committee was Fort Worth delegate Dave Finney who presented his proposal which prohibits foreign banking in Texas. Witnesses after Finney testified both for and against this concept. Yoshiaki Shibusawa of the Bank of Tokyo, Ltd., in Houston, said allowing foreign banking in Texas would encourage international companies to invest in Texas and encourage increased reciprocity between Texas banks and foreign corporations.

Edwin Prud'homme of the Prud'homme Corp. in Austin presented a report on foreign banking in Texas and suggested several reasons for allowing it. Prud'homme said foreign banking would make more foreign capital available to Texas enterprises that wish to expand abroad, would increase reciprocity, generate new jobs, pay taxes, attract business to Texas, and do little harm to domestic banks as they would probably not solicit domestic deposits.

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(General Provisions Committee Contd.)

Alex Sheshunoff of Sheshunoff and Company, Inc., spoke against placing an eight per cent limitation on deposits holding companies may own.

Ben F. Love, chairman of Texas Commerce Bancshares, said he was neither a proponent or an opponent of branch banking but had come before the committee to dispel the images of "barons" heading holding companies. He also suggested that "before we tie the hands further of the banking system" the convention should examine what they are doing to the consumer.

A survey was presented by Dr. Grady Bruce and Dr. Robert A. Peterson of the University of Texas Marketing Department. The survey said that out of a random selection of 1,063 persons, 53 per cent said the prohibition of branch banking should be dropped; and that 56 per cent of those surveyed also said branch banking should be allowed.

Roland W. Walden, president of the Midway National Bank in Grand Prairie, told the committee the prohibition against branch banking should be left out of the new Constitution in order to aid banking institutions quickly if the need were to arise.

Other witnesses appearing before the General Provisions Committee included: James A. Byrd, chief economist of First International Bancshares of Dallas; P. H. Robinson, representing Houston Power and Lighting; Harry Waughtel, vice-president of Gerald Hines Interests in Houston; Mike Moore, a University of Texas law student; and Fred Brooks, Dallas citizen.



Con Office

1/31/74

TO: CONSTITUTIONAL CONVENTION DELEGATES AND PRESS AND MEDIA REPRESENTATIVES  
FROM: CONVENTION INFORMATION CENTER

Summary of Committee Action  
for  
Thursday, Jan. 31, 1974

Local Government Committee: Testimony was given by Mayor W.O. McCright, San Leana in Travis County, who discussed the problems of zoning in and of small communities.

Midland County Judge Barbara Culver, a member of the Constitutional Revision Commission, advised the committee not to force home rule on counties and that the idea of home rule was not a popular one in West Texas.

Delegate Ray Hutchison advised that a definition of "public purpose" be explicitly stated in its use in the Local Government Article since the pledging of state credit provision has been eliminated.

Legislature Committee: William H. Gardner, former editor of the Houston Post and now representing the Citizens for a Better Legislature, testified that the Section 10 relating to conflict of interest was perhaps the most important part of this Article. He termed it the keystone to the success of the Constitution because it would serve best to restore integrity to government.

Harry Hubbard, president of the Texas AFL-CIO, testified in support of single-member legislative district concept. Hubbard said he was "disappointed" in the governor, secretary of state and the attorney general because of their attempts to further delay the "inevitable decision." The case has been in the court for several years and that state's position has been to fight a holding action against the obvious intent of the U.S. Supreme Court that districts should be drawn so that they do not dilute the voting strength of ethnic minorities.

Education Committee: Dr. Bevington Reed, Commissioner of Higher Education, told the committee that his group wished to be recognized in the new Constitution rather than as a statutory agency.

There should be a network of first class universities throughout the state and a guarantee of financial continuity for the system included in the Education Article, Russell Autry, president of the UT-El Paso student association, said.

A representative for the Texas State Technical Institute, Jack Kultgen, asked the committee to make sure such schools are not left out of state funding.

Another proposal for changing the wording "equal educational opportunity" in section 1-a was offered by Dr. William Pasewark, of the Texas Business Education Association, which would emphasize a chance for Texans to become "economically self-sufficient".

Dr. R.L. McDonald, superintendent of the Refugio Independent School District, opposed the change of distribution of the State Available Fund as written in the CRC proposal.

Two citizens, Mrs. Alvin Schade and student Paul Duffey of Austin, testified on use of state funds for private schools and the need for funding of community colleges.

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A recommendation that terms for state Board of Education members be two years, and remain elective, was submitted by Mrs. R.C. Bearden, textbook chairman for the Texas Daughters of the Revolution.

Concluding testimony was Delegate Joe Pentony, who provided members of the committee with a lengthy list of "selected expenditures" for fiscal years of 1972-3 from the Available University Fund by the University of Texas system, which he said was important in view of the work being done by the panel of the use of the university funds.

Rights and Suffrage Committee: The Rights and Suffrage Committee reported out of committee Article 6, which is on voter qualifications for elections. Eighteen-year-old or older Texans can vote as long as they meet the residence requirements. Felons can't vote unless there is an exception made by the Legislature. The Legislature can require property ownership as a requirement for voting in certain bond elections.

General Provisions Committee: Testimony covered the entire spectrum from access to documents to the "divorce rights for divorced women".

A spokesman for Common Cause discussed aspects of Delegate Luther Jones' Proposal 188, talking about the need for public access to government documents. There was some discussion of certain exemptions as in the area of sealed bids, etc.

Mrs. Alvin Schade stated the need for right to work provisions in the Constitution. When a committee member asked if she was aware of the present laws providing for right to work, she stated that she was not aware of them.

Marvin Tutsch spoke for a complete reform of the penal system. Nat Terrence, editor and publisher of the Houstonian, wanted to implement offices like the County Sheriff into the Civil Service System.

Mrs. M.M. Brooks, Austin, talked about the need for more rights for divorced women and the problems divorced women face. Mrs. Bob Edmondson talked about the equal rights for women and examples of how the rights are not equal now.

Finance Committee: The Finance Committee heard testimony from Col. William Spier of the Texas Department of Public Safety, who discussed the possible impact of Article VIII on his Department; James McGrew of the Texas Research League, who testified concerning property taxation; and Paul Vogler, Jr., who advocated the preservation of historical structures.

Mrs. Ann Reinke and three other members of the San Marcos Independent School District, bearing a petition signed by approximately 700 persons, spoke in favor of basing taxes for agricultural land on the land's productivity.

Bob Elder of the Texas Association of Rural Water Corporations asserted the need of tax exemptions for water corporations.

William Schirmeyer, speaking for himself, suggested that Section 3 of Article VIII (relating to the Highway-User Revenues) be omitted from the proposed Constitution. Schirmeyer stated that this would mean only that the Highway Department, like any other department, would have to justify its expenditures and projects. Success claimed for the Highway Department in the past, he continued, was due more to the amount of money it received than the way in which the money was appropriated. Part of the Highway-User revenues could be used to greater public advantage in such areas as education and mental health, he added.

Randy Machemehl presented a view in complete opposition to Schirmeyer's presentation, saying he thought Texas must have a constitutionally-dedicated highway fund to meet its future transportation needs.

Representing the Austin Area Citizens' Advisory Committee, Rick Wickman voiced general approval of Article VIII. He did suggest a compromise concerning

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the Highway Fund -- that at least part of the fund be opened up for other forms of public transportation. He explained that this would allow the Legislature to respond to possible future needs. He also stated that he had hoped that the ceiling on welfare would be omitted.

Paul Colbert registered his opposition to the "equal and uniform" phrase and gave other testimony.

Judiciary Committee: Criminal defense attorney Frank Maloney of Austin said he hopes the Judiciary Committee and the Constitutional Convention adopt the Merit Selection system in appointing judges to appellate courts.

Judges are affected electorally on the decisions they make in the courtroom, he said.

Asked whether the state should be given the right to appeal as proposed under Section 16 of Article V, Maloney said they should, but the state should not have the right to appeal in the "ultimate decision".

In other testimonies, Judge Dan Gibbs, Domestic Relations Court No. 3, in Dallas, suggested that judges who retire before age 65 should be able to receive pay from the state retirement fund and "sit in" on the courts.

Judge Jim Zimmerman, Criminal District Court No. 3 in Dallas County, asked improved retirement pay conditions for retired judges with tenure. He supported the Unified Judicial system with special jurisdiction.

Judge Jerome Chamberlain, Criminal District Court in Dallas, supported the unified system, except the clause in Section One of Article V which reads, "No other courts shall be created..."

Midland County Judge Barbara Culver, who served on the CRC, said non-lawyer county judges "do a good job administratively" and are a special service to rural counties such as those in West Texas.

She said, however, that lawyers should serve in county courts of law.

Judge Albert Lee, Justice of the Peace in Humble, agreed that attorneys should be provided to review actual court cases.

Executive Committee: With the continued testimony from state agencies on the governor's appointment powers, the Committee on the Executive had two star witnesses Thursday.

Jerry Sadler, former Land Commissioner, and former State Senator and present State Insurance Board Chairman Joe Christie covered several aspects of the Executive Branch between their statements and the committee questioning.

Jerry Sadler wanted to keep executive offices the same but elect more heads of agencies rather than less as some witnesses have proposed.

Insurance Chairman Joe Christi warned that the moral and work of agencies would suffer if the future of agencies or their heads was made more unstable than the present.

Christie also said he favored requiring appointments to be made by the governor when terms expire rather than waiting until the Legislature is not in session, as is often the practice.



TO: CONVENTION DELEGATES AND MEDIA AND PRESS REPRESENTATIVES  
FROM: CONVENTION INFORMATION OFFICE

Summary of Committee Action  
for  
Wednesday, Jan. 30, 1974

Judiciary Committee: Judge Spurgeon Bell, retired Chief Justice of the 1st Court of Civil Appeals of Houston, said he has seen published reports that the reason the Constitutional Revision Commission did not propose that justices of the peace be attorneys is because of the fear the requirement might defeat the Constitution.

"Very frankly, I think it would," said Judge Bell. "They [JP's] are closer to the people."

Judge Bell emphasized, however, he believes that in all legal matters the judge ought to be a qualified lawyer.

Larry Sullivant, Cooke County Judge of Gainesville, said he believes layman judges can handle administrative functions of county courts, but he believes when a legal question is involved only a lawyer-judge is qualified to sit in judgment.

"Twenty years of selling cars may make a good car salesman, but it won't make a good judge," he said.

"What about the boy 17 years old, who has to go to the jail house for two years based on the decision of a man who does not have the legal knowledge to rule on the evidence," Sullivant said, as he questioned the ability of layman judges to make proper decisions when presented with legal evidence in a case.

Committee on the Legislature: Local and special laws were discussed by the Committee on the Legislature Wednesday.

Because each session of the Legislature is deluged with local legislation, Fred Huber, Port Arthur city councilman, said he feels that jurisdiction of benefits of local employees should be left with local government.

Bob Freeman, of the Legislative Council, explained to the members of the committee three constitutional approaches that could be taken to local laws.

The Constitution could flatly prohibit the Legislature from making local laws; it could allow any local law to be passed or it could specify what types of local law could be passed, he said.

"The language of the CRC document, which states in part, 'The Legislature may not enact a local or special law if a general law is or can be made applicable,' would lead to the fewest problems," he said.

Delegate L. DeWitt Hale, of Nueces County, also spoke on local and special laws.

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Rights and Suffrage Committee: With a vote of 14 ayes and 5 nos the Committee on Rights and Suffrage approved Section 1 of Article VI. The language was submitted by Wayland Simmons in place of the Constitutional Revision Commission language. It now reads:

"Any citizen of the United States eighteen years of age or older who meets the registration and residence requirements provided by law, who has never been convicted of any felony, subject to such exceptions as the Legislature may provide, and who is not mentally incompetent as determined by a court shall be a qualified voter."

The rest of Article VI will be discussed Thursday, January 31.

Committee on the Executive: Stephen Paine, spokesman for Common Cause of Texas, related the feelings of Common Cause based on a questionnaire which was sent to its members. The proposals presented dealt with the appointment of members to state boards, agencies or commissions; budgetary power of the governor; and the election of certain state officials.

With regard to the governor's power over appointees, Paine said, "The governor should be able to remove his appointees if the appointee is not fulfilling his duties or if the appointee is acting contrary to the policy of the governor."

As for executive budgetary power, Common Cause believes "the governor should be allowed to originate the state budget proposal."

Paine said the Common Cause supports the retention of four elected offices in the executive branch: governor, lt. governor, attorney general and comptroller.

Also testifying before the committee was Bill Abington, a representative of Texas Mid-Continent Oil and Gas Association.

Abington said members of various commissions and agencies that are now elected should continue to be elected.

Also scheduled to testify was Dr. H.Q. Sibley of the Texas Animal Health Commission.

Committee on Education: The higher education tax fund, Section 10 of Article VII in the proposed Constitution, was the main topic Wednesday.

Jim Kronzer, an attorney from Houston and a member of the Constitutional Revision Commission, testified to the committee for them not to impose a ceiling tax on the tax fund. Presently, the Section specifies a minimum of 10-cent per \$100 valuation State ad valorem tax on property.

Kronzer emphasized his point by stating this fund was the only base for appropriating equivalent sums of money for major universities not included in the Permanent School Fund allocations.

Arguing the other side of Section 10, William H. (Bill) Abington testified a ceiling "rather than a minimum figure" should be stated in the section on the higher education tax fund. Abington is executive vice-president and general counsel for Texas Mid-Continental Oil and Gas Association.

A representative of the San Saba County Property Association, L.S. Boren, proposed a 20-cent per \$100 valuation ceiling on the State ad valorem tax fund as stated in the proposed Constitution.

Several representatives from the Texas Public Junior College Association attended the committee meeting, with Dr. Al Langford, chairman of the legislative committee for the association, testifying.

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Langford objected to the wording in Section 10 on the higher education tax fund which prohibits public community colleges from receiving any benefits from the State ad valorem tax fund.

He stated the association asked community colleges not be prohibited so as to leave legislative flexibility for appropriating funds for these colleges in later years.

Community colleges, Langford testified, are the only educational institutions which have no tax fund on which to "fall back". He cited Section 2, which allocates funds from the Permanent School Fund for all free public schools, and Section 8, which allocates funds for the University of Texas and Texas A&M systems, as back-up funds for other major educational institutions in Texas.

Speaking on constitutional provision for minority recruitment and representation in higher education institutions, Sandy Kress proposed a provision for beneficiaries of the Permanent School Fund to fund recruitment of minorities.

Kress, student body president of the University of Texas in Austin, stated as the goal of the mandatory recruitment program the minority ratio in the State be reflected in the enrollment of the State's major universities, namely the University of Texas system.

General Provisions Committee: Dr. John N. Abersold, an environmental consultant, recommended that any environmental clause be kept short and concise. Abersold predicted problems will arise from a flood of suits from citizens.

Edward B. Caruthers, chairman of the Libertarian Party, testified concerning the rights of mental patients and their right to their own personalities. Caruthers asked the committee consider requiring written consent of any patient before the performance of psychosurgery. He compared the wave of lobotomies (operating on a portion of the brain to pacify patients) in the 1950's to the current experimentation in psychosurgery and asked the committee to prevent further forced experimentation with mental patients.

Rep. Bob Davis of Irving, the next witness, presented his proposal prohibiting any state employee from receiving pecuniary interest in state contracts.

The Homestead Act was briefly discussed when J.B. Hance of Lubbock spoke for allowing the privilege of waiving the right to a homestead. He emphasized that he did not want to do away with the homestead, but to allow the use of the equity as collateral.

Jane Hickie of the Texas Women's Political Caucus spoke against the garnishment of wages for child support, for extended homestead rights for single adults, for increased appointments of women to boards and agencies, and for a "hands off" attitude toward compulsory pregnancy and abortion. Ms. Hickie was questioned extensively concerning the Caucus' attitude toward garnishment. She emphasized the caucus feels garnishment of wages is not the remedy and better answers to the problem would come from statutory law.

Other witnesses included Phil Strickland of the Texas Baptist Christian Life Commission, Jake Adams of Texas School Food Service of the Richardson Independent School District and James Basden of the Human Welfare Commission speaking on Proposal 72.

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Local Government Committee: Dallas County Judge Lew Sterrett, representing County Judges and Commissioners Association, condemned an attitude of change, for the sake of change and urged the committee take a hard look at home rule and any changes concerning home rule for cities and counties. Sterrett advised county judges and commissioners not be given any more "power" than they currently hold. Sterrett said people are sick of "big government" and he complimented the legislators for a "terrific" job. In reply to San Antonio delegate Matt Garcia's question whether he opposed any change in the 1876 Constitution, Sterrett said Dallas County has the best county government and the "fathers" of the Constitutional Revision Commission "have branded us special interests". Sterrett also proposed home rule be granted by the Legislature and not by the Constitution.

Roy Orr, Dallas County Commissioner, complained that home rule would create an administrative nightmare for the state with different forms in different counties. He said home rule provision(s) would defeat the Constitution at the polls. Orr also said: the Constitution should provide for some form of tax limitations that appointed judges are "no good".

Constable T.A. Vine, representing the 1,300-member Justices of the Peace and Constables Association, asked for a change in Section 3D of Article IX, relating to cities of more than 50,000 citizens to make the language permissive instead of mandatory (or, to make it read "may" instead of "shall").

Judge Albert Lee of Humble, representing the Justices of the Peace Association of Harris County, also testified in reference to Section 3D.

Former Houston Mayor Louie Welch testified that constitutional revision is in fact needed and that local people should have the discretion about their own tax matters. He said optional home rule for counties should be permissible.

John Boyle, Dallas attorney representing several small cities in Dallas County, said county residents should be allowed to grant ordinance-making power to their county government but only outside incorporated city limits. He said he was dubious about Section 12 (Intergovernmental Cooperation) and Section 7 (Special Districts).

Mike Renfro, First Assistant District Attorney for Travis County, said Travis County needs ordinance-making power because the City of Austin allegedly can not control surrounding areas. He also said land use control is needed. He expressed basic support for the CRC proposal.

Style and Drafting Committee: The Committee on Style and Drafting held their first organization meeting Wednesday. The committee approved a Style and Drafting Manual for the Constitutional Convention. The committee recommended the manual be used as a drafting tool for their committee and the substantive committees as they begin to work with actual language to recommend to the full Convention.

Committee Chairman Max Sherman introduced Jay Stanford as Staff Director and George Braden and Richard Yahr as consultant and draftsman. Bob Freeman of the Legislative Council is also working with the committee.

During the discussion on the manual, several members stated that the committee should bend over backwards to be sure and not be making any substantive changes.



Con Office  
1/28/74

TO: CONVENTION DELEGATES AND MEDIA AND PRESS REPRESENTATIVES  
FROM: CONVENTION INFORMATION OFFICE

Summary of Committee Action  
for  
Monday, Jan. 28, 1974

Judiciary Committee: Beaumont attorney J.L. McFadden, who said he is no longer actively engaged in private law practice, said he opposes the proposed unified court system. McFadden is a past president of the Jefferson County Bar Association and past president of the Beaumont Chamber of Commerce.

McFadden said his experience has been that it takes considerable time for judges to keep up with current developments in civil law, without being burdened also with keeping up with criminal law.

To require judges in unified courts to have expertise in both criminal and civil law will be an "almost unconscionable hardship," said McFadden.

"I think the unified system is going to compound the confusion," he added.

Committee member Bill Heatly of Paducah suggested at the hearing that the present court of criminal appeals be expanded to nine members (same size as Supreme Court), kept separate from the Supreme Court and be called the Supreme Court of Criminal Appeals. Under his proposal, said Heatly, four new intermediate criminal courts of appeals would be established in the state's four largest metropolitan cities to handle most criminal appeals cases in an effort to help clean up the backlog of cases pending before the court of criminal appeals.

Heatly commented that citizens he talks with would rather have "two too many courts than one too few." Noting that the state appropriates less than one per cent of its state budget each year for the judiciary, Heatly said "Justice comes cheap in Texas."

Rockwall County Judge Derwood Wimple told the committee he believes there are some duties of county courts which laymen can better handle than can attorneys.

Wimple said he has served 12 years as a non-lawyer judge in Rockwall County.

Education Committee: Chairman of the North Texas State University Board of Regents, H.M. Willis, speaking for the Committee of Governing Boards of Public Senior Colleges and Universities, said the group was "pleased that the CRC had retained the time-proven principles of the dedicated fund."

He added that representatives of most universities are united in their feelings toward the dedicated fund.

Dr. Jack Williams, President of the Texas A&M System, told the committee the constitutionally-guaranteed fund allows universities to plan ahead with assurance their resources will not dry up.

More support for the Permanent Fund came from University of Texas Regent Frank C. Erwin. "Generations of Texans have fought

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to establish and maintain the endowment for the benefit of the University of Texas so it might truly become and remain a university of the first class," he said. Erwin said it would be tragic for the original purpose of the fund to be violated.

Erwin said to divide the income of the Permanent Fund among all 37 of the institutions of higher education in Texas "would not raise all of them to excellence, but would only assure that no Texas institution could achieve any truly outstanding national stature."

General Provisions: Dan Kubiak, delegate from Rockdale, and chairman of the Education Committee, presented a proposal, which he contends does a better job in outlining public retirement than the CRC Section 21.

The CRC proposal, as it stands, contains only two sentences. Though brevity is sought in the new Constitution, Kubiak insisted that more than the two sentences are needed to protect the four groups involved as far as pensions were concerned.

Kubiak said if his proposal is accepted by the General Provisions Committee, the groups concerned would help pass the Constitution when put up for a final vote.

Austin attorney Gaynor Kendall spoke in favor of Kubiak's three-page proposal. Kendall appeared in behalf of the Texas Municipal Retirement System, the Texas County and District Retirement System, and the Texas State Teachers Association.

Kendall said there are many ambiguities in the CRC proposed retirement plan, and argued there should be no need to look back on the old Constitution in forming a new one.

Delegate Frank Lombardino of San Antonio proposed that Atty. Gen. John Hill be asked whether firemen and policemen are covered by the added proposal to Section 21. The motion passed with one dissenting vote.

Johnny Clark, president of the Texas State Teachers Association, voiced his support for the added proposal. Clark said the two CRC sentences are not sufficient protection for the half million people who would be affected by the retirement system for public employees. Clark urged the committee's acceptance of Kubiak's proposal for the teachers, city, state and county officials affected by the outcome.

Legislative Committee: The Committee on the Legislature heard only one witness in its Monday session.

Steven Harvesty, retired accountant from Leon Valley, testified before the committee on behalf of involved Texans.

Harvesty spoke in favor of initiative, whereby citizens may start the process of making a law by petition; referendum, whereby citizens may voice an opinion or promote an issue by submitting a petition; and recall, whereby citizens can try to unseat an elected official by gaining signatures of a percentage of those voting in the election in which he won his position.

Local Government Committee: Did not meet.

Rights and Suffrage Committee: Meeting scheduled Monday night.

Finance Committee: Representatives of the Bexar County Senior Citizens Council claimed senior citizens are losing their homes because of the ad valorem taxes. The pair wanted a moratorium on

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ad valorem taxes for elderly residents. Robert Sohn, chairman of the board of Common Cause, testified that he wanted to make certain the Constitution is flexible to allow the Legislature to spend money at its own discretion for the purpose of mass transit programs.

Executive Committee: Delegate Bill Meier's Committee on the Executive heard testimony from the head of the Board of Control and the Chairman of the Railroad Commission Monday.

Homer Foerster, Executive Director of the Board of Control, testified to the duties and responsibilities of his agency. The Railroad Commission Chairman, Jim Langdon, stressed the need for the Commission to be elected. He also stated he felt the Railroad Commission should be listed in the Constitution.



THE  
TEXAS



# CONSTITUTIONAL CONVENTION 1974

P. O. Box 13286

Capitol Station

Austin, Texas 78711

*Con Office*

January 28, 1974

MEMO

TO: ALL DELEGATES TO THE CONSTITUTIONAL CONVENTION OF 1974  
FROM: PRICE DANIEL, JR.

Starting today, you will receive every Monday morning a schedule of Committee activities for the week, together with a summary of Committee activities for the preceding Friday and Saturday. Tuesday morning through Friday morning you will receive an updated schedule of Committee activities for the following day, together with a summary of Committee activities for the preceding day. I have asked the Public Information Office to prepare these reports in response to comments from several delegates asking for more complete information on the activities of all Committees.

I welcome your comments on this service and your suggestions for any other steps the President's office can take to facilitate the work of the Convention.

PDjr/sjs

Attachment



1/28/74

TO: CONVENTION DELEGATES AND MEDIA AND PRESS REPRESENTATIVES  
FROM: CONVENTION INFORMATION OFFICE

Summary of Committee Action  
for  
Friday, Jan. 25, 1974

Executive Committee: Former Gov. Preston Smith recommended the governor's present powers to appoint citizens -- with consent of the Senate -- to various boards and commissions in the state be broadened to allow the chief executive also to dismiss appointees.

Speaking of the appointments the governor is authorized to make, Smith said: "Typically, this person might be one of those men, or women, who seemed to be an ideal choice from the governor's viewpoint; who passed Senate scrutiny without a serious question; who received editorial commendations all over the state; who showed up and took the oath of office at the appointed time -- and just never came back."

"The governor who is disappointed or displeased with an appointee should be able to replace him by a process approximately the reverse of the appointing-and-confirming action," said Smith.

Under his proposal, said Smith, charges would be made to the Senate with supporting evidence and information. The person charged would be allowed to defend himself, if he so chose, and the Senate by two-thirds vote could reconfirm the appointee.

Smith also urged that the Legislature have authority to provide the governor with management tools, such as budgeting, planning and related to authority necessary to effectively function as chief executive.

Education Committee: The Committee, in a work session Friday, voted, 17-2, to delete Section 3 of Article 7 of the proposed Constitution which would have restricted aid to non-public schools below the college level. The Committee approved a resolution extending its support for a state board of education which would have its members elected. Rejected was the idea that members of the State Board of Education be elected from Congressional or state senatorial districts. Favorably received, but not actually voted upon, was the proposal to give the Legislature the freedom to determine such items for State Education Board members as length of terms, salary, tenure, qualifications, etc.

Judiciary Committee: Ken Chestnutt, Dallas attorney, urged the Committee to recommend the Convention provide for election of judges on a geographical basis to make them more representative of the people who elect them. Argued against merit selection of judges by a panel rather than present method of appointment to vacancies by governor with Senate confirmation.

With judges elected from geographical districts, such as county commissioner districts are now drawn, would enable minority, liberal and Republican attorneys to seek election to the bench, said Chestnutt.

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Local Government Committee: The testimony of John Whittington, Dallas County Commissioner, was a turnabout from the testimony of representatives of associations of county commissioners that has been heard by the Local Government Committee.

Whittington spoke Friday in favor of home rule. He said he feels that those who have appeared before the Committee are primarily rural-oriented and are not considering urban and suburban problems.

"I urge this Committee to take a close look at (the opinions of) associations to examine if they are truly in line with the thinking of local officials. Associations are one step further from the people," he said.

Other testimony was given by Gerhardt Schulle, representing the Texas Association of Realtors; Ralph Brown, a San Antonio attorney; Harry L. Tooker, representing the Citizens Advisory Committee; and Charles Herring, representing the Lower Colorado River Authority.

General Provisions: Testimony began in the General Provisions Committee with Dorothy G. DuBose speaking for garnishment of wages. She proposed that a 25 per cent limit on garnishment be added to the Constitution. Delegate Kay Bailey of Harris County also spoke for a garnishment proposal and was questioned extensively by the Committee.

The Committee reconvened at 3:30 p.m. and testimony began with Judge Andrew L. Jefferson, Jr., from Harris County. Judge Jefferson, a district judge from the 208th Judicial District in Harris County, proposed that the Committee recommend a limited garnishment of wages particularly for the "hardcore" cases who would not pay child support. He emphasized that the language in the Constitution must be precise in order to make it clear that general creditors would not be allowed to garnish a man's wages.

Other witnesses who testified included Ace Pickens, representing the Texas Medical Association, Dr. Cliff Burrass, of Wichita Falls, and Dr. Elton Berkman, a chiropractor from Colorado City.

Finance Committee: Equal and uniform property taxation was the favorite subject before the Finance Committee. No less than seven witnesses from the average private citizen to railroad lobbyist Walter Caven spoke to the problems and inequities of what is "equal and uniform". Each group from the private homeowner, the corporate railroads and farmers have special problems. The two exceptions were witnesses who testified about the highway trust fund and historic preservation of buildings.

Legislative Committee: Testifying before the Legislative Committee was Conrad Dupree, a business consultant from Ft. Worth, who said he wanted to make sure the voice of voters and taxpayers would be heard. He said the voters wanted part-time legislators, not full-time members. He also said that if the salary of the members was to be raised to \$15,000, inferior people would be elected, because Texans would get career people who could do nothing else for a living. Dupree recommended that the Legislature keep biennial sessions, and that legislators should be able to call special sessions by a two-thirds vote.

Austin attorney Jace Minor testified that salaries should remain the same: \$4,800.

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Stephen Camp, an 18-year-old constituent of Delegate Bill Patman, recommended that the minimum age requirement for House members be lowered to 18, and minimum age for Senators be lowered to 21. Camp disagreed with all age restrictions, but feels this would be a good compromise.

Saturday, Jan. 26, 1974

General Provisions Committee: The General Provisions Committee held an all day session Saturday with the primary topic being branch banking. If the testimony heard is an indicator, the prohibition against branch banking will remain in the Constitution. No less than 10 witnesses were heard to favor retaining the constitutional prohibition against branch banks in Texas.

A representative of the Texas Bankers Association gave statistics indicating that the majority of Texas bankers oppose branch banking and favor the present Constitutional prohibition.

Texas AFL-CIO President, Harry Hubbard, gave labor's backing to the testimony that branch banks should remain absent from the Texas financial community.

The president of Merchants State Bank in Dallas went one step further and recommended either statutory or constitutional restrictions on multi-bank holding companies.

Local Government Committee: Special districts and county home rule were the major concerns of the witnesses before the Local Government Committee Saturday morning.

Local ability to control or direct special districts seemed to be the general theme of testimony.

One witness said if nothing else was acceptable, brackets should be put in the Constitution to enable Harris County to have home rule. Other witnesses gave examples of local officials not having authority to solve 'problems'.



TO: CONVENTION DELEGATES AND MEDIA AND PRESS REPRESENTATIVES  
FROM: CONVENTION INFORMATION OFFICES

Committee Schedule for Monday, Jan. 28, 1974

Committee on Education: Floor of Convention Hall, 2 p.m.  
Prospective witnesses: Dr. Paul Hardin, President, SMU; Dr. J. W. Cady, President, Texarkana College; H. M. Willis, Chairman, Board of Regents, North Texas State University; Chairman, Committee of Governing Boards, Public Senior Colleges and Universities; Dr. Jack Williams, President, Texas A&M System; President, Council of Presidents, Public Senior Colleges and Universities; A. G. McNeese, Jr., Chairman, Board of Regents, UT System; Dr. Charles LeMaistre, Chancellor, UT System; Frank Erwin, Member, UT Regent; Dr. Philip Hoffman, President, University of Houston; Dr. Grover Murray, President, Texas Tech; Dr. John Gray, President, Lamar Tech University; Dr. Norman Hackerman, Rice. Prospective topic: Permanent University Fund, Article VII, Sections 7-10.

Committee on Local Government: No Meeting Monday.

Committee on Legislature: Speaker's Committee Room, 2 p.m.  
General meeting open for discussion in all areas.

Committee on Finance: Senate Chamber, 2 p.m.

Committee on Executive: Senate Finance Committee Room 301, 2 p.m. Prospective witnesses: Jim Langdon, Chairman, Texas Railroad Commission; Homer Foerster, Board of Control.

Committee on Judiciary: Old Supreme Court Room, 10 a.m.  
Prospective witnesses: Paul Carrington, Chairman, Constitutional Revision Commission East Texas Chamber of Commerce.

Committee on Rights and Suffrage: Lieutenant Governor's Committee Room, 7 p.m.

Committee on General Provisions: Committee Room G-13, 2:00 p.m.  
Prospective topic: Public pension and retirement systems.  
Prospective witnesses: Delegate Dan Kubiak; Glen McLaughlin, Texas Public Employees Association; Paul Carrington, East Texas Chamber of Commerce.



TO: CONVENTION DELEGATES AND MEDIA AND PRESS REPRESENTATIVES  
FROM: CONVENTION INFORMATION OFFICE

Committee Schedule for Tuesday, Jan. 29, 1974

Committee on Education: Floor of Convention Hall, 10 a.m.  
Prospective witnesses: Mark Levbarg, Texas Civil Liberties Union; O. W. Marcom, Vice President and Academic Dean, San Jacinto Junior College; Darwin McKee, President, Texas Intercollegiate Student Association; David Bloch, Professor of Botany, UT-Austin; Russell Autry, Student President, UT-El Paso; Jerry King, President, Student Government, St. Philip's College; John C. Rogers, Jr., Area Education Commission, Houston-Galveston Area Council; Bill Urquhart, President, Student Body, Lamar University; Gerald Hopkins, Attorney, Maxwell, Hopkins & Price, Houston. Prospective topic: Permanent University Fund, Article VII, Sections 7-10.

Committee on Local Government: Appropriations Committee Room 300, 10 a.m. Tentative topics: local governmental structure and intergovernmental relations. Prospective witnesses: Bernard Eads, Dallas County Commissioner; David Brune, Trinity River Authority; Delegate Richard Reynolds; Judge Griesenbeck, Bastrop County; Professor Charles Cottrell, San Antonio; Dallas County Judge, W. D. Henson.

Committee on Judiciary: Old Supreme Court Room, 10 a.m. Tentative topic: Article V. Prospective witnesses: Giles Dalby, Garza County Judge; W. D. Henson, Dallas County Judge; Judge C. L. Ray, Court of Civil Appeals Justice; John Kennedy, Texas Research League.

Committee on Legislature: Speaker's Committee Room, 10 a.m. Topics: rules of procedure and election of Legislative officers, bills and resolutions, confirmation of appointments by Senate.

Committee on Finance: Senate Chamber, 9:30 a.m. General Testimony.

Committee on Executive: Senate Finance Committee Room 301, 10 a.m. Prospective witnesses: Attorney General John Hill; Representatives of Texas Highway Department; Delegate Reynolds.

Committee on Rights and Suffrage: Lieutenant Governor's Committee Room, 7:30 p.m. Topic: Article VI.

Committee on General Provisions: Committee Room G-13, 10 a.m. General testimony and proposals for the handicapped. Prospective witnesses: UT Law Professor W. O. Huie; SMU Law Professor Joseph W. McKnight; James Nyman, National Federation of the Blind, San Antonio; Tullos Wells, Austin, Dr. Doug Daniels, Galveston; Richard Halpin, Austin, Free the Slow, Inc.; Criss Cole, former State Senator; Dave Sloan, Texas Association for Retarded Children.



TO: CONVENTION DELEGATES AND MEDIA AND PRESS REPRESENTATIVES  
FROM: CONVENTION INFORMATION OFFICE

Committee Schedule for Wednesday, Jan. 30, 1974

Committee on Education: Floor of Convention Hall, 10 a.m.  
Topics: State ad valorem tax for institutions of higher learning; permanent university fund; Article VII, Sections 7-10. Prospective witnesses: Gerhardt Schulle, Director of Governmental Affairs, Texas Association of Realtors; Phil Strickland, Texas Baptist Christian Commission; Delegate Wayne Pevoto; Father Michael Alchediak, President, Strake Jesuit College Preparatory, Houston; Dr. Al Langford, Chairman, Legislative Committee, Texas Public Junior College Association; Theron Waddell, Legislative Chairman, Junior College Teachers Association; Dr. Bessie M. Pearce, Professor of English, Assistant to the Dean, San Antonio College; Dr. Paul Culwell, Dean, San Antonio College; James Liggett, Student Body President, University of Houston.

Committee on Local Government: Appropriations Committee Room 300, 10 a.m. Prospective witnesses: John F. Boyle, Jr., Attorney; Dallas County Judge Lew Sterrett; Dallas County Commissioner Roy Orr; Richard Wilson, Executive Director of Sheriffs Association of Texas; Representative Chamber of Commerce of Longview. Topic: local government structure and intergovernmental relationships.

Committee on Legislature: Speaker's Committee Room, 10 a.m.  
Topic: enactment of local and special laws.

Committee on Finance: Senate Chamber, 9:30 a.m.

Committee on Executive: Senate Finance Committee Room 301, 10 a.m.

Committee on Judiciary: Old Supreme Court Room, 10 a.m.  
Prospective witnesses: Judge B. B. Schraub, 25th District, Seguin.

Committee on Rights and Suffrage: Lieutenant Governors Committee Room 220, 2 p.m. Topic: Article VI.

Committee on General Provisions: Committee Room G-13, 10 a.m. Prospective witnesses: Walter Richter; Phil Strickland, Texas Baptist Life Commission; Jane Hickey. Topics: general testimony and welfare.

Committee on Style and Drafting: Senate Sergeant's Committee Room, 8 a.m.



TO : CONVENTION DELEGATES AND MEDIA AND PRESS REPRESENTATIVES  
FROM: CONVENTION INFORMATION OFFICE

Committee Schedule for Thursday, Jan. 31, 1974

Commission on Education: Floor of Convention Hall, 10 a.m.  
Prospective topic: Coordinating Board for Higher Education.  
Prospective witnesses: Harry Provence, Chairman, Coordinating Board; Bevington Reed, Commissioner; Mrs. Ray Piper, Parents Advocating Useful, Sensible Education (PAUSE); Dr. Duncan Wimpress, President, Trinity University; Father Adolph Windisch, Director, Central Catholic High School, San Antonio; Sister Emily, Providence High School, San Antonio; Sara Brownmiller, Student Body President, Incarnate Word College, San Antonio; Madhu Alawalia, Vice President, Student Body, Incarnate Word College; Sister Marjorie Haba, Academic Affairs, Incarnate Word College; Sister Teresa Logan, Dean of Students, Incarnate Word College; Jack Fields, Student Body President, Baylor.

Committee on Local Government: Appropriations Committee Room 300, 10 a.m.

Committee on Legislature: Speaker's Committee Room, 10 a.m.  
Topic: pay and allowances for members of the Legislature.

Committee on Executive: Senate Finance Committee Room 301, 10 a.m.

Committee on Judiciary: Old Supreme Court Room, 10 a.m.  
Prospective witnesses: Judge Albert Lee, Justice of the Peace, Humble.

Committee on Rights and Suffrage: Lieutenant Governor's Committee Room 200, 10 a.m. Witness testimony; work session.

Committee on General Provisions: Committee Room G-13, 10 a.m.  
Prospective witnesses: Delegate Luther Jones, Common Cause Representative.



TO: CONVENTION DELEGATES AND MEDIA AND PRESS REPRESENTATIVES  
FROM: CONVENTION INFORMATION OFFICE

Committee Schedule for Friday, Feb. 1, 1974

Committee on Education: Floor of Convention Hall, 10 a.m.  
Prospective topic: separate Board of Regents for Prairie View  
A&M University. Prospective witnesses: Thomas Gray, Alumnus,  
Prairie View A&M University; Randolph Strickland, former student  
President at Prairie View A&M; Joseph Mack, Director of Development,  
Prairie View A&M.

Committee on Legislative: Speaker's Committee Room, 10 a.m.  
Topics: frequency and duration of Legislative sessions.

Committee on Executive: Senate Finance Committee Room 301,  
10 a.m.

Committee on Judiciary: Old Supreme Court Room, 10 a.m.  
Work session.

Committee on Rights and Suffrage: Lieutenant Governor's  
Committee Room 220, 10 a.m. Vote on Committee Report on Article VI.

Committee on General Provisions: Committee Room G-13,  
10 a.m. Prospective topic: branch banking, Article XVI, Section 16.  
Prospective witnesses: Mark McLaughlin, Constitutional Revision  
Commissioner (to speak on CRC minority report); Roland Walden,  
Midway National Bank, Grand Prairie; John H. Pittman, Commonwealth  
National Bank, Dallas; Eugene Zorn, Republic National Bank, Dallas;  
James Byrd, First International Bancshares, Dallas; Mat Rogers,  
First City National Bank, Houston.



Jan. 28, 1974

TO: CONVENTION DELEGATES, PRESS AND MEDIA REPRESENTATIVES

FROM: CONVENTION INFORMATION OFFICE

Committee Schedule for Tuesday, Jan. 29, 1974

Committee on Education: Floor of Convention Hall, 10 a.m.  
Prospective witnesses: Mark Levbarg, Texas Civil Liberties Union; David Bloch, professor of botany, UT-Austin; Jerry King, student president, St. Philip's College; John C. Rogers, Area Education Commission, Houston-Galveston Area Council; Bill Urguhart, student president, Lamar University; Gerald Hopkins, attorney, Maxwell, Hopkins and Price, Houston; Michael Eakin, editor, The Daily Texan, UT-Austin; Dave Risher, coordinator, Investigative Task Force Team, The Daily Texan, UT-Austin; Billy Watson, Tom Ridlehuber, J. B. Santos, Travis Jackson, Harvey Owens, Texas Association of Adult and Continuing Education. Topic: the permanent university fund.

Committee on Legislature: Speaker's Committee Room, 10 a.m.  
Prospective witnesses: Delegate Reynolds; Harold Hammett, Junior Bar Association of Texas. Topics: rules of procedure and election of legislative officers, bills and resolutions, confirmation of appointments by Senate.

Committee on Finance: Senate Chamber, 9:30 a.m. Prospective witnesses: Earl Lewis, Constitutional Revision Commissioner; Conrad True, San Antonio Conservation Society; Walker Williams, Task Force on Politics and Government, University Methodist Church; Comptroller Robert Calvert; Barnes Brayles, Jacksonville Chamber of Commerce; Harold Hammett, State Junior Bar.

Committee on Judiciary: Old Supreme Court Room, 10 a.m.  
Tentative topic: Article V. Prospective witnesses: (morning session) Garza County Judge Giles Darby; Dallam County Judge W. D. Henson; UT Law School Dean Page Keeton; (afternoon session) Judge, C. L. Ray, Court of Civil Appeals Justice; John Kennedy, Texas Research League; Judge F. R. Riles, Rusk County Judge.

Committee on Executive: Senate Finance Committee Room 301, 10 a.m. Prospective witnesses: Attorney General John L. Hill; Representative of Texas Highway Department; Delegate Richard Reynolds; Bill Abbington, Texas Mid-Continent Oil and Gas Association.

Committee on Rights and Suffrage: Lieutenant Governor's Committee Room, 7:30 p.m. Topic: Article VI.

Committee on General Provisions: Committee Room G-13, 10 a.m.  
Prospective testimony: proposals for the handicapped and general testimony. Prospective witnesses: (morning session) Bob Johnson, Community for the Deaf; Charles Lynch Jr., representing Lampasas County Attorney's Office; Dave Sloan Jr., Texas Association for Retarded Children; (afternoon session) UT Law Prof. W. O. Huie; James Nyman, National Federation of the Blind; Dr. Daniel Daly, Southwestern Medical School; Dr. Ralph Guertin; Doris Walpall; Dr. Doug Daniels, Galveston; Ed Hartell Jr.; Levy Morton; Richard Hapkin.

Committee on Local Government: Appropriations Committee Room 300, 10 a.m. Prospective witnesses: Bernard Eads, Dallas County Commissioner; David Brune, Trinity River Authority; Delegate Richard Reynolds; Bastrop County Judge Griesenbeck; Dallam County Judge W. D. Henson; St. Mary University Prof. Charles Cottrell, San Antonio; Tentative topic: local governmental structure and intergovernmental relations.



TO: CONVENTION DELEGATES, PRESS AND MEDIA REPRESENTATIVES 1/28/74

FROM: CONVENTION INFORMATION OFFICE

Committee Schedule for Wednesday, Jan. 30, 1974

Committee on Education: Floor of Convention Hall, 10 a.m.

Topics: state ad valorem tax for institutions of higher learning; permanent university fund; Article VII, sections 7-10. Prospective witnesses: Gerhardt Schulle, director of governmental affairs, Texas Association of Realtors; Phil Strickland, Texas Baptist Christian Commission; Delegate Wayne Peveto; Father Michael Alchediak, president of Strake Jesuit College Preparatory, Houston; Dr. Al Langford, chairman, legislative committee, Texas Public Junior College Association; Theron Waddell, legislative chairman, Junior College Teachers Association; Dr. Bessie M. Pearce, professor of English, Assistant to the Dean, San Antonio College; Dr. Paul Culwell, Dean, San Antonio; James Liggett, student body president, University of Houston.

Committee on General Provisions: Committee Room G-13, 10 a.m.

Prospective witnesses: R. L. Rummel; Geraldine Cook; John Pittman, Community of National Banks, Dallas; Walter Richter; Roy Cates; Phil Strickland, Texas Baptist Christian Commission; Jane Hickey; Theron Waddell; Delegate Bob Davis; Max Melcher. Testimony on welfare proposals and general testimony.

Committee on Finance: Senate Chamber, 9:30 a.m. Prospective

witnesses: (morning session) Attorney General John Hill; Bob Baker, Stephen F. Austin University School of Forestry; Bill Smith, Texas A&M University Forestry Service; John Wood, Texas A&M University, Forestry Service; (afternoon session) representative of Assessor-Collectors Association; J. Cris Dougherty; Fred Huber, Port Arthur councilman; Cochran County Judge Glen Thompson; Bill Abbington, Texas Mid-Continent Oil and Gas Association; Mr. Bennett, Churches Fried Chicken.

Committee on Legislature: Speaker's Committee Room 10 a.m.

Prospective witnesses: Hans Baade, UT professor; Katy Davis, Common Cause; Phil Strickland, Texas Baptist Christian Commission; Delegate Luther Jones; Delegate DeWitt Hale.

Committee on Judiciary: Old Supreme Court Room, 10 a.m.

Prospective witnesses: Cochran County Judge Glenn Thompson; 169th District Court Judge J. F. Clawson, Bell County; Randall County Judge Woody Pond; Judge B. B. Schraub, 25th District, Seguin.

Committee on Rights and Suffrage: Lieutenant Governor's Committee Room, 2 p.m. Topic: Article VI.

Committee on Local Government: Appropriations Committee Room 300, 10 a.m. Prospective witnesses: John F. Boyle, Jr., attorney; Dallas County Judge Lew Sterrett; Dallas County Commissioner Roy Orr; Richard Wilson, executive director, Sheriffs Association of Texas; representative Chamber of Commerce of Longview. Topic; local governmental structure and intergovernmental relationships.

Committee on Executive: Senate Finance Committee Room 301, 10 a.m. Prospective witnesses: Bill Abington, Texas Mid-Continent Oil and Gas Association; representative of Common Cause.

Committee on Style and Drafting: Senate Sergeant's Committee Room, 8 a.m.