

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

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SIXTY-THIRD DAY  
(Monday, May 13, 1974)

AFTER RECESS

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

The roll was called and the following were recorded present: 149 Present, 10 Absent-excused, 21 Absent. (Record 1, Appendix)

Dr. Rachel Henderlite, Professor Emerita of Christian Education, Austin Presbyterian Theological Seminary offered the invocation as follows:

You are the Ruler of the universe, O God. You have made it and you are the Governor of it. And it is good. We would praise you and give you thanks.

Grant to these men and women to whom you have entrusted the government of this small portion of the earth enough of your wisdom, enough of your grace, that they may govern wisely and graciously. Let them never forget that they are working in these halls in your name and for the sake of all the people who live here in the cities, the counties, the small towns of this state, all the people whom you love. Amen.

LEAVES OF ABSENCE

Delegate Blanchard was granted leave of absence for today on account of illness on motion of Delegate McKnight.

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

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

Delegate Snelson was granted leave of absence for today on account of important business on motion of Delegate Grant.

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

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

Delegate Munson was granted leave of

absence for today on account of important business on motion of Delegate Hendricks.

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

Delegate McKinnon was granted leave of absence for today on account of important business on motion of Delegate McKnight.

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

ARTICLE V ON SECOND READING

The President laid before the Convention on its second reading Article V (full report having been printed on May 7, 1974).

Delegate Hale explained the full report on Article V.

On motion of Delegate Hale and by unanimous consent, Article V will be considered section by section as provided in Section 10 of Rule XIV.

Delegate Hale explained Section 1 of Article V.

DELEGATES PRESENT

Delegates Sage, Whitehead, Harris of Dallas, Bock, Pentony, Bales, Hall of Harris, Waters, Schwartz and Semos who had previously been recorded as "Absent" were announced "Present".

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

LEAVES OF ABSENCE

Delegate Poff was granted leave of absence for the remainder of today on account of compassionate reasons on motion of Delegate Hanna.

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

Delegate Mauzy offered the following amendment to Section 1 of Article V:

Amend Section 1 of Article V to read as follows:

Section 1. JUDICIAL POWER. The judicial power of the state is vested in a judicial system composed of a Supreme Court of Civil Appeals, a Supreme Court of Criminal Appeals, Courts of Civil Appeals, Courts of Criminal Appeals, District Courts and Circuit Courts. All courts shall have jurisdiction as provided by law, but jurisdiction of courts of the same level must be uniform throughout the state.

The amendment was read.

Delegate Powers moved to table the amendment.



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The motion to table prevailed by the following vote: 100 Yeas, 50 Nays, 2 Present-Not Voting, 28 Not Voting. (Record 2, Appendix)

#### PAIRED VOTE

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

Delegate Mauzy offered the following amendment to Section 1 of Article V:

Amend Section 1 of Article V to read as follows:

Section 1. JUDICIAL POWER. The judicial power of the state is vested in a judicial system composed of a Supreme Court of Civil Appeals, a Supreme Court of Criminal Appeals, Courts of Appeals, District Courts and Circuit Courts. All courts shall have jurisdiction as provided by law, but jurisdiction of courts of the same level must be uniform throughout the state.

The amendment was read.

#### DELEGATES PRESENT

Delegates Brooks, Hudson and Reynolds who had previously been recorded as "Absent" were announced "Present".

#### LEAVE OF ABSENCE

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

Delegate Earle moved to table the amendment.

The motion to table prevailed by the following vote: 98 Yeas, 56 Nays, 2 Present-Not Voting, 24 Not Voting. (Record 3, Appendix)

Delegate Earle explained Section 2 of Article V.

Delegate Coleman explained Section 3 of Article V.

#### DELEGATES PRESENT

Delegates Ogg and Washington who had previously been recorded as "Absent" were announced "Present".

The President laid before the Convention Judiciary Committee Minority Report Number 2.

By unanimous consent the Minority Report was withdrawn.

Delegate Earle offered the following amendment to Section 3 of Article V:

Amend Section 3 of Article V to read as follows:

Sec. 3. COURTS OF APPEALS. There shall be one or more courts of appeals as provided by law, each consisting of a chief judge and

at least two other judges. No fewer than three judges may sit in any case, with a majority thereof necessary to a decision. Cases not assigned to a section shall require a majority of the court for a decision.

The amendment was read.

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

Delegate Creighton offered the following amendment to Section 3 of Article V:

Amend Sec. 3, Article V, The Judiciary, to read as follows:

Sec. 3. COURT OF APPEALS. There shall be one or more courts of appeals as provided by law, each consisting of a chief judge and at least two other judges.

The amendment was read and was adopted.

Delegate Jones of Harris explained Section 4 of Article V.

Delegate Washington offered the following amendment to Section 4 of Article V:

Amend Section 4, Article V, to read as follows:

Sec. 4. DISTRICT COURTS. (a) The state shall be divided into judicial districts as now or hereafter provided by law. In each judicial district there shall be one district court with one district judge.

(b) A county in which there is more than one judicial district composed only of the one county shall be divided by the county commission into single judge districts for the election of judges to the district courts, which courts shall have countywide jurisdiction. Within the calendar year following that in which each federal decennial census is published and at such other times as the county commission deems necessary, the county commission shall redivide the county into districts for the election of district judges. The districts shall be composed of contiguous territory and shall be as compact and nearly equal in population as practicable.

The amendment was read.

#### DELEGATES PRESENT

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

#### LEAVES OF ABSENCE

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

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

Delegate Jones of Harris moved to table

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the amendment.

The motion to table prevailed by the following vote: 99 Yeas, 52 Nays, 1 Present-Not Voting, 28 Not Voting. (Record 4, Appendix)

Delegate McDonald of Hidalgo explained Section 5 of Article V.

#### DELEGATE PRESENT

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

Question: Shall Article V as amended be adopted?

#### UNANIMOUS CONSENT TO RECORD VOTES

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

Delegate Allred requested to be recorded as voting "Yea" on Record Vote 2.

Delegate Brooks requested to be recorded as voting "Yea" on Record Vote 2.

Delegate Bynum requested to be recorded as voting "Yea" on Record Votes 2 and 3.

Delegate Doggett requested to be recorded as voting "Yea" on Record Vote 4 on May 8, 1974.

Delegate Edwards requested to be recorded as voting "Yea" on Record Vote 2.

Delegate Hall of Harris requested to be recorded as voting "Yea" on Record Votes 2 and 3.

Delegate Ogg requested to be recorded as voting "Yea" on Record Votes 2 and 3.

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

#### RECESS

On motion of Delegate Hollowell the Convention at 5:04 o'clock p.m. took recess until 9:30 o'clock a.m. tomorrow.



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## TEXAS CONSTITUTIONAL CONVENTION

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

X - EXCUSED  
ABSENCE

RECORD #1 ROLL CALL

YEA-149

TOTALS NAY-0

PNV-0

NV-31

ARTICLE

DATE: 1

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

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

X-EXCUSED ABSENCE

RECORD # 2 MOTION TO TABLE MAUZY AMENDMENT TO

ART. IV, SEC 1

YEA-100	TOTALS	NAY-50	PNV-2	UV-28	ARTICLE	DATE: 1
YEA	N-V	NAY			SECTION	
100-200	100-200	100-200				JAN 2
0 0	0 0	0 0				FEB 3
1 1	1 1	1 1				MAR 1
2 2	2 2	2 2				APR 2
3 3	3 3	3 3				MAY 3
4 4	4 4	4 4				JUN 4
5 5	5 5	5 5				JUL 5
6 6	6 6	6 6				AUG 6
7 7	7 7	7 7				SEP 7
8 8	8 8	8 8				OCT 8
9 9	9 9	9 9				NOV 9
						DEC 0



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## TEXAS CONSTITUTIONAL CONVENTION

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

X-EXCUSED ABSENCE

## RECORD # 3 MOTION TO TABLE MAUZY AMENDMENT TO

## ART. II, SEC. I

YEA-98

TOTALS NAY-56 PNV-2 NV-24

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

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

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

# TEXAS CONSTITUTIONAL CONVENTION

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1974

YEA N-V NAY

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

YEA N-V NAY

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

YEA N-V NAY

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

YEA N-V NAY

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

X-Excused  
 Absence

# 4 Motion to Table the Washington  
 Amendment to Art V, Sec 4.

Yea-99

TOTALS Nay-52 PNV-1 NV-28

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

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

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

ARTICLE  
 ● Comm. 10  
 ● Rep. 20  
 ● Subs. 1  
 ● Amm. 2  
 ● Quo. 3  
 ● 3 R 4  
 ● Subm. 5  
 ● Mino. 6  
 ● Mot. 7  
 ● Alt. 8  
 ● Sep. 9  
 ● 2 R 0

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

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



**OFFICIAL JOURNAL**  
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**STATE OF TEXAS**

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SIXTY-THIRD DAY  
(Monday, May 13, 1974)

AFTER RECESS

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

The roll was called and the following were recorded present: 149 Present, 10 Absent-excused, 21 Absent. (Record 1, Appendix)

Dr. Rachel Henderlite, Professor Emerita of Christian Education, Austin Presbyterian Theological Seminary offered the invocation as follows:

You are the Ruler of the universe, O God. You have made it and you are the Governor of it. And it is good. We would praise you and give you thanks.

Grant to these men and women to whom you have entrusted the government of this small portion of the earth enough of your wisdom, enough of your grace, that they may govern wisely and graciously. Let them never forget that they are working in these halls in your name and for the sake of all the people who live here in the cities, the counties, the small towns of this state, all the people whom you love. Amen.

LEAVES OF ABSENCE

Delegate Blanchard was granted leave of absence for today on account of illness on motion of Delegate McKnight.

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

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

Delegate Snelson was granted leave of absence for today on account of important business on motion of Delegate Grant.

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

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

Delegate Munson was granted leave of

absence for today on account of important business on motion of Delegate Hendricks.

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

Delegate McKinnon was granted leave of absence for today on account of important business on motion of Delegate McKnight.

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

ARTICLE V ON SECOND READING

The President laid before the Convention on its second reading Article V (full report having been printed on May 7, 1974).

Delegate Hale explained the full report on Article V.

On motion of Delegate Hale and by unanimous consent, Article V will be considered section by section as provided in Section 10 of Rule XIV.

Delegate Hale explained Section 1 of Article V.

DELEGATES PRESENT

Delegates Sage, Whitehead, Harris of Dallas, Bock, Pentony, Bales, Hall of Harris, Waters, Schwartz and Semos who had previously been recorded as "Absent" were announced "Present".

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

LEAVES OF ABSENCE

Delegate Poff was granted leave of absence for the remainder of today on account of compassionate reasons on motion of Delegate Hanna.

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

Delegate Mauzy offered the following amendment to Section 1 of Article V:

Amend Section 1 of Article V to read as follows:

Section 1. JUDICIAL POWER. The judicial power of the state is vested in a judicial system composed of a Supreme Court of Civil Appeals, a Supreme Court of Criminal Appeals, Courts of Civil Appeals, Courts of Criminal Appeals, District Courts and Circuit Courts. All courts shall have jurisdiction as provided by law, but jurisdiction of courts of the same level must be uniform throughout the state.

The amendment was read.

Delegate Powers moved to table the amendment.



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The motion to table prevailed by the following vote: 100 Yeas, 50 Nays, 2 Present-Not Voting, 28 Not Voting. (Record 2, Appendix)

#### PAIRED VOTE

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

Delegate Mauzy offered the following amendment to Section 1 of Article V:

Amend Section 1 of Article V to read as follows:

Section 1. JUDICIAL POWER. The judicial power of the state is vested in a judicial system composed of a Supreme Court of Civil Appeals, a Supreme Court of Criminal Appeals, Courts of Appeals, District Courts and Circuit Courts. All courts shall have jurisdiction as provided by law, but jurisdiction of courts of the same level must be uniform throughout the state.

The amendment was read.

#### DELEGATES PRESENT

Delegates Brooks, Hudson and Reynolds who had previously been recorded as "Absent" were announced "Present".

#### LEAVE OF ABSENCE

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

Delegate Earle moved to table the amendment.

The motion to table prevailed by the following vote: 98 Yeas, 56 Nays, 2 Present-Not Voting, 24 Not Voting. (Record 3, Appendix)

Delegate Earle explained Section 2 of Article V.

Delegate Coleman explained Section 3 of Article V.

#### DELEGATES PRESENT

Delegates Ogg and Washington who had previously been recorded as "Absent" were announced "Present".

The President laid before the Convention Judiciary Committee Minority Report Number 2.

By unanimous consent the Minority Report was withdrawn.

Delegate Earle offered the following amendment to Section 3 of Article V:

Amend Section 3 of Article V to read as follows:

Sec. 3. COURTS OF APPEALS. There shall be one or more courts of appeals as provided by law, each consisting of a chief judge and

at least two other judges. No fewer than three judges may sit in any case, with a majority thereof necessary to a decision. Cases not assigned to a section shall require a majority of the court for a decision.

The amendment was read.

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

Delegate Creighton offered the following amendment to Section 3 of Article V:

Amend Sec. 3, Article V, The Judiciary, to read as follows:

Sec. 3. COURT OF APPEALS. There shall be one or more courts of appeals as provided by law, each consisting of a chief judge and at least two other judges.

The amendment was read and was adopted.

Delegate Jones of Harris explained Section 4 of Article V.

Delegate Washington offered the following amendment to Section 4 of Article V:

Amend Section 4, Article V, to read as follows:

Sec. 4. DISTRICT COURTS. (a) The state shall be divided into judicial districts as now or hereafter provided by law. In each judicial district there shall be one district court with one district judge.

(b) A county in which there is more than one judicial district composed only of the one county shall be divided by the county commission into single judge districts for the election of judges to the district courts, which courts shall have countywide jurisdiction. Within the calendar year following that in which each federal decennial census is published and at such other times as the county commission deems necessary, the county commission shall redivide the county into districts for the election of district judges. The districts shall be composed of contiguous territory and shall be as compact and nearly equal in population as practicable.

The amendment was read.

#### DELEGATES PRESENT

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

#### LEAVES OF ABSENCE

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

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

Delegate Jones of Harris moved to table



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the amendment.

The motion to table prevailed by the following vote: 99 Yeas, 52 Nays, 1 Present-Not Voting, 28 Not Voting. (Record 4, Appendix)

Delegate McDonald of Hidalgo explained Section 5 of Article V.

#### DELEGATE PRESENT

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

Question: Shall Article V as amended be adopted?

#### UNANIMOUS CONSENT TO RECORD VOTES

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

Delegate Allred requested to be recorded as voting "Yea" on Record Vote 2.

Delegate Brooks requested to be recorded as voting "Yea" on Record Vote 2.

Delegate Bynum requested to be recorded as voting "Yea" on Record Votes 2 and 3.

Delegate Doggett requested to be recorded as voting "Yea" on Record Vote 4 on May 8, 1974.

Delegate Edwards requested to be recorded as voting "Yea" on Record Vote 2.

Delegate Hall of Harris requested to be recorded as voting "Yea" on Record Votes 2 and 3.

Delegate Ogg requested to be recorded as voting "Yea" on Record Votes 2 and 3.

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

#### RECESS

On motion of Delegate Hollowell the Convention at 5:04 o'clock p.m. took recess until 9:30 o'clock a.m. tomorrow.



1974

## TEXAS CONSTITUTIONAL CONVENTION

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

X - EXCUSED  
ABSENCE

RECORD #1 ROLL CALL

YEA-149

TOTALS NAY-0

PNV-0

NU-31

ARTICLE

DATE: 1

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



YEA	N-V	NAY	YEA	N-V	NAY	YEA	N-V	NAY	YEA	N-V	NAY
Mr. President			Doyle			Lee			Russell		
• Adams, D.			• Dramberger			• Leland	X		• Sage		
• Adams, H.			• Earle			• Lewis			• Salem		
• Agnich			• Edwards			• Lombard'no			• Sanchez		
• Aikin			• Evans			• Longoria			• Santiesteban		
• Allen, Joe			• Finnell			• McAlister			• Schieffer		
• Allen, Jo'n			• Finney			• McDonald, F.			• Schwartz		
• Alfred			• Foreman			• McDonald, T.			• Scoggins		
• Andujar			• Fox			• McKinno.	X		• Semos		
• Atwell			• Gammage			• McKnight			• Sherman, M.		
• Bailey			• Garcia			• Madla			• Sherman, W.		
• Baker			• Gaston			• Maloney			• Short		
• Bales			• Geiger			• Martin			• Simmons		
• Barnhart			• Grant			• Massey			• Slack		
• Bigham			• Green, F.			• Mattox			• Snelson	X	
• Bird			• Green, R.			• Mauzy			• Spurlock		
• Blake			• Hale			• Meier			• Sullivant		
• Blanchar	X		• Hall, A.			• Menefee			• Sutton		
• Blythe			• Hall, W.			• Mengden			• Tarbox		
• Bock			• Hanna			• Miller	X		• Temple		
• Boone			• Harrington			• Montoya			• Thompson		
• Bowers			• Harris, E.			• Moore			• Traeger		
• Braecklein			• Harris, O.			• Munson	X		• Truan		
• Brooks			• Head			• Murray			• Tupper		
• Bynum			• Heatly			• Nabers			• Uher		
• Caldwell			• Henderson			• Newton			• Vale		
• Calhoun			• Hendricks			• Nichols			• Vecchio		
• Canales			• Hernandez			• Nowlin			• Vick		
• Cates			• Hightower			• Nugent			• Von Dohlen		
• Clark			• Hilliard			• Ogg			• Wallace		
• Clayton			• Hoestenbach			• Olson			• Washington		
• Clower			• Hollowell			• Parker, C.			• Waters		
• Cobb			• Howard			• Parker, W.			• Watson		
• Cole	X		• Hubenak			• Patman			• Weddington		
• Coleman			• Hudson			• Pentony			• Whitehead		
• Coody			• Hutchison			• Peveto			• Whitmire		
• Cooke			• Johnson			• Poerner			• Wieting		
• Craddick			• Jones, Gene			• Poff	X		• Williams		
• Creighton			• Jones, Grant			• Powers			• Williamson		
• Daniel			• Jones, L.			• Presnal			• Willis		
• Davis			• Kaster			• Preston			• Wilson		
• Denson			• Koriath			• Ragsdale			• Wolff	X	
• Denton			• Kothmann			• Reyes			• Wyatt		
• Doggett			• Kubiak			• Reynolds			• Bryant		
• Donaldson			• Laney			• Rodrigue	X				
• Doran	X		• Lary			• Rosson					

X-EXCUSED ABSENCE

RECORD # 2 MOTION TO TABLE MAUZY AMENDMENT TO

ART. II, Sec 1

YEA-100

TOTALS MAY-50

PNV-2

VV-28

ARTICLE

DATE: 1

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

Comm. 10

SECTION

JAN 2

0 0

0 0

0 0

Rep. 20

10 1

FEB 3

1 1

1 1

1 1

Subs. 1

20 2

MAR 1

2 2

2 2

2 2

Amm. 2

30 3

APR 2

3 3

3 3

3 3

Quo. 3

40 4

MAY 3

4 4

4 4

4 4

3 R 4

50 5

JUN 4

5 5

5 5

5 5

Subm. 5

60 6

JUL 5

6 6

6 6

6 6

Mino. 6

70 7

AUG 6

7 7

7 7

7 7

Mot. 7

80 8

SEP 7

8 8

8 8

8 8

Alt. 8

90 9

OCT 8

9 9

9 9

9 9

Sep. 9

00 0

NOV 9

2 R 0

DEC 0

## TEXAS CONSTITUTIONAL CONVENTION

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

X-EXCUSED ABSENCE

RECORD # 3 MOTION TO TABLE MAUZY AMENDMENT TO

ART. II, SEC. I

YEA-98

TOTALS NAY-56 PNV-2 NV-24

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

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

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



YEA	N-V	NAY	YEA	N-V	NAY	YEA	N-V	NAY	YEA	N-V	NAY
Mr. President			Doyle			Lee			Russell		
Adams, D.			Dramberger			Leland	X		Sage		
Adams, H.			Earle			Lewis			Salem		
Agnich			Edwards			Lombard, no	X		Sanchez		
Aikin			Evans			Longoria			Santiesteban		
Allen, Joe			Finnell			McAlister			Schieffer		
Allen, John			Finney			McDonald, F.			Schwartz		
Allred			Foreman			McDonald, T.			Scoggins	X	
Andujar			Fox			McKinno.	X		Semos		
Atwell			Gammage			McKnight			Sherman, M.		
Bailey			Garcia			Madla			Sherman, W.		
Baker	X		Gaston			Maloney			Short		
Bales			Geiger			Martin			Simmons		
Barnhart			Grant			Massey			Slack		
Bigham			Green, F.			Mattox			Snelson	X	
Bird			Green, R.			Mauzy			Spurlock		
Blake			Hale			Meier			Sullivant		
Blanchard	X		Hall, A.			Menefee			Sutton		
Blythe			Hall, W.			Mengden			Tarbox		
Bock			Hanna			Miller			Temple		
Boone			Harrington			Montoya			Thompson		
Bowers			Harris, E.			Moore			Traeger		
Braecklein			Harris, O.			Munson	X		Truan		
Brooks			Head			Murray			Tupper		
Bynum			Heatly			Nabers			Uher		
Caldwell			Henderson			Newton			Vale		
Calhoun			Hendricks			Nichols			Vecchio		
Canales			Hernandez			Nowlin			Vick		
Cates			Hightower			Nugent			Von Dohlen		
Clark			Hilliard			Ogg			Wallace		
Clayton			Hoestenbach			Olson			Washington		
Clower			Hollowell			Parker, C.			Waters		
Cobb			Howard			Parker, W.			Watson		
Cole	X		Hubenak			Patman			Weddington		
Coleman			Hudson			Pentony			Whitehead		
Coody			Hutchison			Peveto			Whitmire		
Cooke			Johnson			Poerner			Wieting		
Craddick			Jones, Gene			Poff	X		Williams		
Creighton			Jones, Grant			Powers			Williamson		
Daniel			Jones, L.			Presnal			Willis		
Davis			Kaster			Preston			Wilson		
Denson			Korioth			Ragsdale			Wolff	X	
Denton			Kothmann			Reyes			Wyatt		
Doggett			Kubiak			Reynolds			Bryant		
Donaldson			Laney			Rodriguez	X				
Doran	X		Lary			Rosson					

X-Excused  
Absence

# 4 Motion to Table the Washington  
Amendment to Art II, Sec 4.

Yea-99

TOTALS Nay-52

PNU-1 NU-28

YEA	N-V	NAY	ARTICLE	SECTION
100-200	100-200	100-200	Comm.	10
0 0	0 0	0 0	Rep.	20
1 1	1 1	1 1	Subs.	1 10 1
2 2	2 2	2 2	Amm.	2 20 2
3 3	3 3	3 3	Quo.	3 30 3
4 4	4 4	4 4	3 R	4 40 4
5 5	5 5	5 5	Subm.	5 50 5
6 6	6 6	6 6	Mino.	6 60 6
7 7	7 7	7 7	Mot.	7 70 7
8 8	8 8	8 8	Alt.	8 80 8
9 9	9 9	9 9	Sep.	9 90 9
			2 R	0 00 0

DATE: 1

JAN 2

FEB 3

MAR 1

APR 2

MAY 3

JUN 4

JUL 5

AUG 6

SEP 7

OCT 8

NOV 9

DEC 0