

ALASKA LEGISLATURE SPECIAL COMMITTEE / SUBJECT FILES 86/2

810 SCOM:27: INT. COMM. CONSTITUTIONAL CONVENTION 1979-80

Be it enacted by the Legislature of Louisiana:

Section 1. A. (1) A constitutional convention is hereby called, to convene on January 5, 1973 at 12:00 o'clock noon, which shall be held for the purpose of framing a new constitution for the state of Louisiana, subject to the terms, conditions and provisions hereinafter set forth.

There shall be one hundred thirty-two delegates to the convention. One delegate shall be elected from each of the districts from which members of the House of Representatives of the Louisiana Legislature were elected at the last election for members of that body. One delegate shall be appointed by the governor to represent each of the following: industry, labor, education, civil service, wildlife and conservation, law enforcement, the judiciary, the professions, consumers, agriculture, youth, and racial minorities. Fifteen additional delegates shall be appointed by the governor from the public at large.

(2) Each delegate to the convention shall be an elector of the state of Louisiana, shall be at least eighteen years of age and shall be a resident of the state of Louisiana. In addition, each delegate elected from a representative district shall be a resident of the district from which he is elected at the time he qualifies as a candidate for election as a delegate. Any public official of the governmental subdivisions of the state, whether holding office by election or appointment, if otherwise qualified, shall be eligible for election or appointment as a delegate to the convention.

(3) The election or appointment of any public official as a delegate to the convention and his service in the convention, or the appointment of any public official to the staff of the convention and his service on such staff, as authorized and provided in this Act, shall not be construed to constitute dual office holding within the prohibitions of the laws of the state. Provided, however, delegates elected from the representative districts shall be considered state elected officials within the scope of and subject to the provisions of Part III of Chapter 15 of Title 42 of the Louisiana Revised Statutes of 1950, and all delegates and members of the staff who are not elected officials shall be considered as state employees within the scope of and subject to the provisions of Part II of Chapter 15 of Title 42 of the Louisiana Revised Statutes of 1950, and provided further, that both the delegates to the convention and the staff of the convention shall be subject to the public bribery provisions of the laws of this state.

(4) Any attorney at law serving as a delegate to the convention shall be entitled to the absolute right of the continuance of any case in which he is bona fide counsel of record in any court of the state during his attendance upon the sessions and work of the convention.

B. (1) The election for the one hundred five delegates to the convention to be elected from representative districts shall be held at the congressional election to be held on Saturday, August 19, 1972. The governor shall make proclamation and give notice of the election to be held under this section not less than forty-five days before the date of said election as herein fixed. Each person desiring to become a candidate for election

as a delegate from a representative district shall qualify as a candidate from the particular representative district he seeks to represent by filing a statement of candidacy with the secretary of state not later than July 19, 1972. Qualification as a candidate shall be without regard to party affiliation. Except as herein otherwise provided, the election for which provision is hereinabove made shall be conducted and the results thereof published and promulgated in accordance with the general election laws of the state. All qualified electors shall be entitled to vote in the election in their respective election precincts and without regard to party affiliation.

(2) Delegates shall be elected by the qualified electors participating in the election. The candidate receiving a majority of the total vote in each district and candidates who are unopposed shall be declared elected. In the event no candidate receives a majority of the votes cast on August 19, 1972, a run-off between the two candidates with the highest number of votes shall be held on Tuesday, November 7, 1972. The candidate receiving the highest number of votes cast in the run-off shall be declared elected. In the event more than one candidate receives the highest number of votes in a district, the candidates in that district who have received the same number of votes, that number being the highest number of votes in the district, shall, under the supervision of the Board of Supervisors of Election, draw lots to determine who shall be elected as a delegate. If one of such candidates dies or withdraws the remaining candidates who received the same number of votes in the district shall draw lots and if only one such candidate remains he shall be declared elected.

Section 2. A. At the election for the one hundred five delegates to the constitutional convention elected from representative districts, it shall be the duty of the commissioners and the clerks of election to tabulate correctly and to make return of the legal vote cast therein the same as in the case of any candidate for any office.

B. Whoever violates the provisions of this section by intentionally making false, fictitious or fraudulent returns on the election of delegates to the convention, upon conviction, shall be imprisoned for not less than two years nor more than five years. Any fraudulent vote by a voter at the election of delegates shall subject said voter to prosecution and punishment as provided in the general election laws of the state. All other offenses, prosecutions, penalties and punishments arising out of or in connection with the elections provided for by this Act shall be governed by the existing applicable laws of the state.

Section 3. In the event of the death, inability or unwillingness of any elected delegate elected from a representative district to serve, whether before or during the convention, the governor shall fill such vacancy by the appointment of a person from the same representative district who possesses the qualifications hereinabove provided for delegates. In the event of the death or the inability or unwillingness to serve of any other delegate, the vacancy shall be filled in the same manner as the original appointment.

Section 4. The convention shall have full authority to frame a new constitution for the state, including such alternative provisions as it deems appropriate, which shall be submitted to the electors of the state for their approval or rejection; however, the convention is prohibited from framing any article or provision whereby:

(1) The bonded or other indebtedness of the state or of any parish, municipality, district or other political subdivision or authority of the state shall be impaired;

(2) The terms of office of the members of the legislature or of any other elected or of any appointed official of the state or of any political subdivision thereof shall be reduced or shortened prior to the expiration of the term of office being held at the time of the adoption of the new constitution, or the salaries of any such official reduced prior to the expiration of the term of office being held at the time of the adoption of a new constitution; however, retention in office beyond the date of the general state election for state officials who will take office in 1976 shall depend upon the provisions of such constitution or upon provisions of law enacted pursuant thereto;

(3) The state capitol is removed or may be removed from Baton Rouge.

Section 5. A. The delegates chosen as herein provided shall meet in convention in the Chamber of the House of Representatives at the state capitol, or at such other suitable location in the capital city as shall be determined by the governor, at 12:00 o'clock noon on Friday the fifth day of January, 1973. The chief justice, or in his absence any associate justice of the supreme court designated by said court, shall attend the convention at the opening thereof and shall preside until a presiding officer has been elected. The Secretary of State shall attend the opening of the convention and call the roll of the delegates, whereupon the temporary presiding officer shall administer to the delegates the following oath:

"I hereby solemnly swear that I will support the constitution and laws of the United States; that I will well and faithfully perform all duties as a member of the convention, and that I will observe and obey the limitation of authority contained in the Act under which this convention has assembled. So help me God."

No delegate shall be qualified to serve as such unless and until he has taken and subscribed to the above oath.

B. After the oath has been administered the delegates shall proceed to effect the permanent organization of the convention and shall:

(1) adopt rules of procedure for the convention, which rules shall not be inconsistent with the provisions of this Act and which may, in the discretion of the convention, create and establish such substantive and procedural committees as the delegates may deem appropriate;

(2) elect from among their number a chairman, a vice chairman and such other officers as they deem necessary;

(3) elect from among their number an executive committee, the membership of which shall be determined by the delegates but which shall include among its members the chairman and vice chairman of the convention;

(4) take such other actions as they deem necessary to effect a permanent organization of the convention.

After completing these organizational activities the convention shall adjourn until July 5, 1973.

The rules of procedure adopted by the convention shall be subject to later change as the delegates shall provide therein. Provided, however, no delegate shall be allowed to vote by proxy.

C. As soon as possible after the members of the executive committee are elected, the executive committee shall employ a research director, research assistants and secretarial and/or clerical personnel in accordance with the provisions regarding the composition and qualifications of such staff in Subsection D of this section and may also employ such other professional, research, technical, clerical and stenographic employees as the committee shall deem necessary. In addition, the committee shall prepare, as soon as possible, a budget of salaries and other anticipated expenses of the convention, based on the amount of the appropriation for the convention and any other funds available for expenditure.

D. The staff of the constitutional convention shall include, but not be limited to, the following who shall not be delegates to the convention except as provided in Paragraph (5) and (6) below:

(1) a director of research, who shall possess at least the qualifications outlined below for research assistants;

(2) fourteen research assistants, who shall possess the following qualifications:

(a) a bachelor's degree from an accredited college or university;

(b) not less than one year in an accredited law school or in substitute thereof, not less than two years work experience which shall include legal research or comparable work experience in a related field;

(c) is not an elected or appointed public official, except those listed below in Paragraphs (5) and (6);

(3) four research supervisors, who shall be the deans of the Louisiana State University, Tulane University, Loyola University and Southern University law schools, or a representative of any of such deans chosen by him from the faculty of the law school of which he is dean, all of whom shall serve without compensation;

(4) such secretarial and/or clerical personnel as the executive committee deems necessary and whose salaries shall be set by the executive committee;

(5) six members of the House of Representatives of the Legislature of Louisiana, who shall be appointed by the governor and who shall receive no compensation for such staff service.

(6) five members of the Louisiana Senate, who shall be appointed by the governor and who shall receive no compensation for such staff service.

(7) four members of the Louisiana State Law Institute, who shall be appointed by the governor and who shall receive no compensation;

Act 2

E. The Secretary of State shall advertise for applicants for the staff of the constitutional convention and shall receive such applications for staff service prior to the first meeting of the convention. He shall present the applications he has received to the executive committee on the day the convention convenes. If the executive committee deems necessary it may receive additional applications after the convention convenes.

F. The convention also shall have full authority to use the facilities and services of any board, commission, department or agency of the state and of any political subdivision of the state, and all such agencies shall cooperate with the convention to the fullest extent in furnishing services, facilities and employees upon request. In addition, the convention may use the facilities and services of other persons and organizations.

G. The convention shall have full authority to accept grants, moneys, aid, facilities and/or services from public or private sources for the purpose of accomplishing its task of framing a new constitution and any such grants, moneys, facilities, services and donations, as well as the names of the donors thereof, shall be recorded in the record of the proceedings of the convention and such records shall be open to inspection by any person.

H. Working under the direction of the convention, the staff shall proceed immediately to perform the necessary research and to prepare a preliminary draft of a new constitution for the state. The staff shall complete this work on or before July 5, 1973.

I. The delegates shall reconvene July 5, 1973, to receive the report of the staff, to hold some public hearings and draft a proposed constitution for the state of Louisiana. The final draft shall be completed no later than January 4, 1974.

Section 6. The delegates to the convention shall receive a per diem of fifty dollars for each day of actual attendance at meetings of the convention or of committees thereof, but no delegate shall be paid a per diem after January 4, 1974. No delegate may accept any other compensation for work performed for the convention from any source while serving as a delegate and engaged in the work of the convention. However, where a delegate is engaged in regular, bona fide employment, should his employer choose to continue to pay the usual compensation while the delegate is engaged in the work of the convention, nothing herein shall prevent the said delegate from accepting that compensation.

Section 7. Any appropriation shall be used solely to defray the necessary expenses of the constitutional convention for which provision is made herein, including the payment of per diem of delegates, salaries and expenses of necessary em-

employees, supplies, materials and equipment, printing and reproduction of materials and all other necessary expenses incurred in connection with said convention and its work in drafting a new constitution for the state of Louisiana.

Section 8. A. Any funds appropriated shall be withdrawn from the state treasury in accordance with warrants signed by the chairman of the convention, and all checks for the disbursement of funds shall be signed by the chairman and the vice chairman of the convention or by the chairman or vice chairman and such other person as shall be designated by the convention.

B. For so long as the convention remains in existence and for so long thereafter as is necessary to assure the payment of all expenses incurred in connection with the work of the convention, no unexpended portion of the funds herein appropriated shall ever revert to the state general fund. The convention shall not be deemed to be a budget unit of the state and therefore shall not be subject to the provisions of Chapter 1 of Title 39 of the Louisiana Revised Statutes. The financial books and records of the convention, however, shall be subject to audit by the legislative auditor.

Section 9. A. The convention shall submit a proposed draft of a new constitution for the state to the governor upon completion of its work. At the discretion of the convention it also may propose and submit at the same time such alternative provisions as it deems appropriate. The constitution as drafted by the convention, together with any alternative provisions proposed for submission, shall be submitted to the people for their adoption or rejection. Within thirty days after submission of the proposed draft to the governor, he shall by proclamation call an election, to be held at the same time as the next regularly scheduled general election or, at the governor's discretion, at a special election to be held at a time fixed by him in his proclamation prior to the next regularly scheduled general election, for the purpose of submitting the proposed draft to the people for their adoption or rejection.

The election shall be held and the results shall be promulgated under the general election laws of the state. All electors duly qualified to vote in this state at the time of the election shall be entitled to vote without regard to party affiliation in their respective precincts on the proposition for or against adoption of the constitution and on the question or questions of adoption of such alternative provisions as may be proposed by the convention.

B. The convention may submit to the electors of the state the proposal of acceptance or rejection of the constitution or any alternative proposals in such form and manner as it may determine and may direct the proper election officials to take the necessary steps to effectuate the determination of the convention in presenting the proposal or alternate proposals to the electors.

C. The constitution, if ratified and adopted by the people in the election for which provision is made herein, including such alternative provisions as are adopted by the people at said election, shall become effective at twelve o'clock midnight on the thirtieth day after the date on which the Secretary of State promulgates the results of the election.

Section 10. If any provision or item of this Act or the application thereof is held invalid, such invalidity shall not affect other provisions, items or applications of this Act which can be given effect without the invalid provisions, items or applications, and to this end the provisions of this Act are hereby declared severable.

Section 11. All laws or parts of laws in conflict herewith are hereby repealed.

Section 12. The necessity for the immediate passage of this Act having been certified by the governor to the legislature while in session, in accordance with Section 27 of Article III of the Constitution of Louisiana, this Act shall become effective immediately upon approval by the Governor.

Approved by the Governor: May 26, 1972, at 10:47 A.M.

A true copy:

WADE O. MARTIN, JR.
Secretary of State.

Certified by the Governor as Emergency Legislation. May 18, 1972.

WADE O. MARTIN, JR.
Secretary of State.

LOUISIANA LEGISLATIVE COUNCIL

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SENATOR CHARLES C. BARNAM
CHAIRMAN
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VICE CHAIRMAN

October 24, 1979

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ASSISTANT DIRECTOR

Ms. Bina E. Harris
Library Assistant
Legislative Reference Library
Legislative Affairs Agency
Pouch Y, State Capitol
Juneau, Alaska 99811

Dear Ms. Harris:

This will acknowledge receipt of your request dated October 11, 1979, relative to the Louisiana Constitutional Convention.

Please be advised that this has been assigned to a member of our staff who will forward the information to you.

With all good wishes and kindest regards, I remain

Cordially yours,

A handwritten signature in cursive script, reading "Devan D. Daggett".

DeVan D. Daggett
Executive Director

DDD/koa

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INFORMATIONAL BOOKLET

INFORMATIONAL BOOKLET
ON THE
PROPOSED 1976 REVISION OF THE
TEXAS CONSTITUTION

64th LEGISLATURE

Approved by: The Senate Committee on the Texas Constitution
The House Committee on Constitutional Revision

**The Honorable William P. Hobby
Lieutenant Governor
The State of Texas**

Senate Committee on The Texas Constitution

Senator A.M. Aikin, Jr., Chairman

Senator Max Sherman, Vice Chairman

Senator Don Adams

Senator Bob Gammage

Senator Ray Farabee

Senator Roy Harrington

Senator Tati Santiesteban

**The Honorable Bill W. Clayton
Speaker of the House
The State of Texas**

House Committee on Constitutional Revision

Representative Ray Hutchison, Chairman

Representative Chris Miller, Vice Chairman

Representative Ben Bynum

Representative Bob Hendricks

Representative Tom Cartlidge

Representative Jim Mattox

Representative Bob Close

Representative Lyndon Olson, Jr.

Representative Wilhelmina Delco

Representative Tom Schieffer

Representative Woody Denson

Representative Bill Sullivant

Representative Lane Denton

Representative Senfronia Thompson

Representative Matt Garcia

Representative Ron Waters

Representative Joe Wyatt

TABLE OF CONTENTS

I.	A History of Constitutional Revision	1
II.	Proposed 1976 Revision of the Texas Constitution	7
	Article I, Bill of Rights	11
	Article II, Separation of Powers	17
	Article III, The Legislature	19
	Article IV, The Executive.	29
	Article V, The Judiciary	37
	Article VI, Voter Qualifications and Elections	43
	Article VII, Education	45
	Article VIII, Finance	51
	Article IX, Local Government	57
	Article X, General Provisions	63
	Article XI, Mode of Amending the Constitution of the State	71
	Transition Schedule	73
III.	Article-By-Article Review of the Proposed 1976 Revision of the Texas Constitution	87
IV.	A Summary Comparison of the Proposed 1976 Revision of the Texas Constitution and the Corresponding Provisions of the Constitution as it Presently Exists.	99
V.	Sample Ballot for the November 4, 1975 Election on the Proposed Revision of the Texas Constitution.	127
VI.	Implementation Schedule for Amendments Adopted by the Voters on November 4, 1975	131

I.
A HISTORY OF
CONSTITUTIONAL REVISION
IN TEXAS

Texans have lived under six different constitutions since 1836 when the first document was adopted to form the independent Republic of Texas. Each constitution has been a product of its era in the state's history. A second constitution was written in 1845 when Texas was admitted as the 28th state in the United States. When Texas seceded from the Union in 1861, another constitution was written to allow its accession to the Confederate States. That document was rewritten twice in the four years following the Civil War, first in 1866 and then again in 1869 to comply with the demands of Congressional Reconstruction.

The present Texas Constitution was drafted by a constitutional convention that met in 1875, and since its adoption by the voters in 1876, the document has been amended 220 times and now contains approximately 63,000 words.

In 1876 the governor, in a message to the legislature, spoke of the need for constitutional amendments to the new document, particularly in the Judiciary Article. Between 1879 and 1890, numerous unsuccessful attempts were made to create a joint committee to prepare a resolution encompassing suggested changes in the constitution. A single amendment substantially revising the entire Judiciary Article was adopted by the voters in 1891, culminating the movement for revision of that article.

The first recorded attempt to call a constitutional convention occurred eleven years after the ratification of the 1876 Constitution with the introduction of a joint resolution in 1887, the first of many resolutions proposing a convention. However, not until 1917 did both houses of the legislature succeed in passing a resolution that called for a constitutional convention. This senate concurrent resolution called the convention without voter approval but instructed the governor to issue a proclamation for the election of delegates and required submission of any proposed document to the voters for ratification. The governor stopped this revision effort by refusing to issue the proclamation.

Two years later the legislature tried a different approach. The 36th Legislature passed a senate concurrent resolution providing for the submission of the question of a constitutional convention to a public referendum. In November of 1919 the voters overwhelmingly defeated the convention proposition (23,549 for

to 71,376 against) with approximately ten percent of the voters going to the polls.

Between 1919 and 1949 the Texas Legislature regularly considered proposals for a constitutional convention. Four house concurrent resolutions, three senate concurrent resolutions, eight house joint resolutions, and four senate joint resolutions were introduced. Beginning in 1941 proposals for the creation of a revision commission were consistently introduced. However, no resolution calling a constitutional convention or creating a revision commission received legislative approval during this period.

In 1949 the governor called together a group of citizens to form the Citizens Committee on the Constitution, which recommended to the legislature that a commission be created to study the need for constitutional revision. A resolution embodying this recommendation and appropriating money to fund the commission died in a house committee.

A concurrent resolution was passed in 1957 requiring the Legislative Council to begin a study of the 1876 Constitution and to submit its recommendations on revision of the document. Although the legislature did not provide supplemental appropriations for the Legislative Council until 1959, an unpaid 18-member Citizens Advisory Committee was authorized, with the governor, lieutenant governor, and the speaker of the house each appointing six members. In 1959 the Citizens Advisory Committee issued an interim report, which indicated that some type of revision was necessary, subject to further research. The Legislative Council submitted a report to the 57th Legislature in 1961 indicating that no constitutional convention or revision commission was necessary.

Gubernatorial support for calling a constitutional convention was announced in 1966. In 1967 the legislature passed a resolution to create a Constitutional Revision Commission. The commission consisted of 25 members, ten appointed by the governor and five each by the chief justice, lieutenant governor, and speaker of the house. When the lieutenant governor refused to make his appointments, those commission members who had been appointed named the final five members. The commission presented a draft of a revised and simplified constitution to the 61st Legislature in 1969. The legislature did not submit that draft constitution to the voters but did submit an amendment repealing more than 50 obsolete sections of the Texas Constitution, which was approved by the voters in August of 1969.

In 1971 the legislature proposed a constitutional amendment, adopted by the voters on November 7, 1972, calling for the Texas Legislature to sit as a constitutional convention in 1974. This amendment also required the legislature to establish and fund a constitutional study commission before convening as a convention. After nine months of study and public hearings held throughout the state by 37 citizen-members, the Texas Constitutional Revision Commission submitted its recommended new state constitution to the legislature on November 1, 1973.

On January 8, 1974, a constitutional convention, composed of the state's 31 senators and 150 representatives, sitting as a unicameral body, began work on a revised state constitution. Using the 1973 revision commission's recommended document as a starting point, the convention developed several versions of a revised constitution. However, none of the convention proposals garnered the two-thirds vote necessary for submission. Thus, in accordance with the constitutionally mandated deadline, the convention dissolved on July 30, 1974, without submitting a new state charter to the voters.

The 64th Legislative Session convened in January, 1975, with constitutional revision a major issue in both the senate and the house. Over 30 bills and resolutions were introduced that proposed constitutional conventions or constitutional amendments revising one or more articles of the constitution. Early in the session, companion resolutions (House Joint Resolution No. 56 and Senate Joint Resolution No. 11), proposing a series of amendments to revise the entire Texas Constitution except the Bill of Rights, were introduced and referred to the House Committee on Constitutional Revision and the Senate Committee on the Texas Constitution. The house version was amended by the house committee and reported favorably on March 24. Two days later the senate committee incorporated the house committee's amendments into a committee substitute for SJR 11 and favorably reported the substituted resolution. The committee substitute for SJR 11 was amended and passed the Senate on April 1. In the house SJR 11 took the place on the calendar of HJR 56 and passed, with house amendments, on April 8 and 9. SJR 11 was finally passed when the senate concurred in the house amendments on April 16, 1975.

The voters of Texas have the opportunity to vote on a revised constitution for the first time in 100 years on November 4, 1975. The proposed revision of the constitution is submitted in the form

of eight separate amendments, each of which revises a particular portion of the constitution and may be individually adopted or rejected by the voters. The Bill of Rights is retained in full, unaltered except for the technical amendments required because of changes in other parts of the constitution.

II.
PROPOSED 1976 REVISION
OF THE
TEXAS CONSTITUTION

This copy of the proposed 1976 Revision of the Texas Constitution is based on the assumption that all eight amendments on the November 4, 1975 ballot are adopted by the voters. Equally possible is the adoption of several of the amendments and rejection of others. If this occurs, the Texas Constitution will combine those amendments which are adopted with the parts of the current constitution which were not affected by the amendments adopted.

PREAMBLE

Humbly invoking the blessings of Almighty God, the people of the State of Texas, do ordain and establish this Constitution.

ARTICLE I

BILL OF RIGHTS

Retained in full. The only changes are minor technical ones to conform certain provisions to the new court system provided in the revised Article V, The Judiciary.

That the general, great and essential principles of liberty and free government may be recognized and established, we declare:

Section 1. FREEDOM AND SOVEREIGNTY OF STATE.

Texas is a free and independent State, subject only to the Constitution of the United States, and the maintenance of our free institutions and the perpetuity of the Union depend upon the preservation of the right of local self-government, unimpaired to all the States.

Section 2. INHERENT POLITICAL POWER; REPUBLICAN FORM OF GOVERNMENT.

All political power is inherent in the people, and all free governments are founded on their authority, and instituted for their benefit. The faith of the people of Texas stands pledged to the preservation of a republican form of government, and, subject to this limitation only, they have at all times the inalienable right to alter, reform or abolish their government in such manner as they may think expedient.

Section 3. EQUAL RIGHTS. All free men, when they form a social compact, have equal rights, and no man, or set of men, is entitled to exclusive separate public emoluments, or privileges, but in consideration of public services.

Section 3a. EQUALITY UNDER THE LAW. Equality under the law shall not be denied or abridged because of sex, race, color, creed, or national origin. This amendment is self-operative.

Section 4. RELIGIOUS TESTS. No religious test shall ever be required as a qualification to any office, or public trust, in this State; nor shall any one be excluded from holding office on

account of his religious sentiments, provided he acknowledge the existence of a Supreme Being.

Section 5. WITNESSES NOT DISQUALIFIED BY RELIGIOUS BELIEFS; OATHS AND AFFIRMATIONS. No person shall be disqualified to give evidence in any of the Courts of this State on account of his religious opinions, or for the want of any religious belief, but all oaths or affirmations shall be administered in the mode most binding upon the conscience, and shall be taken subject to the pains and penalties of perjury.

Section 6. FREEDOM OF WORSHIP. All men have a natural and indefeasible right to worship Almighty God according to the dictates of their own consciences. No man shall be compelled to attend, erect or support any place of worship, or to maintain any ministry against his consent. No human authority ought, in any case whatever, to control or interfere with the rights of conscience in matters of religion, and no preference shall ever be given by law to any religious society or mode of worship. But it shall be the duty of the Legislature to pass such laws as may be necessary to protect equally every religious denomination in the peaceable enjoyment of its own mode of public worship.

Section 7. APPROPRIATIONS FOR SECTARIAN PURPOSES. No money shall be appropriated, or drawn from the Treasury for the benefit of any sect, or religious society, theological or religious seminary; nor shall property belonging to the State be appropriated for any such purposes.

Section 8. FREEDOM OF SPEECH AND PRESS; LIBEL. Every person shall be at liberty to speak, write or publish his opinions on any subject, being responsible for the abuse of that privilege; and no law shall ever be passed curtailing the liberty of speech or of the press. In prosecutions for the publication of papers, investigating the conduct of officers, or men in public capacity or when the matter published is proper for public information, the truth thereof may be given in evidence. And in all indictments for libels, the jury shall have the right to determine the law and the facts, under the direction of the court, as in other cases.

Section 9. SEARCHES AND SEIZURES. The people shall be secure in their persons, houses, papers and possessions, from all unreasonable seizures or searches, and no warrant to search any place, or to seize any person or thing, shall issue without describing them as near as may be, nor without probable cause,

supported by oath or affirmation.

Section 10. RIGHTS OF ACCUSED IN CRIMINAL PROSECUTIONS. In all criminal prosecutions the accused shall have a speedy public trial by an impartial jury. He shall have the right to demand the nature and cause of the accusation against him, and to have a copy thereof. He shall not be compelled to give evidence against himself, and shall have the right of being heard by himself or counsel, or both, shall be confronted by the witnesses against him and shall have compulsory process for obtaining witnesses in his favor, except that when the witness resides out of the State and the offense charged is a violation of any of the anti-trust laws of this State, the defendant and the State shall have the right to produce and have the evidence admitted by deposition, under such rules and laws as the Legislature may hereafter provide; and no person shall be held to answer for a criminal offense, unless on an indictment of a grand jury, except in cases in which the punishment is by fine or imprisonment, otherwise than in the penitentiary, in cases of impeachment, and in cases arising in the army or navy, or in the militia, when in actual service in time of war or public danger.

Section 11. BAIL. All prisoners shall be bailable by sufficient sureties, unless for capital offenses, when the proof is evident; but this provision shall not be so construed as to prevent bail after indictment found upon examination of the evidence, in such manner as may be prescribed by law.

Section 11a. MULTIPLE CONVICTIONS; DENIAL OF BAIL. Any person accused of a felony less than capital in this State, who has been theretofore twice convicted of a felony, the second conviction being subsequent to the first, both in point of time of commission of the offense and conviction therefor may, after a hearing, and upon evidence substantially showing the guilt of the accused, be denied bail pending trial, by any judge of a court of record or magistrate in this State; provided, however, that if the accused is not accorded a trial upon the accusation within sixty (60) days from the time of his incarceration upon such charge, the order denying bail shall be automatically set aside, unless a continuance is obtained upon the motion or request of the accused; provided, further, that the right of appeal to a court of appeals of this State is expressly accorded the accused for a review of any judgment or order made hereunder.

Section 12. HABEAS CORPUS. The writ of habeas corpus is a writ of right, and shall never be suspended. The Legislature shall

enact laws to render the remedy speedy and effectual.

Section 13. EXCESSIVE BAIL OR FINES; CRUEL AND UNUSUAL PUNISHMENT; REMEDY BY DUE COURSE OF LAW. Excessive bail shall not be required, nor excessive fines imposed, nor cruel or unusual punishment inflicted. All courts shall be open, and every person for an injury done him, in his lands, goods, person or reputation, shall have remedy by due course of law.

Section 14. DOUBLE JEOPARDY. No person, for the same offense, shall be twice put in jeopardy of life or liberty, nor shall a person be again put upon trial for the same offense, after a verdict of not guilty in a court of competent jurisdiction.

Section 15. RIGHT OF TRIAL BY JURY. The right of trial by jury shall remain inviolate. The Legislature shall pass such laws as may be needed to regulate the same, and to maintain its purity and efficiency. Provided, that the Legislature may provide for the temporary commitment, for observation and/or treatment, of mentally ill persons not charged with a criminal offense, for a period of time not to exceed ninety (90) days, by order of the appropriate court without the necessity of a trial by jury.

Section 15-a. COMMITMENT OF PERSONS OF UNSOUND MIND. No person shall be committed as a person of unsound mind except on competent medical or psychiatric testimony. The Legislature may enact all laws necessary to provide for the trial, adjudication of insanity and commitment of persons of unsound mind and to provide for a method of appeal from judgments rendered in such cases. Such laws may provide for a waiver of trial by jury, in cases where the person under inquiry has not been charged with the commission of a criminal offense, by the concurrence of the person under inquiry, or his next of kin, and an attorney ad litem appointed by a judge of the court where the trial is being held, and shall provide for a method of service of notice of such trial upon the person under inquiry and of his right to demand a trial by jury.

Section 16. BILLS OF ATTAINDER; EX POST FACTO OR RETROACTIVE LAWS; IMPAIRING OBLIGATION OF CONTRACTS. No bill of attainder, ex post facto law, retroactive law, or any law impairing the obligation of contracts, shall be made.

Section 17. TAKING, DAMAGING OR DESTROYING PROPERTY FOR PUBLIC USE; SPECIAL PRIVILEGES AND IMMUNITIES; CONTROL OF PRIVILEGES AND FRANCHISES. No person's property shall be taken, damaged or destroyed for or applied to public use without adequate compensation being made, unless by the consent of such person; and, when taken, except for the use of the State, such compensation shall be first made, or secured by a deposit of money; and no irrevocable or uncontrollable grant of special privileges or immunities, shall be made; but all privileges and franchises granted by the Legislature, or created under its authority shall be subject to the control thereof.

Section 18. IMPRISONMENT FOR DEBT. No person shall ever be imprisoned for debt.

Section 19. DEPRIVATION OF LIFE, LIBERTY, ETC.; DUE COURSE OF LAW. No citizen of this State shall be deprived of life, liberty, property, privileges or immunities, or in any manner disfranchised, except by the due course of the law of the land.

Section 20. OUTLAWRY OR TRANSPORTATION FOR OFFENSE. No citizen shall be outlawed, nor shall any person be transported out of the State for any offense committed within the same.

Section 21. CORRUPTION OF BLOOD; FORFEITURE; SUICIDES. No conviction shall work corruption of blood, or forfeiture of estate, and the estates of those who destroy their own lives shall descend or vest as in case of natural death.

Section 22. TREASON. Treason against the State shall consist only in levying war against it, or adhering to its enemies, giving them aid and comfort; and no person shall be convicted of treason except on the testimony of two witnesses to the same overt act, or on confession in open court.

Section 23. RIGHT TO KEEP AND BEAR ARMS. Every citizen shall have the right to keep and bear arms in the lawful defense of himself or the State; but the Legislature shall have power, by law, to regulate the wearing of arms, with a view to prevent crime.

Section 24. MILITARY SUBORDINATE TO CIVIL AUTHORITY. The military shall at all times be subordinate to the civil authority.

Section 25. QUARTERING SOLDIERS IN HOUSES. No soldier shall in time of peace be quartered in the house of any citizen without the consent of the owner, nor in time of war but in a manner prescribed by law.

Section 26. PERPETUITIES AND MONOPOLIES; PRIMOGENITURE OR ENTAILMENTS. Perpetuities and monopolies are contrary to the genius of a free government, and shall never be allowed, nor shall the law of primogeniture or entailments ever be in force in this State.

Section 27. RIGHT OF ASSEMBLY; PETITION FOR REDRESS OF GRIEVANCES. The citizens shall have the right, in a peaceable manner, to assemble together for their common good; and apply to those invested with the powers of government for redress of grievances or other purposes, by petition, address or remonstrance.

Section 28. SUSPENSION OF LAWS. No power of suspending laws in this State shall be exercised except by the Legislature.

Section 29. PROVISIONS OF BILL OF RIGHTS EXCEPTED FROM POWERS OF GOVERNMENT; TO FOREVER REMAIN INVIOLEATE. To guard against transgressions of the high powers herein delegated, we declare that everything in this "Bill of Rights" is excepted out of the general powers of government, and shall forever remain inviolate, and all laws contrary thereto, or to the following provisions, shall be void.

ARTICLE II

SEPARATION OF POWERS

Section 1. SEPARATION OF POWERS. The powers of government of the State of Texas are divided among three distinct branches: legislative, executive, and judicial. Except as otherwise authorized by this constitution, members of one branch may not exercise any power properly attached to either of the others.

ARTICLE III

THE LEGISLATURE

Section 1. THE LEGISLATIVE POWER. The legislative power of the State of Texas is vested in a senate and a house of representatives, together styled "The Legislature of Texas."

Section 2. COMPOSITION. The senate consists of 31 members. The house of representatives consists of 150 members.

Section 3. QUALIFICATION OF MEMBERS. (a) To be eligible to serve in the senate, a person must be a qualified voter at least 25 years old and immediately preceding election have been a resident of this state for five years and of the senatorial district for one year.

(b) To be eligible to serve in the house, a person must be a qualified voter at least 21 years old and immediately preceding election have been a resident of this state for two years and of the representative district for one year.

(c) In the general election following a redistricting, a person is eligible to the legislature from any new district that contains a part of the district in which that person was eligible for election immediately preceding the redistricting, but only if within 60 days after election that person becomes a resident of the new district.

(d) 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) of this section.

(e) A member of the legislature may not hold any other office or position of profit or trust under this state, the United States, or a foreign government, except as a member of the National Guard, National Guard Reserve, or any of the armed forces reserves of the United States, as a retired member of the armed forces or of the armed forces reserves of the United States, or as a notary public.

(f) A person holding a lucrative office under this state, the United States, or a foreign government, is not eligible to serve in the legislature during the term of that lucrative office.

Section 4. ELECTION AND TERMS OF MEMBERS. (a)

Senators and representatives are elected by the qualified voters of their respective districts at a statewide general election.

(b) Each senator serves a term of four years beginning on the date prescribed by law for convening the legislature in regular session following election. The qualified voters elect a new senate after each statewide senatorial redistricting. The senators shall decide by lot which serve four-year terms and which serve two-year terms, so that one-half will be elected every two years thereafter.

(c) Each representative serves a term of two years beginning on the date prescribed by law for convening the legislature in regular session following election.

(d) Vacancies in the senate and house of representatives are filled by special election in the manner prescribed by law.

Section 5. REDISTRICTING. (a) Before December 15 following publication of each federal decennial census, the legislature by law shall divide the state into single-member senatorial, single-member representative, and single-member congressional districts.

(b) Senatorial, representative, and congressional districts must be composed of compact and contiguous territory and contain, respectively, as nearly as practicable an equal number of inhabitants except that a county is not to be divided unless necessary to prevent a significant population variance among districts.

(c) County lines are to be respected in drawing district lines. If the population of a county is sufficient to provide for one or more districts, only population in excess of that required for complete districts may be added to population of other counties to form districts. If the excess population in a county equals 50 percent or more of that required for a district, the excess must be kept in a single district.

(d) If the Supreme Court of Texas or a federal court enters a final decree concluding legal action that invalidates a redistricting plan or prior to entry of the decree orders a redistricting plan into effect, the legislature shall consider enacting a new redistricting plan. If the legislature is in regular session on the day that the final decree is entered or the order takes effect, a new redistricting bill may be passed only within 30 days thereafter. If the final decree is

entered or the order takes effect within 45 days prior to the convening of a regular session, a new redistricting bill may be passed only within the first 30 days after the convening of the session. If the decree is entered or the order takes effect at any other time, the legislature convenes in a redistricting special session within 14 days thereafter, either on a date set by the secretary of state or on the 14th day.

(c) If the legislature fails to pass a new redistricting bill to replace an invalidated plan or if a new redistricting bill does not become law, a legislative redistricting board consisting of the lieutenant governor, speaker of the house of representatives, attorney general, comptroller of public accounts, and commissioner of the general land office shall convene. The board shall convene within 10 days after the legislature fails to act or a new redistricting bill fails to become law and within 30 days thereafter shall redistrict the state. The legislature shall provide funds for the board's clerical, technical, and other expenses.

Section 6. COMPENSATION. (a) Compensation and allowances for members of the legislature may not exceed the amounts recommended by the salary commission established by this section. No change in compensation may take effect prior to the first regular session following a statewide general election.

(b) The salary commission consists of nine members. The governor, lieutenant governor, speaker of the house of representatives, attorney general, and Chief Justice of Texas, acting together, appoint the members of the commission and designate the chairman. Members must be selected on a nonpartisan basis with due regard to representation of both sexes and of the ethnic groups and geographical regions of the state. No person may be appointed who is related by blood or marriage to, or who has or has had a business association with, an appointing officer. No person may be appointed who has served a full term on the commission.

(c) Members serve six-year terms. One-third of the members are appointed every two years. The appointing officers fill vacancies for the unexpired term.

(d) No member while serving on the commission may hold any other public office, be an employee of the state, or hold an office in a political party.

(e) The commission shall review legislative compensation and

allowances annually and at that time may recommend changes.

Section 7. SESSIONS. (a) The legislature shall convene in regular session each year on a date prescribed by law. Sessions may not exceed 140 consecutive days in odd-numbered years and 90 consecutive days in even-numbered years.

(b) Special sessions may not exceed 30 consecutive days. Veto sessions may not exceed 15 consecutive days.

(c) Sessions of the legislature must be open to the public.

(d) Neither house may adjourn or recess for more than 10 days without the consent of the other.

(e) The legislature shall meet at the seat of government unless otherwise provided by law.

(f) The legislature by petition of three-fifths of the membership of each house may convene in veto session on the first Monday following the 50th day after adjournment solely to reconsider bills or resolutions for passage over a veto. Bills or resolutions that may be reconsidered are (1) bills, resolutions, or appropriation items that the governor vetoed within 10 days of adjournment and that the legislature did not reconsider before adjournment and (2) bills, resolutions, or appropriation items that, by virtue of action of the governor after adjournment, did not become law.

Section 8. ORGANIZATION AND PROCEDURE. (a) Each house is the judge of the qualifications and election of its own members, but contested elections are determined as provided by law.

(b) The legislature may provide by law for assembling and organizing either or both houses prior to the convening of a regular session. If the assembly precedes the regular session following a statewide general election, the assembly is composed of the members of either or both houses of the next legislature.

(c) At an organizational assembly prior to or at the beginning of the regular session in an odd-numbered year, each house by majority vote may adopt or amend its rules of procedure. The legislature by majority vote of the membership of each house shall adopt joint rules. Rules of procedure and joint rules, once adopted, remain in effect until changed by the same or succeeding

legislatures.

(d) At an organizational assembly or on convening in regular session, at the beginning of other sessions, and at the end of each session, the senate shall elect from its members a president pro tempore who performs the duties of lieutenant governor when the lieutenant governor is absent or disabled, or when the office is temporarily vacant.

(e) At an organizational assembly prior to or at the beginning of the regular session in an odd-numbered year, the house of representatives shall elect a speaker from its members. The legislature may limit by law the number of terms a person may serve as speaker.

(f) Two-thirds of the membership of each house constitutes a quorum for transacting business, but fewer members may recess or adjourn from day to day and may compel the attendance of absent members.

(g) Each house shall prepare and publish a journal of its proceedings while in session. At the request of any three members present, the votes on any question must be recorded in the journal.

(h) Each house may punish a member for disorderly conduct or other cause deemed sufficient by that house and may expel a member by an affirmative two-thirds vote of its membership, but not a second time for the same offense.

Section 9. LEGISLATIVE IMMUNITY. (a) A member may not be questioned in any other place for speech or debate during a legislative proceeding.

(b) Except for treason, felony, or breach of the peace, a member is privileged from arrest while attending a session of the legislature and while traveling to and from its meeting place for that purpose.

Section 10. CONFLICT OF INTEREST. (a) No member may be appointed to an office that is filled by the legislature.

(b) During the term for which elected, a member is ineligible for appointment to (1) any civil office of profit under this state that is created or the emoluments of which are substantially increased during that term, or (2) any office or position the

appointment to which is made by either house of the legislature. The ineligibility terminates on the last day in December of the last full calendar year of the member's term.

(c) A member privately interested in a bill, resolution, or other matter before the legislature shall disclose that interest and not vote on the bill, resolution, or other matter.

(d) No member may enter into a contract with the state during the term for which the member is elected unless the contract is a renewal under an existing state program.

Section 11. BILLS AND RESOLUTIONS. (a) A law may be enacted only by bill.

(b) A bill may originate in either house. After a bill passes one house, the other may amend or reject it, but neither house may so amend a bill as to change its original purpose.

(c) A bill must be limited to a single subject. The subject must be expressed in the title of the bill. If a bill that becomes law embraces a subject that is not expressed in the title, only the portion of the law concerning the subject not expressed in the title is void. A general appropriations bill must be limited to the subject of appropriations. A statutory revision bill must be limited to that subject.

(d) A bill, amendatory in form, must set out the complete section, as amended, of the statute it amends.

(e) Before a house considers a bill, it must have been referred to a committee of that house and reported at least five days before adjournment of the session, but either house by a record affirmative four-fifths vote of the members present and voting may suspend this five-day requirement.

(f) Before a bill becomes law, it must be read in each house on three separate days. Either house by a record affirmative four-fifths vote of the members present and voting may suspend this requirement.

(g) If a bill or resolution is defeated by a vote of either house, no bill or resolution containing the same substance may be passed during the same session.

(h) The presiding officer of each house shall certify the final

passage of each bill and the final passage of each resolution that requires the concurrence of both houses. The fact of certification must be recorded in the journal.

(i) No law except general appropriations acts and redistricting acts may take effect until 90 days after adjournment of the session at which it was enacted. The legislature by a record affirmative two-thirds vote of the membership of each house may authorize an earlier effective date.

Section 12. ACTION ON BILLS AND RESOLUTIONS. (a) Each bill that passes both houses of the legislature must be presented to the governor. The governor may approve the bill by signing it, in which event it becomes a law. The governor may veto the bill by returning it with objections to the house in which it originated. That house shall enter the objections in its journal and reconsider the bill for passage over the veto. If the bill passes that house by a record affirmative three-fifths vote of the membership, it must be sent with the governor's objections to the other house, which shall enter the objections in its journal and reconsider the bill for passage over the veto. If the bill likewise passes that house by a record affirmative three-fifths vote of the membership, the bill becomes a law. If the governor fails to veto a bill within 10 days (Sundays excepted) after it is presented, the bill becomes a law. If the legislature by its adjournment prevents a veto, a bill becomes a law unless within 20 days after adjournment the governor files the bill and objections with the secretary of state and gives public notice thereof by proclamation. If the legislature meets in veto session, the secretary of state shall return the bill with the governor's objections to the house in which the bill originated for reconsideration in the manner provided above. Bills that become law are filed with the secretary of state.

(b) The governor may veto any item of appropriation in a bill. Portions of a bill not vetoed become law. An item vetoed, together with the governor's objections, must be returned to the house in which the bill originated and may become law in the same manner as a vetoed bill.

(c) Resolutions requiring the concurrence of both houses of the legislature must be presented to the governor. The governor may approve a resolution by signing it or permit it to become effective by filing it with the secretary of state. The governor may disapprove a resolution by returning it to the house in which it originated. In that case the resolution does not become effective unless repassed by both houses in the same manner as a vetoed

bill. Presentation to the governor is not required if a resolution pertains to (1) an amendment to the state or federal constitution, (2) a referendum, (3) adjournment, (4) legislative rules, (5) an investigation or study, (6) internal administration of the legislative branch, or (7) removal by address.

Section 13. LOCAL AND SPECIAL LAWS. (a) Except as expressly authorized by this constitution, the legislature may not enact a local or special law if a general law is or can be made applicable. Whether a general law is or can be made applicable is a question subject to judicial determination.

(b) No local bill may be passed unless notice of the intention to introduce the bill has been given in the affected locality in the manner prescribed by law. Evidence that the notice was given must be exhibited in the legislature before the bill is passed. Compliance with these notice requirements is subject to judicial review.

(c) A local law must identify the area to which it applies by the name or other official designation of the area.

(d) No bill may be considered and no law enacted that limits or defines the area to which it applies by the use of population figures or other statistical data except general laws that have statewide application and classify all of one or more types of political subdivisions on the basis of population.

Section 14. IMPEACHMENT. (a) The house of representatives has the sole power to conduct legislative investigations to determine the existence of cause for impeachment and, by a record majority vote of its membership, to impeach officers of the executive department, the Chief Justice of Texas, or justices of the supreme court. The house of representatives by petition of a majority of its members may convene and conduct impeachment proceedings.

(b) An officer against whom articles of impeachment have been preferred is suspended from the exercise of the duties of the office during the pendency of the impeachment. If the governor is suspended, the lieutenant governor acts as governor. If the lieutenant governor is suspended, the president pro tempore of the senate acts as lieutenant governor. In other cases the governor may make a temporary appointment to fill the vacancy during suspension.

(c) Impeachments are tried by the senate. The senate shall convene for this purpose upon presentation of articles of impeachment by the house of representatives. Senators shall affirm or take an oath to try impartially the party impeached. If the governor or lieutenant governor is tried, the Chief Justice of Texas shall preside. A person may be convicted of impeachment charges only by a record affirmative two-thirds vote of the membership of the senate.

(d) On conviction by the senate, the office becomes vacant. A judgment of conviction may not extend beyond removal from office and disqualification to hold any office of honor, trust, or profit of this state. An impeached person, whether convicted or acquitted, is amenable to prosecution, trial, judgment, and punishment according to law.

Section 15. ADVICE AND CONSENT OF THE SENATE. An affirmative two-thirds vote of the members present constitutes consent to any appointment which this constitution requires to be with the advice and consent of the senate. A person appointed to an office requiring the advice and consent of the senate does not take office until confirmed by the senate unless the appointment is made when the senate is not in session, in which case the person ceases to serve on rejection by the senate or, if the appointment fails to be voted on at the session to which the appointment is submitted, on adjournment sine die. A person not confirmed by the senate may not be appointed again to fill the same vacancy. An appointment made when the senate is not in session must be submitted to the senate within 10 days after it convenes.

ARTICLE IV

THE EXECUTIVE

Section 1. OFFICERS. The governor is the chief executive officer of the state. Officers of the executive department of the executive branch are the governor, lieutenant governor, attorney general, comptroller of public accounts, treasurer, commissioner of the general land office, commissioner of agriculture, secretary of state, and other officers as provided by law.

Section 2. SELECTION AND TERMS OF OFFICERS. (a) The governor, lieutenant governor, attorney general, comptroller of public accounts, treasurer, commissioner of the general land office, commissioner of agriculture, and other elected officers of the executive department provided for by law are elected by the qualified voters of the state for four-year terms. Separate votes are cast for candidates for governor and lieutenant governor. Quadrennial elections for officers of the executive department start with the statewide general election in 1978.

(b) The secretary of state and other appointed officers of the executive department are appointed by the governor with the advice and consent of the senate and serve at the pleasure of the governor.

(c) The governor appoints officers to state agencies unless otherwise provided by law. Officers appointed by the governor to state agencies are appointed with the advice and consent of the senate.

(d) In addition to other procedures provided by law for the removal of appointed officers, officers appointed by a governor with the advice and consent of the senate and not serving at the pleasure of the governor may be removed by the governor only for stated reasons. Prior to removal and not less than 45 days prior to the required adjournment of a regular session or not more than two days after the convening of a special session, the governor shall advise the senate in writing of the reasons for the proposed removal. If within 45 days after receipt of the governor's statement of reasons the senate by majority vote of the membership rejects the governor's proposed removal, the governor may not remove the officer for those stated reasons.

(e) The term of an officer appointed by the governor to a statutory state agency expires on a date prescribed by law, but the

date must fall between February 1 and May 1 of an odd-numbered year. The terms of officers of multimember state agencies must be staggered.

(f) Only an appointed officer of a multimember statutory state agency having appointed members may serve as its chairman, unless a law designates a member of the executive department as chairman. The governor designates the chairman in odd-numbered years to serve for a term of two years and in the event of a vacancy designates a new chairman to serve for the remainder of the term. If the governor designates a new appointee as chairman and the officer is not confirmed by the senate, the governor designates a new chairman. If the governor fails to designate the chairman prior to May 1, the appointed members designate the chairman.

Section 3. RETURNS OF ELECTION. Election returns for executive officers must be canvassed and certified in a public forum in the manner prescribed by law.

Section 4. GOVERNOR'S ELIGIBILITY AND INSTALLATION. (a) To be eligible to serve as governor, a person must be a citizen of the United States at least 30 years old and have been a resident of the state for at least five years immediately preceding election. A person serving as governor in the second of two consecutive four-year terms is not eligible for a third consecutive term.

(b) The legislature shall provide an appropriation for assistance to a governor-elect prior to inauguration. A governor-elect is entitled to receive any information and reports that the incumbent governor is entitled to require from officers and state agencies.

(c) The governor is inaugurated on the second Thursday in January or as soon thereafter as practicable.

Section 5. GUBERNATORIAL SUCCESSION. (a) If the governor-elect is disqualified, dies, or refuses the office prior to inauguration, the lieutenant governor-elect becomes governor for the full term. If the governor-elect fails to assume office for any other reason, the lieutenant governor-elect acts as governor. If the governor-elect does not assume office by the end of the first year of the term, the lieutenant governor becomes governor and serves for the remainder of the term.

(b) If after inauguration the office of governor becomes vacant, the lieutenant governor becomes governor. An elected lieutenant governor who becomes governor serves for the remainder of the term. An appointed lieutenant governor who becomes governor serves until the next statewide general election.

(c) If the offices of both governor and lieutenant governor become vacant, the speaker of the house of representatives, if eligible, becomes governor and serves for the remainder of the term.

(d) The office of governor or lieutenant governor becomes vacant if the person holding the office dies, resigns, becomes permanently disabled, is removed from office, or comes to the end of a period of appointment.

(e) If the governor is absent from the state or temporarily disabled, the lieutenant governor acts as governor until the governor returns or is no longer disabled. If the lieutenant governor is also absent from the state or temporarily disabled, the president pro tempore of the senate acts as governor until either the governor or lieutenant governor returns or is no longer disabled.

(f) While serving or acting as governor a person receives only the compensation payable to a governor.

(g) The legislature shall provide by law for further succession to the office of governor.

Section 6. DISABILITY OF ELECTED OFFICERS OF EXECUTIVE DEPARTMENT. (a) The governor may notify the Chief Justice of Texas in writing of the governor's temporary disability. If, because of the disability, the governor fails to send notification to the chief justice, a majority of the following officers may jointly send the notification: the lieutenant governor, attorney general, comptroller of public accounts, treasurer, commissioner of the general land office, commissioner of agriculture, speaker of the house of representatives, and president pro tempore of the senate. A temporary disability ends on the delivery to the chief justice of the governor's sworn statement to that effect. The governor's sworn statement may not be denied by another notification to the chief justice. The same procedure applies in the case of the temporary disability of the lieutenant governor except that the governor and not the lieutenant governor is one of the eight officers voting on a notification. At the end of

one year a temporary disability becomes a permanent disability without a determination by the Supreme Court of Texas.

(b) Whether an elected officer of the executive department is permanently disabled and unable to discharge the duties of office is to be determined only by the Supreme Court of Texas in a proceeding conducted under rules of procedure prescribed by that court. The proceeding may be initiated only by a majority vote of the governor, lieutenant governor, attorney general, comptroller of public accounts, treasurer, commissioner of the general land office, commissioner of agriculture, speaker of the house of representatives, and president pro tempore of the senate. If the supreme court determines that the officer is permanently disabled and unable to discharge the duties of office, it shall declare the office vacant.

Section 7. COMPENSATION OF OFFICERS OF EXECUTIVE DEPARTMENT. The compensation of the officers of the executive department may not be diminished during their term of office. The governor has the use of the Governor's Mansion.

Section 8. DUAL OFFICE HOLDING AND EMPLOYMENT. An officer of the executive department may not hold any other civil or corporate office and, for compensation or the promise of compensation, may not practice any other profession or hold any other employment.

Section 9. COMMANDER-IN-CHIEF; CALLING FORTH MILITIA. The governor is commander-in-chief of the military forces of the state except when they are called into actual service of the United States. The governor may call forth the militia to execute the laws of the state, suppress insurrections, repel invasions, and protect life and property in cases of disasters.

Section 10. EXECUTION OF LAWS; CONDUCT OF BUSINESS WITH OTHER STATES, THE UNITED STATES, AND FOREIGN NATIONS. The governor shall cause the laws to be faithfully executed and shall conduct, in person or in the manner prescribed by law, all intercourse and business of the state with other states, the United States, and foreign nations.

Section 11. CONVENING THE LEGISLATURE IN SPECIAL SESSION. The governor, on extraordinary occasions may convene the legislature in special session, stating specifically the purpose of the session. The legislature may consider only those

matters that the governor specifies in the call or subsequently presents to the legislature.

Section 12. GOVERNOR'S MESSAGE. At the beginning of each legislative session the governor shall, and at other times may, give the legislature information on the condition of the state and may recommend legislative action.

Section 13. CHIEF PLANNING OFFICER. The governor is the chief planning officer of the state and may require written information or written reports from all state agencies and executive branch officers on any subject relating to their duties, conditions, management, and expenditures.

Section 14. BUDGET PREPARATION. At the beginning of each session at which appropriations are to be made for the general operation of the government, the governor shall submit to the legislature a budget for all proposed state expenditures for the applicable fiscal period.

Section 15. BUDGET EXECUTION. (a) The legislature by law may authorize or direct the governor to exercise fiscal control over the expenditure of appropriated money.

(b) The governor shall ensure that items of appropriation for the executive branch, except items for the other elective offices of the executive department, are expended only as directed by the legislature. The legislature by law may remove the exception.

Section 16. ADMINISTRATIVE REORGANIZATION. (a) At the regular session held in odd-numbered years, the governor shall submit to the legislature a report on the organization and efficiency of the executive branch.

(b) In recommending plans for reorganization of the executive branch, the governor may submit to the legislature one or more reorganization bills limited to consolidating, abolishing, or transferring functions among statutory state agencies in the executive branch. The legislature must consider those bills but may amend them. A submitted reorganization bill, whether amended or not, must be brought to a vote of each house during the session at which the bill is submitted.

Section 17. REPRIEVES, COMMUTATIONS, AND PARDONS; REMISSION OF FINES AND FORFEITURES. (a) The legislature shall prescribe by law the number of members and

the terms of office of the Board of Pardons and Paroles. The governor, the Chief Justice of Texas, and the attorney general each appoint an equal number of members of the board. Appointments are made with the advice and consent of the senate. A vacancy is filled by the officer who made the original appointment.

(b) The governor may grant one reprieve in a capital case for a period not to exceed 30 days. The governor, on the written signed recommendation and advice of a majority of the Board of Pardons and Paroles, may grant pardons, reprieves, and commutations of punishment; remit fines and forfeitures; and revoke paroles and conditional pardons.

Section 18. LIEUTENANT GOVERNOR. The lieutenant governor must be eligible to serve as governor. The lieutenant governor, by virtue of the office, is president of the senate but may vote only to cast a deciding vote when the senate is equally divided.

Section 19. ATTORNEY GENERAL. The attorney general represents the state in those civil actions before the Supreme Court of Texas in which the state may be a party and, except as otherwise provided by law, represents the state in all other civil actions in which the state may be a party. The attorney general shall especially inquire into the charter rights of private corporations and shall take such action in the courts as may be proper and necessary to prevent a private corporation from exercising a power not authorized by law. When sufficient cause exists and unless otherwise expressly directed by law, the attorney general shall seek a judicial forfeiture of a corporate charter. The attorney general shall give legal advice in writing to the governor and other executive officers when requested by them and perform such other duties as may be required by law. The attorney general has the powers of the office as at common law except as expressly provided by law to the contrary. The attorney general must be qualified to practice before the Supreme Court of Texas.

Section 20. COMMISSIONER OF THE GENERAL LAND OFFICE. The commissioner of the general land office shall administer at the seat of government a general land office in which all land titles that emanate from the state must be registered and shall perform other duties as provided by law.

Section 21. OTHER OFFICERS OF THE EXECUTIVE DEPARTMENT. The comptroller of public accounts, the treasurer, the commissioner of agriculture, and the secretary of

state shall perform the duties required by this constitution and other duties as provided by law.

Section 22. RAILROAD COMMISSION. The railroad commission consists of three commissioners elected at a statewide general election for six-year terms. One commissioner is elected every two years. The legislature by law may prescribe qualifications for the office of commissioner. The commission has the authority and performs the duties prescribed by law. The legislature by law may abolish the commission.

Section 23. VACANCIES IN STATEWIDE ELECTIVE OFFICES. Unless otherwise provided by this constitution, vacancies in elective statewide offices are filled by appointment of the governor with the advice and consent of the senate. If the office of lieutenant governor becomes vacant, the governor shall call the senate into session within 20 days to confirm the appointment of a lieutenant governor. If the senate rejects the appointee, the governor shall continue to submit appointments until a lieutenant governor is confirmed. The senate shall then adjourn sine die. The term of an officer appointed to a vacancy in an elective statewide office ends at the next statewide general election.

Section 24. STATE AGENCIES. (a) State agencies include all boards, commissions, departments, institutions, and other executive or administrative agencies of state government. State agencies are a part of the executive branch unless otherwise provided by law.

(b) Statutory state agencies with statewide jurisdiction having appointed officers, except institutions related to higher education, have a life of not more than 10 years unless renewed by law for not more than 10 years at a time. Unless otherwise provided by law, appointed officers serving on the effective date of a renewal continue to hold office for the terms for which they were appointed. A bill to renew an agency or agencies, the life of any one of which expires in less than two years from the beginning of the session in which the bill was introduced, must be reported from committee in the house and senate and brought to a vote in each house not less than 20 days before adjournment.

(c) Subsection (b) of this section does not end the life of a state agency with outstanding bonds unless the legislature by law first provides for the administration of property under the control of the agency and makes adequate provision for servicing the

outstanding debt to ensure that the bond obligations are not impaired.

Section 25. SEAL OF STATE. The seal of the state is a star of five points encircled by olive and live oak branches and the words "The State of Texas." The seal of the state is kept by the secretary of state and used by that officer officially under the direction of the governor.

ARTICLE V

THE JUDICIARY

Section 1. JUDICIAL POWER. (a) The judicial power of the state is vested in the judicial branch. The state unified judicial system is composed of a supreme court, courts of appeals, district courts, and circuit courts. All courts have jurisdiction as provided by law, but jurisdiction of courts of the same level within the unified judicial system must be uniform throughout the state. No courts may be created except those authorized by this article.

(b) The legislature by law may grant the supreme court the power to answer questions of state law certified from a federal court.

(c) Courts that have original jurisdiction of criminal cases may (1) subject to regulation by law, suspend imposition or execution of sentence and place a defendant on probation, or (2) if authorized by law, modify, set aside, or reimpose sentence.

Section 2. SUPREME COURT. The supreme court is the highest court of the state and consists of the Chief Justice of Texas and at least eight other justices. The court may sit en banc or in sections of not fewer than five justices. The concurrence of a majority of the justices sitting is necessary to decide a case.

Section 3. COURTS OF APPEALS. The legislature by law shall establish one or more districts and in each provide for a court of appeals consisting of a chief judge and at least two other judges. The court may sit in sections if authorized by law. The concurrence of a majority of the judges sitting is necessary to decide a case.

Section 4. DISTRICT COURTS. The state is divided into judicial districts, each with one district court having one or more judges. The legislature from time to time may determine by law the number and location of districts and the number of judges in each district.

Section 5. CIRCUIT COURTS. The legislature by general or local law may provide for circuit courts, each with one or more judges, and from time to time shall determine the number and location of circuit courts. A circuit court may serve one or more counties, but no county may be served by more than one circuit court.

Section 6. OTHER COURTS. (a) The county courts in existence on August 31, 1976, are continued unless otherwise provided by general or local law. The county courts have jurisdiction as provided by general law. The county judge is the presiding officer of the county court and has judicial functions as provided by general law.

(b) The governing body of each county shall (1) divide the county from time to time into not fewer than four nor more than eight justice precincts and (2) establish and maintain one or more justice courts, each serving one or more precincts in the manner prescribed by general law.

(c) Municipal courts may be established by general law or by charter as authorized by general law.

Section 7. COURT ADMINISTRATION AND RULEMAKING AUTHORITY. (a) The supreme court shall provide for the efficient administration of the judicial branch. The supreme court may delegate administrative authority to the chief justice and the administrative judges.

(b) The supreme court may direct the transfer of cases between courts of the same level. The supreme court may temporarily assign justices or judges within or between levels.

(c) Each court of appeals district constitutes an administrative district for the management of trial courts. The Chief Justice of Texas with the advice and consent of the senate shall designate a judge to serve as the administrative judge of each district.

(d) The legislature by law may provide for an agency of the judicial branch to propose rules for administration of the unified judicial system and to perform other duties as provided by law. Members of this agency are not subject to the provisions of Article II of this constitution.

(e) A rule of administration may not be inconsistent with general law or rules of procedure and does not take effect until approved by the supreme court.

(f) The supreme court may promulgate rules of civil procedure for all courts but may not promulgate other procedural rules except as provided by law. A rule of civil procedure promulgated by the court may not be inconsistent with general

law and has no effect if expressly disapproved by the legislature.

Section 8. QUALIFICATIONS OF JUDGES. To be eligible to serve as a justice, judge, or justice of the peace, a person must be a citizen of the United States, a resident of this state, and otherwise qualified as prescribed by law. No person may serve as a justice or judge in the unified judicial system unless licensed to practice law in this state.

Section 9. SELECTION AND TERMS OF JUDGES. (a) The justices of the supreme court are elected for six-year terms by the qualified voters of the state. The judges of each court of appeals are elected for six-year terms by the qualified voters of the court-of-appeals district. A district judge is elected for a four-year term by the qualified voters of the judicial district. A circuit judge is elected for a four-year term by the qualified voters within the geographical area served by the circuit court. The legislature may prescribe by law a mandatory retirement age for justices and judges of these courts.

(b) A justice of the peace is elected for a four-year term by the qualified voters of the precinct or precincts. A municipal court judge is selected in the manner prescribed by law or by charter as authorized by law.

(c) A vacancy in the office of justice of the supreme court or judge of a court of appeals, district court, or circuit court is filled by appointment of the governor with the advice and consent of the senate. A vacancy in the office of justice of the peace is filled by appointment of the governing body of the county. A justice, judge, or justice of the peace appointed to a vacancy serves until the next statewide general election.

(d) Justices, judges, and justices of the peace are elected in the manner prescribed by law.

Section 10. REMOVAL AND DISCIPLINE OF JUDGES. (a) The governor shall remove a justice of the supreme court on the address of two-thirds of the members 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.

(b) The legislature by law (1) shall provide for a judicial qualifications commission and (2) may provide for the removal, suspension, or censure of justices of the supreme court, judges,

and justices of the peace.

Section 11. DISTRICT ATTORNEYS. (a) In each district as defined by law, the qualified voters elect a district attorney for a four-year term.

(b) Each county must be served by a district attorney. The district attorney shall represent the state in all criminal cases in courts below the level of court of appeals, except municipal courts or justice courts, but in counties in which there is a county attorney, the duties and functions of the district and county attorneys are as provided by law. The district attorney performs other duties and functions provided by law.

(c) A district attorney must be licensed to practice law in this state. Other qualifications of district attorneys, the grounds and procedure for disqualification, suspension, and removal, and the filling of vacancies in office are as provided by law.

Section 12. DISTRICT CLERKS. (a) The qualified voters of each county elect a district clerk for a four-year term. The legislature may provide by law for the election of a single clerk to perform the duties of both a county clerk and a district clerk.

(b) The district clerk is the clerk of the district and circuit courts of the county and performs such duties as provided by law.

(c) A clerk holding office under this section may be removed on a jury finding of incompetence, official misconduct, or other cause defined by law. A vacancy in the office is filled by appointment by the judges of the district and circuit courts of the county in the manner prescribed by law. A clerk appointed to a vacancy serves until the next statewide general election.

Section 13. JURIES. (a) The grand jury is impaneled only in the district court and consists of 12 persons. Nine members of a grand jury constitute a quorum. At least nine members must concur in a bill of indictment.

(b) A party has a right to a trial by jury on demand made in the manner prescribed by law. The legislature by law shall provide for trial juries.

(c) A jury verdict must be unanimous except that in civil cases the legislature by law, or the supreme court by procedural rule promulgated under this article, may authorize a jury verdict

to be rendered by not less than three-fourths of the jurors sitting in the case. Alternate jurors are not permitted unless authorized by law.

Section 14. APPEAL BY STATE. Subject to the guarantees of the Bill of Rights of this constitution, the state may appeal in a criminal case only (1) from a trial court ruling that a law is unconstitutional or (2) from a court of appeals decision to the supreme court, which appeal is at the discretion of the supreme court unless otherwise provided by law.

Section 15. APPEAL BY ACCUSED. (a) A person convicted of a criminal offense in a trial court has a right to an appeal to the court having jurisdiction.

(b) An appeal to the supreme court in a criminal case is at the discretion of the supreme court unless otherwise provided by law.

Section 16. APPEALS FROM ADMINISTRATIVE ACTION. Notwithstanding any other provision of this constitution, the legislature may provide by law for the method of appeal to the courts from rulings, decisions, or other actions of state agencies or political subdivisions of the state.

Section 17. FINANCING. The state shall pay the basic compensation of justices and judges of the unified judicial system and district attorneys and shall pay such other expenses of the system as provided by law.

ARTICLE VI

VOTER QUALIFICATIONS AND ELECTIONS

Section 1. QUALIFICATIONS FOR VOTING. (a) A citizen of the United States who is at least 18 years old and who meets the registration and residence requirements provided by law is a qualified voter unless the person has been convicted of a felony and for that felony is incarcerated, on parole, or on probation or unless the person is mentally incompetent as determined by a court.

(b) The legislature may provide by law for additional limitations on voting by persons convicted of a felony.

(c) The legislature by law may require property ownership as an additional qualification for voting (1) in an election held by a political subdivision for the purpose of authorizing property taxes or issuing bonds that are payable from property taxes or (2) in an election held by a special district or authority that principally engages in special or limited activities that have a disproportionate effect on property owners.

Section 2. ELECTIONS. (a) Voting by the people in all elections must be by secret ballot.

(b) The legislature shall provide by law for residence, registration, and absentee voting requirements, for the administration of elections, and for the protection of the integrity of the electoral process.

(c) The general election for state and county officers is to be held in even-numbered years on a date prescribed by law.

ARTICLE VII

EDUCATION

Section 1. EQUITABLE SUPPORT OF FREE PUBLIC SCHOOLS. A general diffusion of knowledge being essential to the preservation of the liberties and rights of the people, the legislature has the duty to establish and provide by law for the equitable support and maintenance of an efficient system of free public schools below the college level. The system must furnish each individual an equal educational opportunity, but a school district may provide local enrichment of educational programs exceeding the level provided by the state consistent with general law.

Section 2. PERMANENT AND AVAILABLE SCHOOL FUNDS. (a) The Permanent School Fund consists of the property set apart, before or after this article takes effect, for the support of free public schools; the proceeds from sale and mineral development of the property; and the property purchased with the proceeds.

(b) The Permanent School Fund is held in perpetual trust for the free public schools. The principal of the fund may not be spent. The land of the permanent fund may be sold, leased, or exchanged as provided by law. The State Board of Education shall direct the investment of all Permanent School Fund money in the manner prescribed by law.

(c) The Available School Fund consists of the income from the Permanent School Fund and the state taxes dedicated to the Available School Fund.

(d) The State Board of Education shall set aside from the Available School Fund an amount sufficient to provide the free textbooks, and other instructional materials authorized by law, that are required in educational programs in the free public schools. The remainder of the Available School Fund must be distributed among the counties according to their respective scholastic populations and must be spent for the support of free public schools in the manner prescribed by law.

Section 3. COUNTY PUBLIC SCHOOL FUND. (a) The County Public School Fund of each county consists of the property transferred to the county for the support of free public schools in that county, the proceeds from sale and mineral

development of the property, and the property purchased with the proceeds.

(b) Title to the property is in the county and may not be divested by limitation. A county may sell, lease, or exchange the property and invest the proceeds in the manner prescribed by law. A county may annually spend the income from the fund for the support of its free public schools in the manner prescribed by law.

(c) The governing body of a county may transfer in the manner prescribed by law all or part of the property in its County Public School Fund to the school districts of the county for use by them to reduce their bonded indebtedness or to make permanent improvements. State financial aid to a school district may not be reduced because of a transfer under this subsection.

Section 4. STATE BOARD OF EDUCATION. The legislature shall provide by law for a State Board of Education composed of elected members.

Section 5. SCHOOL AND COMMUNITY JUNIOR COLLEGE DISTRICTS. The legislature shall provide by general law for school districts and community junior college districts.

Section 6. FIRST CLASS COLLEGES AND UNIVERSITIES. The legislature shall provide by law for a system of higher education of the first class.

Section 7. PERMANENT AND AVAILABLE UNIVERSITY FUNDS. (a) The Permanent University Fund consists of the land set apart for The University of Texas by Article VII, Section 15, of the Constitution of 1876, as amended and as it existed on November 4, 1975, and the Legislative Act of April 10, 1883; the proceeds from sale and mineral development of the land; and the property purchased with the proceeds.

(b) The Permanent University Fund is held in perpetual trust for the people of Texas and for the use and benefit of The Texas A&M University System and The University of Texas System. The principal of the fund may not be spent. The Board of Regents of The University of Texas System may sell, lease, exchange, or otherwise manage the assets of the fund in the manner prescribed by law and shall invest all proceeds.

(c) The Board of Regents of The University of Texas System shall make full disclosure of all investments as provided by law.

The board of regents shall invest the Permanent University Fund in accordance with generally accepted fiduciary standards but may invest only in stocks or bonds, debentures, or other obligations and may not:

(1) invest in the stock of a corporation that is not incorporated in the United States;

(2) invest in the stock of a corporation unless:

(A) the corporation or its predecessors have paid dividends on common stock for at least five years preceding investment; and

(B) the stock is either:

(i) listed on an exchange registered with the Securities and Exchange Commission or its successor; or

(ii) issued by a bank or insurance company with capital and surplus of not less than \$5 million and admitted assets of not less than \$50 million;

(3) invest more than one percent of the fund in the securities of any one corporation;

(4) permit the fund to own more than five percent of the voting stock of any one corporation; or

(5) invest in the obligations of any state or its political subdivisions other than the State of Texas or its political subdivisions.

(d) The Available University Fund consists of the income from the Permanent University Fund less administrative expense and less the net income from grazing leases of permanent-fund land. Out of one-third of the Available University Fund the legislature shall appropriate an annual sum sufficient to service Permanent University Fund bonds or notes issued by the governing board of The Texas A&M University System under authority of this article. The legislature shall appropriate the remainder of that one-third for the support and maintenance of Texas A&M University in the County of Brazos. Out of two-thirds of the Available University Fund the legislature shall appropriate an annual sum sufficient to service Permanent University Fund bonds or notes issued by the Board of Regents of The University

of Texas System under authority of this article. The legislature shall appropriate the remainder of that two-thirds and the net income from grazing leases of permanent-fund land for the support and maintenance of The University of Texas at Austin.

Section 8. PERMANENT UNIVERSITY FUND BONDS AND NOTES. (a) The governing boards of The Texas A&M University System and The University of Texas System each may issue negotiable bonds or notes for the benefit of the institutions included in their respective systems on the date this article is adopted. The aggregate principal amount of bonds and notes issued for The Texas A&M University System may not exceed 10 percent, and for The University of Texas System may not exceed 20 percent, of the value of the Permanent University Fund exclusive of real estate at the time of any issuance. The bonds or notes may be issued to acquire real property, construct permanent improvements, repair or rehabilitate existing permanent improvements, acquire library books or library materials, acquire capital equipment, or refund bonds.

(b) Bonds and notes issued under this section are payable only out of the Available University Fund and must mature not more than 30 years from the date of issuance.

(c) The governing boards of The Texas A&M University System and The University of Texas System each may pledge in whole or in part their respective interests in the Available University Fund to secure payment of bonds or notes issued under this section. No bonds or notes may be issued under this section without the prior approval of the attorney general. After approval the bonds and notes are incontestable.

Section 9. HIGHER EDUCATION FUND FOR TEXAS AND BONDS AND NOTES. (a) There is hereby established the Higher Education Fund for Texas.

(b) A state ad valorem tax is hereby levied on real property and tangible personal property of 10 cents on the \$100 assessed valuation for the Higher Education Fund for Texas. The rate of the tax may be changed by law, but not to exceed 10 cents on the \$100 assessed valuation. For purposes of this tax, the legislature shall establish by law an assessment ratio that must be applied uniformly throughout the state.

(c) The legislature shall provide by law for an annual assessment of needs, according to which the fund is to be allocated

among the state systems of higher education (except institutions in The University of Texas System and The Texas A&M University System) and the state senior institutions not included in a system. The fund must be allocated under equitable formulas based on statewide higher education needs. If in any year the total allocations are less than the revenue generated by the tax levied in this section, the surplus revenue accumulates in the fund and is to be invested as provided by law. Income from the fund is allocated as provided in this subsection.

(d) The fund, income from the fund, or proceeds from bonds or notes issued under this section may be used to acquire real property, construct permanent improvements, repair or rehabilitate existing permanent improvements, acquire library books or library materials, acquire capital equipment, or service debt incurred under this section.

(e) The governing boards of the state systems of higher education (except institutions in The University of Texas System and The Texas A&M University System) and the governing boards of the state senior institutions not included in a system may issue negotiable bonds or notes for the benefit of their systems or institutions based on allocations to their systems or institutions under Subsection (c) of this section. Bonds or notes issued under this subsection are secured by and payable only from the fund. Bonds or notes may be issued to refund bonds issued under this section. No bonds or notes may be issued under this section without the prior approval of the attorney general. After approval the bonds and notes are incontestable.

(f) The legislature may provide by law for allocation of a portion of the fund to state-owned vocational and technical institutes that do not grant academic degrees.

ARTICLE VIII

FINANCE

Section 1. STATE TAXATION. (a) State taxes may be levied and collected only by general law.

(b) No state ad valorem tax on real property or tangible personal property may be levied for state purposes except (1) the tax of 10 cents on the \$100 assessed valuation levied under Article VII of this constitution and (2) a tax of two cents on the \$100 assessed valuation that is hereby levied to provide funds for the State Building Fund. This two-cent tax may be reduced by law.

Section 2. AD VALOREM TAXATION. (a) Except as otherwise permitted in this article, all real property and tangible personal property must be taxed equally and uniformly in proportion to market value.

(b) The legislature by general law shall provide for the establishment and enforcement of standards and procedures for appraisal of property for ad valorem tax purposes. These standards and procedures must be applied uniformly throughout the state. Except as limited by general law, a taxing authority levying a tax on property within a county may seek countywide enforcement of these standards and procedures.

(c) Each county shall provide for appraisal of all taxable property within its boundaries in the manner prescribed by law. Each taxing authority imposing a tax on property within the county shall tax in proportion to, but not in excess of, this appraisal. The costs and expenses of appraisals are to be allocated among the taxing authorities in the manner prescribed by general law.

(d) Ad valorem taxes delinquent less than 10 years may not be released.

Section 3. AD VALOREM TAX EXCEPTIONS. (a) The legislature by general law shall establish separate formulas for appraising land to promote the preservation of open-space land devoted to farm or ranch purposes and by general law may establish separate formulas for appraising land to promote the preservation of forest land devoted to timber production. The legislature by general law may provide limitations and impose sanctions in furtherance of the appraisal policy of this subsection.

(b) The legislature by general law may permit the rolling stock of railroads to be assessed for ad valorem tax purposes by the county in which the principal office of the railroad is located and require the comptroller of public accounts to apportion on the basis of track mileage the assessed value of the rolling stock among the counties through which the railroad runs.

Section 4. AD VALOREM TAX EXEMPTIONS. (a) The following property is exempt from ad valorem taxation:

(1) property of the state except as otherwise provided by law;

(2) property of political subdivisions of the state used for public purposes;

(3) household goods not used for the production of income;

(4) personal effects not used for the production of income; and

(5) farm products in the hands of the producer and family supplies for home and farm use.

(b) Each residential homestead is exempt from state ad valorem taxation in the amount of \$3,000 of appraised value. The legislature by law may increase this amount.

(c) The residential homestead of persons at least 65 years old is exempt from ad valorem taxation in the amount of \$3,000 of assessed value in each taxing political subdivision except that a person may elect in writing to be excluded from the exemption. A political subdivision may increase this amount within its jurisdiction. In a political subdivision that has pledged its ad valorem tax for the payment of debt, a residential homestead exemption does not become effective if the exemption would impair the obligation of the contract under which the tax was pledged.

(d) Subject to such limitations, classifications, or exclusions as it may prescribe, the legislature by law may exempt from ad valorem taxation:

(1) property used exclusively for educational or charitable purposes;

(2) nonresidential property owned and used exclusively by organizations chartered by both the State of Texas and the United States and whose membership is composed solely of former members of the armed services of the United States;

(3) places of burial not held for profit;

(4) property owned by a disabled veteran of the armed services of the United States, by the surviving spouse or minor children of a disabled veteran of the armed services of the United States, or by the surviving spouse or minor children of a member of the armed services of the United States whose life was lost while on active duty;

(5) actual places of religious worship;

(6) property owned by a church or a strictly religious society for exclusive use as a dwelling place for the ministry of the church or religious society if the property yields no revenue to the church or religious society, but the exemption may not extend to more property than is reasonably necessary for a dwelling place and in no event to more than one acre of land; or

(7) property that is owned by a nonprofit water supply corporation whose board of directors is elected by the members it serves, that is not held for profit, and that is reasonably necessary for and is used in the acquisition, storage, transportation, or distribution of water or in providing sewage or waste water treatment service.

Section 5. AD VALOREM TAX RELIEF. (a) The legislature by law may grant relief from residential ad valorem taxes payable by persons determined to be in need of relief because of economic circumstance and either age or disability. A law granting relief must provide either (1) that political subdivisions are reimbursed for revenue losses caused by the relief or (2) that relief applies to the ad valorem taxes of a political subdivision only if the political subdivision approves.

(b) The legislature by law may provide for the preservation of cultural, historical, or natural history resources by:

(1) granting relief from state ad valorem taxes on appropriate property so designated in the manner prescribed by law; or

(2) authorizing political subdivisions to grant relief from ad valorem taxes on appropriate property so designated by the political subdivision in the manner prescribed by general law.

Section 6. AD VALOREM TAX ACTIONS. (a) Notwithstanding other remedies provided by law, an owner of property may pay under protest ad valorem taxes due on that property and sue for a refund in a district court.

(b) In a suit for a refund of taxes, a court has the duty of entering those orders necessary to ensure equal treatment under the law for the complaining property owner, including refund of taxes and equalization of property appraisal and assessment.

(c) Subject to limitations provided by law, the court has the additional duty of entering all other orders necessary to ensure equal treatment under the law for all property owners within the taxing authority, including refunds of taxes and equalization of property appraisals and assessments.

Section 7. ALLOCATIONS AND USES OF CERTAIN REVENUES. (a) Each county receives from the net revenue derived annually from motor vehicle registration fees attributable to the county an amount prescribed by general law but that amount must be at least equal to all fees collected up to \$50,000 and 50 percent of the next \$250,000 of fees collected.

(b) All net revenue from motor vehicle registration fees not retained by the counties and three-fourths of all net revenue derived from taxes on motor fuels and lubricants used to propel motor vehicles over public roadways, except gross production, petroleum products manufacturing, and ad valorem taxes, may be appropriated only for the following purposes:

- (1) acquiring rights-of-way for public roadways;
- (2) constructing or maintaining public roadways;
- (3) administering laws pertaining to the supervision of traffic or safety on public roadways; or
- (4) policing public roadways.

(c) One-fourth of all net revenue from the motor fuel tax and from state occupation taxes is dedicated to the Available School Fund.

(d) No revenue from taxes on motor fuels and lubricants or from motor vehicle registration fees not retained by counties may be appropriated for payment of principal or interest on bonds or warrants issued by political subdivisions.

Section 8. STATE DEBT. (a) State debt may not be incurred except as authorized by this constitution.

(b) "State debt" means bonds or other evidences of indebtedness that are secured by the general credit of the state or are to be repaid from taxes, fees, tuition, or other charges of the state, a state senior college or university, or a state agency or institution having statewide jurisdiction. "State debt" does not include bonds or other evidences of indebtedness issued to finance a project if the debt is authorized by law and is payable solely from revenues generated by the project to be financed.

(c) State debt may be authorized by law if approved by a record affirmative two-thirds vote of the membership of each house of the legislature and submitted to and approved by a majority of the qualified voters of the state voting on the question.

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

Section 9. APPROPRIATIONS. (a) No money may be drawn from the State Treasury except in accordance with specific appropriation made by law. No law may appropriate money from the State Treasury for a purpose not previously authorized by law.

(b) No appropriation of money from the State Treasury may be made for a period longer than two years.

(c) On the convening of the legislature in regular session, the comptroller of public accounts shall submit to the governor and the legislature a report that shows (1) the condition of the treasury at the end of the preceding fiscal period, (2) an estimate of the probable receipts and disbursements for the current fiscal year, (3) an itemized estimate of anticipated revenues for the next applicable fiscal period, and (4) other information required by law. On the convening of a special session of the legislature, the comptroller of public accounts shall submit a report showing changes from the regular report previously submitted. In the event of changes at other times, the comptroller of public accounts shall report the changes to the governor and to the members of the

legislature.

(d) No bill containing an appropriation may be considered as passed or be presented to the governor unless the comptroller of public accounts has certified that the amount appropriated is within the estimated revenue for the applicable fiscal year or unless the appropriation is made in response to imperative public necessity and approved by a record affirmative four-fifths vote of the membership of each house of the legislature.

Section 10. PUBLIC FUNDS. Public funds and public credit may be used only for public purposes. No public funds or public credit may be used to influence the election of a public officer.

Section 11. REPORT OF DEDICATED FUNDS. The legislature shall provide by law for an annual report of the receipts and expenditures of constitutionally dedicated funds.

Section 12. EXEMPTION FROM RETAIL SALES TAX. No retail sales tax may be imposed on (1) agricultural machinery or parts, fertilizer, feed or seeds, (2) prescription drugs or medicine, or (3) food for human consumption except food sold by restaurants or comparable establishments for immediate consumption.

Section 13. REFUNDABLE MARINE FOOD OR AGRICULTURAL ASSESSMENTS. An assessment voted by marine food or agricultural producers on their product sales is not a tax if provision is made for the individual producer to receive a refund of the assessment when the producer does not desire to be assessed.

ARTICLE IX

LOCAL GOVERNMENT

Section 1. COUNTIES. (a) The counties of the state are those that exist on the date of adoption of this article.

(b) Under procedures prescribed by general law, (1) county boundaries may be changed if approved by a majority of the qualified voters in each affected county who vote on the question, and (2) counties may be merged or county seats relocated if approved by two-thirds of the qualified voters in each affected county who vote on the question.

Section 2. POWERS OF COUNTY GOVERNMENT. Counties have only the powers of government granted by the constitution and general laws of this state.

Section 3. COUNTY OFFICERS. (a) The governing body of each county is the county commission, consisting of a county judge elected by the qualified voters of the county, and four county commissioners, each elected by the qualified voters of separate and compact precincts containing as nearly as practicable an equal number of inhabitants. The county judge is the presiding officer of the county commission.

(b) The qualified voters of each county elect a sheriff, treasurer, tax assessor-collector, and county clerk. The qualified voters elect a county attorney in those counties designated by general or local law.

(c) The county commission shall provide for the election of one or more constables.

(d) The qualifications, duties, and functions of county officers and the grounds and procedure for disqualification, suspension, and removal are as provided by general law except that (1) among other qualifications the county attorney must be licensed to practice law in this state and (2) among the duties and functions of the county clerk are those of county recorder and clerk of the county commission.

(e) Under methods and procedures established by general law, the qualified voters of a county by a majority vote of those voting on the question may create additional offices, eliminate

offices, or combine the duties and functions of offices. In the case of a county commission this power is limited to reducing or increasing the number of county commissioners. If the duties and functions of an office named in Subsections (b) and (c) of this section are combined with another office, the holder of the combined offices must be elected. The county commission shall designate the officer to perform the duties required by law to be performed by an officer whose office is eliminated.

(f) Vacancies in county offices are filled as provided by general law.

Section 4. COUNTY ORDINANCES. (a) Under procedures prescribed by general law, the qualified voters of a county, by a majority of those voting on the question, may grant to or withdraw from the county commission a general or limited power to enact ordinances. If this power is granted, the county commission may enact ordinances that are not inconsistent with the constitution or laws of this state. The legislature by general law may provide procedures by which the qualified voters of a county may repeal ordinances.

(b) If a county ordinance conflicts with an ordinance of an incorporated city or town, the municipal ordinance prevails within its jurisdiction as defined by law.

Section 5. GENERAL LAW CITIES. Cities and towns having a population of 1,500 or less may be chartered only under general law.

Section 6. CITY CHARTERS. Cities and towns having more than 1,500 inhabitants, by a majority vote of the qualified voters voting on the question, may adopt, amend, or repeal their charters in the manner prescribed by law. No charter or ordinance may be inconsistent with the constitution or laws of this state. No tax may be levied unless authorized by law or charter. No city loses the power to amend or repeal its charter because its population drops below 1,500.

Section 7. SPECIAL DISTRICTS AND AUTHORITIES. (a) The legislature may provide by general or local law for special districts or authorities.

(b) Counties, cities, and towns may provide for special districts or authorities within their boundaries but only if authorized by general law. No local law may create a special

district or authority wholly within a county, city, or town if a general law authorizes the county, city, or town to create a special district or authority for the same purpose.

(c) Special districts or authorities may be created only for public purposes.

(d) The provisions of this section are not applicable to school districts or community junior college districts.

Section 8. TERMS OF OFFICE. Constitutional county officers are elected for four-year terms. Other elected county officers and elected officers of other political subdivisions are elected for terms as provided by law or charter.

Section 9. COMPENSATION OF OFFICERS. Elected officers of political subdivisions are not to be compensated on a fee basis.

Section 10. TAX RATES AND DEBT LIMITATIONS. (a) The maximum annual tax rate established by law or charter for ad valorem taxes levied by a city or town for purposes other than debt service may not exceed \$2 on the \$100 of assessed valuation. The maximum annual tax rate established by law for ad valorem taxes levied by a county for purposes other than debt service may not exceed \$1.25 on the \$100 of assessed valuation.

(b) No school district, community junior college district, or special district or authority may levy an annual ad valorem tax for purposes other than debt service unless a maximum annual tax rate, not exceeding the maximum rate permitted by law, has been approved by a majority of the qualified voters of the district or authority voting on the question at an election held for that purpose.

(c) A political subdivision may levy an additional annual ad valorem tax at a rate not greater than necessary to provide an annual amount sufficient to service debt payable from ad valorem taxes.

(d) The legislature shall establish by general law the maximum amount of interest-bearing obligations payable from ad valorem taxes that may be issued by cities, towns, counties, school districts, and community junior college districts.

(e) No interest-bearing obligations payable from ad valorem

taxes, other than refunding obligations, may be issued by school districts, community junior college districts, or special districts or authorities unless authorized by a majority of the qualified voters of the district or authority voting on the question at an election held for that purpose.

(f) No interest-bearing obligations for mass transportation purposes and payable from ad valorem taxes may be issued by a political subdivision unless authorized by a majority of the qualified voters of the political subdivision who vote on the question.

(g) The power of a political subdivision to levy taxes or issue interest-bearing obligations previously voted is not lost by any change in its boundaries. If boundaries are changed by annexation or by merger or consolidation of two or more political subdivisions of the same type, the surviving political subdivision may levy taxes at the highest rate previously voted by any of the affected political subdivisions and may issue interest-bearing obligations to the extent previously approved by each of the affected political subdivisions. The legislature shall provide by general or local law for the assumption of outstanding obligations of political subdivisions whose boundaries are changed.

(h) No interest-bearing debt may be created by a political subdivision unless at the same time provision is made for paying the interest and principal when due.

(i) Ad valorem taxes levied by school districts, community junior college districts, or special districts or authorities are not to be counted as part of the ad valorem tax limits imposed on counties, cities, and towns.

Section 11. INTERGOVERNMENTAL COOPERATION.

The legislature shall prescribe by law the manner in which a political subdivision, by act of its governing body, may cooperate or contract with other political subdivisions, the state, or the United States for the performance of functions required or authorized by the constitution or laws of this state.

Section 12. CONSOLIDATION OF OFFICES AND TRANSFER OF FUNCTIONS. Political subdivisions may be authorized only by general law to consolidate offices, transfer functions of government, or cancel a consolidation or transfer. A law may not authorize a consolidation or transfer among political subdivisions of more than one geographical county. No

consolidation or transfer may take effect unless it is approved by a majority of the qualified voters in each affected political subdivision who vote on the question except that the legislature by general law may provide for the consolidation of the function of collection of taxes in a county.

ARTICLE X

GENERAL PROVISIONS

Section 1. OFFICIAL OATH. State and local officers shall take the following oath before entering on the duties of public office:

"I, _____, do solemnly swear (or affirm) that I will faithfully execute the duties of the office of _____ and will to the best of my ability preserve, protect, and defend the constitution and laws of the United States and of this state; and I furthermore solemnly swear (or affirm) that I have not directly or indirectly paid, offered, or promised to pay, contributed or promised to contribute any money or valuable thing, or promised any public office or employment, as a reward for the securing of this office, so help me God."

Section 2. RESIDENCE OF CIVIL OFFICERS. Public officers shall reside within the state. Officers of a political subdivision or district shall reside and shall keep their offices at the locations prescribed by law. An office becomes vacant if the officer does not comply with this section.

Section 3. FORFEITURE OF RESIDENCE BY ABSENCE ON PUBLIC BUSINESS. A person's absence from the state, a political subdivision, or a district on business of the United States, this state, or the political subdivision or district does not forfeit a residence for purposes of suffrage or of election or appointment to public office.

Section 4. CONTINUATION IN OFFICE. An officer of this state continues to perform the duties of office until a successor has assumed office, but an officer appointed by the governor to a statutory state agency may not perform those duties beyond December 31 of the year in which the term expires.

Section 5. VACANCIES FILLED FOR UNEXPIRED TERM. A person elected to fill a vacancy in office serves for the remainder of the term.

Section 6. DISQUALIFICATION, SUSPENSION, AND REMOVAL FROM CONSTITUTIONAL OFFICE. The legislature by law may provide grounds and procedures for the disqualification, suspension, or removal of those constitutional officers whose removal is not provided for elsewhere in this

constitution and for the temporary filling of vacancies.

Section 7. PROTECTION OF THE ENVIRONMENT. The quality of the environment of the State of Texas is to be protected. The legislature by law shall implement and enforce this policy.

Section 8. CONSERVATION AND DEVELOPMENT OF NATURAL RESOURCES. (a) It is the policy of this state to promote the conservation and development of the natural resources in the state. The legislature by law shall implement and enforce this policy. In furtherance of this policy the legislature shall provide by law for (1) the control, storage, preservation, and distribution for useful purposes of storm, flood, river, and stream waters; (2) the reclamation, irrigation, and drainage of land; (3) the abatement of subsidence; (4) the conservation of the atmosphere; (5) the collection and disposal or recycling of wastes; (6) the conservation and development of the energy resources and forests; and (7) the navigability of the waters.

(b) No state fund established for purposes of water development, transmission, transfer, or filtration may be used to finance a project that contemplates or results in removing surface water from the river basin of origin if the surface water is necessary to supply the reasonably foreseeable water requirements of the basin for the ensuing 50 years. This subsection does not apply to a removal of water (1) that is sufficiently replaced to the point of removal from outside the state or (2) that is on a temporary, interim basis.

Section 9. COASTAL NATURAL RESOURCES. (a) In order to preserve the coastal natural resources of the state, the state holds in perpetual trust for the use and benefit of the people of this state the beaches and those coastal submerged lands belonging to the state and may not by sale transfer a fee simple absolute title in these lands.

(b) Subject to such reasonable limitations as prescribed by law, the public, individually and collectively, has the free and unrestricted right of use and benefit of the beaches. The state and its political subdivisions shall provide reasonable access avenues to the beaches and coastal public waters. An illegal entry on private property to gain access to a beach is not permitted by virtue of this section.

(c) In this section "beach" means the land on the seaward

shore of the open Gulf of Mexico, whether island or mainland, that extends inland from the line of mean low tide to the natural line of vegetation or the larger contiguous area to which the public has (1) acquired a right of use by dedication, prescription, or estoppel or (2) retained a continuous right of use recognized by law or custom since time immemorial.

Section 10. PROTECTION OF WILDLIFE RESOURCES.

The legislature may enact local laws to regulate the taking of wildlife resources.

Section 11. SEPARATE AND COMMUNITY PROPERTY OF SPOUSES. (a) The property owned or claimed by a spouse before marriage and that acquired by a spouse during marriage by gift, devise, or descent is the separate property of the spouse. The legislature by law may prescribe more precise rules within the principles of this definition and may more clearly define the rights of each spouse in relation to separate and community property.

(b) The definition in Subsection (a) of this section does not limit the power of spouses to enter into written contracts or other written transactions between themselves that affect their property rights. Spouses may enter into written contracts or other written transactions (1) that change their community property into separate property if the change does not prejudice the rights of preexisting creditors or (2) that create between themselves a right of survivorship in community property. The form, manner of execution, and recordation requirements of the written contracts or other written transactions are as prescribed by law.

Section 12. HOMESTEAD. (a) The homestead is the home of a family or single adult. The place used for conducting the occupation of the claimant of an urban homestead may also be a homestead.

(b) The rural homestead consists of not more than 200 acres of land in one or more parcels, with improvements, located outside a city, town, or village. Not more than 50 acres on which the home is located is a residential homestead; the rest is a nonresidential homestead. A rural homestead may not be changed to an urban homestead without the claimant's consent so long as the land is used for agricultural purposes.

(c) The urban homestead consists of land, with improvements, located in a city, town, or village; but the value of

the land, without improvements, at the time of establishment as homestead may not exceed \$10,000, or a larger sum if prescribed by law. The urban homestead is a residential homestead if used as a home and a nonresidential homestead if used as a place for conducting the occupation of the claimant.

(d) The homestead is not subject to forced sale for the payment of debt except for (1) purchase money for the homestead, (2) taxes due on the homestead, and (3) the value of improvements made on the homestead under a written contract (A) to which the claimant consents or (B) in the case of a homestead of spouses, to which both spouses consent in the manner prescribed by law for the conveyance of a homestead. A pretended sale of a homestead involving a defeasance or a condition nullifying the sale is void.

(e) A mortgage, trust deed, or other lien on a residential homestead is void except for (1) the purchase money for the homestead or (2) the value of improvements as provided in Subsection (d) of this section. A lien on a nonresidential homestead may be created but only in the manner prescribed by law for the conveyance of a homestead.

(f) Except as otherwise provided by law, a homestead of spouses may not be sold or abandoned without the consent of both spouses. A temporary renting of a homestead does not change its character if no other homestead is acquired.

(g) A homestead of spouses descends and vests like other real property but may not be partitioned so long as the homestead is used or occupied as a home by either a surviving spouse or minor child if that use has been granted the child by a proper court.

Section 13. PROTECTION OF PERSONAL PROPERTY FROM FORCED SALE. The legislature shall provide by law for the protection from forced sale of certain personal property belonging to each adult and each head of family.

Section 14. PROTECTION OF WAGES FROM GARNISHMENT. Current wages for personal service are not subject to garnishment.

Section 15. PRIVATE CORPORATIONS. A private corporation may not be chartered except under general law.

Section 16. BANKING. (a) No bank may engage in business

at more than one place in this state. A bank shall designate in its charter the place at which it will engage in business.

(b) The legislature by law shall provide for the regulation of bank holding companies.

(c) No foreign corporation except a bank chartered by the United States and domiciled in Texas may exercise banking or discounting privileges in this state.

Section 17. ALCOHOLIC BEVERAGES. (a) The legislature by law shall provide for the regulation of the manufacture, packaging, sale, possession, and transportation of alcoholic beverages and mixed alcoholic beverages.

(b) This regulation must preserve the right of local option by counties, justice precincts, or incorporated cities or towns but may not provide for local option by other political subdivisions. Local option is a determination of whether to legalize or prohibit the sale of these beverages and a determination of the various types and various alcoholic contents of these beverages that may be sold.

(c) A local-option determination by a county, justice precinct, or incorporated city or town may be made only by a majority of the qualified voters who vote on the question at an election in that political subdivision.

(d) The local-option status of a county, justice precinct, or incorporated city or town on the effective date of this article, may be changed only by a majority of the qualified voters who vote on the question at an election in that political subdivision.

Section 18. PRACTITIONERS OF MEDICINE. The legislature shall pass laws to prescribe the qualifications of practitioners of medicine and to punish persons for malpractice. No preference may be given by law to any schools of medicine.

Section 19. LOTTERIES AND GIFT ENTERPRISES. The legislature by law shall prohibit lotteries and gift enterprises except that the legislature by law may authorize bingo or raffles conducted for the benefit of a nonprofit charitable organization if (1) all proceeds are spent in this state for the purposes of the organization and (2) the games are limited to one location as defined by law.

Section 20. LIENS OF MECHANICS, ARTISANS, AND MATERIALMEN. Mechanics, artisans, and materialmen have a

lien on the buildings or articles made or repaired by them. The lien is for the value of labor or material furnished. The legislature by law shall provide for the efficient enforcement of the lien.

Section 21. RETIREMENT BENEFITS FOR PUBLIC EMPLOYEES. (a) General Provisions. (1) The legislature may enact general laws establishing systems and programs of retirement and related disability and death benefits for public employees and officers. Financing of benefits must be based on sound actuarial principles. The assets of a system are held in trust for the benefit of members and may not be diverted.

(2) A person may not receive benefits from more than one system for the same service, but the legislature may provide by law that a person with service covered by more than one system or program is entitled to a fractional benefit from each system or program based on service rendered under each system or program calculated as to amount upon the benefit formula used in that system or program. Transfer of service credit between the Employees Retirement System of Texas and the Teacher Retirement System of Texas may also be authorized by law.

(3) Each statewide benefit system must have a board of trustees to administer the system and to invest the funds of the system in such securities as the board may consider prudent investments. In making investments, a board shall exercise the judgment and care under the circumstances then prevailing that persons of ordinary prudence, discretion, and intelligence exercise in the management of their own affairs, not in regard to speculation, but in regard to the permanent disposition of their funds, considering the probable income therefrom as well as the probable safety of their capital. The legislature by law may further restrict the investment discretion of a board.

(4) General laws establishing retirement systems and optional retirement programs for public employees and officers in effect on the date of adoption of this article, remain in effect, subject to the general powers of the legislature established in this subsection.

(b) State Retirement Systems. (1) The legislature shall establish by law a Teacher Retirement System of Texas to provide benefits for persons employed in the public schools, colleges, and universities supported wholly or partly by the state. Other employees may be included under the system by law.

(2) The legislature shall establish by law an Employees Retirement System of Texas to provide benefits for officers and employees of the state and such state-compensated officers and employees of the unified judicial system as may be included under the system by law.

(3) The legislature shall establish by law the amount to be contributed by persons participating in the Employees Retirement System of Texas and the Teacher Retirement System of Texas. The amount contributed by the state must be at least six percent of the aggregate compensation paid to individuals participating in the system. The legislature may appropriate such additional sums as are actuarially determined to be required to fund benefits authorized by law.

(c) Local Retirement Systems. (1) The legislature shall provide by law for:

(A) the creation by any city or county of a system of benefits for its officers and employees;

(B) a statewide system of benefits for the officers and employees of counties of other political subdivisions of the state in which counties or other political subdivisions may voluntarily participate; and

(C) a statewide system of benefits for officers and employees of cities in which cities may voluntarily participate.

(2) Benefits under these systems must be reasonably related to participant tenure and contributions.

(d) Judicial Retirement System. (1) Notwithstanding any other provision of this section, the system of retirement, disability, and survivors' benefits heretofore 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 is continued in effect. The legislature shall provide for inclusion in the system of judges of all courts in the unified judicial system. Contributions required and benefits payable are to be as provided by law.

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

Section 22. REGULATION OF INTEREST AND LENDING.

(a) Except as otherwise provided by law, a contract providing for a rate of interest in excess of 10 percent a year is usurious. If a contract does not specify a rate of interest, the rate under the contract may not exceed six percent a year.

(b) The legislature may not delegate the power to classify loans or lenders, define interest, or fix maximum interest rates.

Section 23. EQUAL TREATMENT OF THE HANDICAPPED. A person may not be denied a right, benefit, or opportunity because of a physical or mental handicap as defined by law except (1) as otherwise provided in this constitution, (2) as prescribed by law in the regulation of commerce, or (3) to the extent a handicap prevents work performance in employment. This guarantee is self-operative.

Section 24. ACCESS TO HEALTH CARE. A goal of this state is to provide every resident access to adequate, comprehensive health care as may be provided by law.

ARTICLE XI

MODE OF AMENDING

THE CONSTITUTION OF THE STATE

Section 1. AMENDMENTS TO THE CONSTITUTION. (a) The legislature may propose amendments to this constitution by a record affirmative two-thirds vote of the membership of each house. The legislature shall limit a proposed amendment to the revision of all or part of one article except that the amendment may revise parts of other articles that are germane to the revision of the principle article.

(b) A proposed amendment must be submitted to the people at the next statewide general election or at a special election held on a date specified by the legislature. In no event is an election on a proposed amendment to take place less than 90 days after the legislature proposes the amendment.

(c) Proposed amendments must be publicized in the English language and any other language prescribed by law. The legislature shall prescribe by law the procedure for publicizing proposed amendments.

(d) A proposed amendment is adopted if approved by a majority of the qualified voters voting on the question and becomes a part of this constitution on the date that the statewide returns of the election are canvassed.

Section 2. CONSTITUTIONAL CONVENTION. (a) The legislature by a record affirmative two-thirds vote of the membership of each house may submit to the people the question of whether to call a constitutional convention and may stipulate in the question the articles of the constitution that the convention may consider. The question must be submitted at the first statewide general election occurring at least six months after the legislature approves the submission. A constitutional convention must be called if approved by a majority of the qualified voters voting on the question.

(b) The question of whether to call a constitutional convention must be submitted to the people at least once every 30 years.

(c) At the next legislative session following approval of a call,

the legislature shall provide by law for the election of delegates and the filling of vacancies; for the convening of the convention on a date no later than three months after the election of delegates; for the meeting place and duration of the convention; for the pay, allowances, and expenses of delegates and officers; and for the other expenses of the convention.

(d) No public officer is prohibited from serving as a delegate by virtue of any provision in this constitution.

(e) The constitutional convention by a record affirmative two-thirds vote of its membership, in the case of an unlimited call, may propose any revision of or amendments to the constitution or, in the case of a limited call, may propose any revision of or amendments to the articles stipulated in the call. The convention shall determine the manner of submitting and publicizing its proposals and fix the date of the election. Convention proposals must be publicized in the English language and in any other language specified by the convention.

(f) A revision or amendment proposed by the constitutional convention becomes effective, as the convention provides, if approved by a majority of the qualified voters voting on the question.

TRANSITION SCHEDULE

The following schedule provisions remain part of this constitution until executed. Once each year the attorney general shall review the schedule and certify to the secretary of state which remaining provisions have been executed. A provision so certified is to be removed from and no longer published as part of the constitution.

Section 1. EXISTING LAWS, RIGHTS, AND PROCEEDINGS. All laws not inconsistent with the 1976 revision of this constitution continue in effect until they expire by their own limitation or until amended or repealed. All existing writs, actions, suits, proceedings, civil or criminal liabilities, prosecutions, judgments, sentences, orders, decrees, appeals, causes of action, contracts, claims, demands, titles, and rights continue unaffected except as modified in accordance with the revised provisions of this constitution.

Section 2. VALIDITY OF ISSUED BONDS. Bonds or other evidences of indebtedness validly issued by or on behalf of the state or any agency or political subdivision thereof under authority previously granted by the Constitution of 1876, as amended and as it existed prior to November 4, 1975, remain valid and enforceable in accordance with their terms and subject to all applicable terms and conditions notwithstanding the repeal of such authority by virtue of the 1976 revision of this constitution. The state, agency, or political subdivision, as the case may be, shall continue to provide for a source or sources of payment in accordance with the terms of the bonds or other evidences of indebtedness, whether from taxes or otherwise, until the bonds or other evidences of indebtedness are paid in full.

Section 3. DELAYED EFFECTIVE DATE. Notwithstanding the general effective date of each article revised in 1976, as provided in each amendment, the following provisions become effective on the date indicated, or earlier if provided by law:

- (1) Section 5 of Article III on January 1, 1981;
- (2) Section 9 of Article VII on January 1, 1979;
- (3) Subsections (b) and (c) of Section 2 of Article VIII on January 1, 1978; and
- (4) Subsection (c) of Section 6 of Article VIII on January 1, 1979.

Section 4. PROVISIONS OF THE CONSTITUTION OF 1876. Until January 1, 1980, unless earlier enacted, repealed, or superseded by law, the following provisions of the Constitution of 1876, as amended and as it existed on November 4, 1975, continue in effect as if statutes, but only to the extent that they are not in conflict with the 1976 revision of this constitution:

- (1) Article III, Section 13;
- (2) Article III, Section 29;
- (3) Article III, Section 36—insofar as it refers to revival of bills;
- (4) Article III, Section 52e (as added in 1967);
- (5) Article IV, Section 3—insofar as it relates to tie votes and prescribes a procedure for the canvassing of the votes for the governor and lieutenant governor;
- (6) Article IV, Section 11—insofar as it provides for the number of members and the terms of the Board of Pardons and Paroles;
- (7) Article IV, Section 20;
- (8) Article IV, Section 24—insofar as it relates to information under oath and perjury penalties;
- (9) Article V, Section 18—insofar as it requires the county commission to divide the county into commissioners precincts;
- (10) Article VII, Section 6b—insofar as it requires county permanent school funds to be distributed on a per scholastic basis;
- (11) Article VIII, Section 1-d;
- (12) Article VIII, Section 1-e, Subsections (4) and (5);
- (13) Article VIII, Section 9—insofar as it authorizes each county to put all tax money collected by the county into one general fund without regard to the purpose or source of each tax;
- (14) Article XI, Section 11;

(15) Article XVI, Section 11—insofar as it authorizes trial de novo for those whose permits have been denied or cancelled by a regulatory agency;

(16) Article XVI, Sections 12, 33, and 40;

(17) Article XVI, Section 14;

(18) Article XVI, Section 26;

(19) Article XVI, Section 30—insofar as it provides that the duration of all offices not fixed by law or the Constitution of Texas is not to exceed two years;

(20) Article XVI, Section 41;

(21) Article XVI, Section 59, Subsections (d) and (e);

(22) Article XVI, Section 61;

(23) Article XVI, Section 64;

(24) Article XVI, Section 65; and

(25) Article XVII, Section 1—insofar as it provides a procedure for publicizing amendments to the constitution.

Section 5. TERMS OF OFFICE. Elected officers in this state continue in office until the end of their terms unless their offices are sooner abolished in accordance with this constitution or laws enacted pursuant thereto.

Section 6. ANTICIPATORY LEGISLATION. Laws may be enacted in anticipation of the effective date of revised articles, but those laws may not become effective prior to September 1, 1976.

Section 7. POWERS OF THE SECRETARY OF STATE UNDER AMENDMENTS ADOPTED NOVEMBER 4, 1975. Regarding nonsubstantive matters, the secretary of state, after the review and approval of the attorney general, shall: (1) number, locate, amend, or delete articles, sections, or subsections, and change cross-references in the Constitution of Texas in accordance with constitutional amendments adopted by the voters of the state on November 4, 1975; (2) number, locate, amend, or delete portions of the transition schedule of the constitution in accordance with constitutional amendments adopted by the voters

of the state on November 4, 1975; and (3) make other nonsubstantive changes in the constitution or amendments to the constitution as required to assure an orderly revision of the Texas Constitution from amendments adopted by the voters of the state on November 4, 1975.

Section 8. REDISTRICTING. Until January 1, 1981, unless earlier enacted, repealed, or superseded by law, Sections 25, 26, and 28 of Article III of the Constitution of 1876, as amended and as it existed on November 4, 1975, continue in effect as if statutes, but only to the extent that they are not in conflict with court rulings.

Section 9. LEGISLATIVE SALARY COMMISSION. When making the initial appointments to the legislative salary commission, the appointing body shall determine which three members serve until October 15, 1977, which three members serve until October 15, 1979, and which three members serve until October 15, 1981.

Section 10. CONVENING THE LEGISLATURE. The legislature convenes in regular session at 12 noon on the first Monday in January, 1976. The 1976 regular session of the legislature is limited to considering those matters that are submitted by the governor or such matters as the legislature considers necessary to effect implementation occurring as a result of the adoption of one or more amendments revising one or more articles of the constitution.

Section 11. RESIDENCE OF EXECUTIVE DEPARTMENT OFFICERS. Until enacted, repealed, or superseded by law, the requirements of the Constitution of 1876, as amended and as it existed on November 4, 1975, that certain officers of the executive department reside at the seat of government, or maintain an office or their records at the seat of government, continue in effect as if by statute.

Section 12. ALIGNMENT OF TERMS OF OFFICE. Subject to a law or laws establishing terms within the guidelines of Article IV, Section 2, Subsection (c), the terms of all officers appointed by the governor to statutory state agencies are extended to February 1, 1979, 1981, and 1983, if they expire prior to those dates but after January 31, 1978, 1980, and 1982, respectively; are shortened to April 30, 1977, 1979, and 1981, if they expire subsequent to those dates but prior to February 1, 1978, 1980, and 1982, respectively; and are extended to February 1, 1977, if

they expire after December 31, 1976, and prior to February 1, 1977. The foregoing adjustments are applicable only to offices that are not abolished.

Section 13. STATE AGENCY RENEWAL. (a) Within two years of January 1, 1976, the Texas Legislative Council, or its successor, shall submit to each house of the legislature a suggested agency disposition list for Subsection (b) of Section 24 of Article IV. This disposition list is to contain as nearly as possible a complete listing of all state agencies affected by Subsection (b) of Section 24.

(b) An affected agency not included on the disposition list shall register with the Legislative Council prior to May 31, 1978, listing its membership, statutory authorization, and who appoints its members. The Legislative Council shall transmit this information to the speaker of the house of representatives and the lieutenant governor, who shall add the agency to the disposition list.

(c) Beginning in the 1979 regular session, the legislature shall consider individually each agency on the disposition list.

Section 14. REORGANIZATION. Within two years after January 1, 1976, the governor shall submit to the legislature at least one bill of reorganization in conformity with Section 16 of Article IV.

Section 15. LEGISLATIVE COMPENSATION. Until the legislative salary commission makes its recommendations and new rates of compensation and allowances are set in conformity with Article III, Section 6 of this constitution, members of the legislature receive the compensation and allowances in effect on December 31, 1975.

Section 16. JUDICIARY TRANSITION ON EFFECTIVE DATE. On September 1, 1976:

a) **SUPREME COURT; COURT OF CRIMINAL APPEALS.** The chief justice of the supreme court becomes the Chief Justice of Texas. The presiding judge and the other judges of the court of criminal appeals and the associate justices of the supreme court become justices of the supreme court. Each commissioner of the court of criminal appeals becomes a commissioner of the supreme court.

(b) COURTS OF APPEALS DISTRICTS AND JUDGES. The supreme judicial districts of the state become court of appeals districts and the courts of civil appeals become courts of appeals, except that supreme judicial districts which occupy the identical territory become a single court of appeals district and the courts of civil appeals which exercised jurisdiction within that territory become a single court of appeals. Chief justices and associate justices of courts of civil appeals become, respectively, chief judges and judges of courts of appeals, except that where a court of appeals would have two or more chief judges the Chief Justice of Texas shall designate from among them one to be the chief judge of that court.

(c) DISTRICT AND CIRCUIT JUDGES. (1) Until otherwise provided by law, each district judge or judge of a criminal district court, domestic relations court, special juvenile court, or specially designated probate court becomes a district court judge.

(2) The offices of county court at law judge, county civil court at law judge, county criminal court judge, county criminal court at law judge, county criminal court of appeals judge, and judge of any other county court created by statute are continued until the legislature implements Section 5 of the 1976 revision of Article V; upon implementation, judges holding those offices in a county that is to be served by a circuit court become judges of the circuit court.

(d) CRIMINAL DISTRICT ATTORNEYS. Each criminal district attorney becomes a district attorney. Until otherwise provided by law, a criminal district attorney who becomes a district attorney under this section continues to perform the duties and functions prescribed by law applicable to the office of that criminal district attorney in effect on August 31, 1975. Unless otherwise provided by law, Article 329 of the Revised Civil Statutes of Texas, 1925, does not apply to a county in which a criminal district attorney becomes a district attorney under this section.

(e) TRANSFER OF PROCEEDINGS AND RECORDS. All courts, except those authorized by the 1976 revision of Article V, are abolished, and all matters pending before them are transferred to the appropriate successor courts authorized by the 1976 revision of Article V. The courts into which the matters are transferred assume full jurisdiction of them and full authority to dispose of them and to execute or otherwise give effect to all orders, judgments, and decrees issued by their predecessor courts.

Courts authorized by the 1976 revision of Article V succeed to all records and property of courts abolished by this subsection.

(f) TRANSFERS FROM COURT OF CRIMINAL APPEALS.

All matters filed in or docketed by the court of criminal appeals but not heard by the court are transferred to the court of appeals in which the matters would have been docketed were they civil in nature and the court of appeals still a court of civil appeals.

Section 17. STABILIZATION OF SUPREME COURT SIZE.

Unless otherwise provided by law, the offices of the first five justices, except the chief justice, who cease to be members of the supreme court by reason of death, removal, resignation, or retirement after September 1, 1976, cease to exist. The death, removal, resignation, or retirement of an incumbent justice after having been defeated at a primary or general election does not terminate the office. The position of commissioner of the supreme court exists only as long as it is held by the individual in the office on September 1, 1976.

Section 18. COUNTY COURT; COUNTY JUDGE. Unless otherwise provided by general or local law, county courts created in Article V, Section 15, of the Constitution of 1876, as amended and as it existed on November 4, 1975, continue in effect as the courts authorized in Section 6(a) of the 1976 revision of Article V, and the judges of those courts remain as county court judges and as presiding officers of the county commissioners courts. However, a judge of the county court who is licensed to practice law, by written notice to the governor filed with the secretary of state within 30 days after September 1, 1976, may elect instead to become a judge of the circuit court established pursuant to Section 5 of the 1976 revision of Article V if there is no circuit court judge provided for that district under the provisions of this transition schedule. If a judge of the county court becomes a circuit judge, the office of county judge becomes vacant and is filled by the county commissioners court until the next statewide general election. Should more than one judge of a county court within the same circuit court district file such written notice, the governor shall select the one to become judge of the circuit court. Section 6(a) of the 1976 revision of Article V does not mandate or require a change in the jurisdiction or judicial functions of a county judge.

Section 19. MUNICIPAL COURT JUDGES AND JUSTICES OF THE PEACE. Unless otherwise provided by law, order, charter, or ordinance, municipal court judges and justices of the

peace remain as they exist on August 31, 1976.

Section 20. CLERKS. All laws pertaining to the office of district clerk or county clerk which are in effect on August 31, 1976, and which are consistent with the provisions of the 1976 revision of Article V, remain in effect until changed by law.

Section 21. PROSECUTORS. All laws pertaining to the office of district attorney or county attorney which are in effect on August 31, 1976, remain in effect until changed by law. Section 11 of the 1976 revision of Article V does not mandate or require a redistricting of existing district attorney districts.

Section 22. QUALIFICATIONS COMMISSION. Members of the judicial qualifications commission continue in office and perform the duties of the commission established by Article V, Sections 1(a) (2-13) of the 1876 Constitution, as amended and as it existed on November 4, 1975, until a commission is established pursuant to Section 10(b) of the 1976 revision of Article V.

Section 23. JUDICIAL DISTRICTS. Until otherwise provided by law, the judicial districts in existence on August 31, 1976, remain in effect, including any judicial districts then authorized by law but which take effect after August 31, 1976. Section 4 of the 1976 revision of Article V does not mandate or require judicial redistricting.

Section 24. LAWS AND RULES CONTINUED. Except to the extent inconsistent with the provisions of the 1976 revision of Article V, all laws and rules of court in force on August 31, 1976, continue in effect until superseded as authorized by law.

Section 25. MANNER OF APPEAL IN CRIMINAL CASES. Until the legislature or supreme court makes provisions for the appeal of criminal cases from the courts of appeals, the rules and laws presently in force for appeals from courts of civil appeals also apply to the appeal of criminal cases.

Section 26. JUDICIAL OFFICE TRANSITION. No judicial office is abolished until the expiration of the term of the person who holds the office on August 31, 1976, or until that person ceases to hold the office, whichever occurs first.

Section 27. INITIAL JUDICIAL TERMS. The initial justices, judges, and justices of the peace in the judicial branch established by the 1976 revision of Article V serve for the remainder of the

terms for which elected and thereafter terms of office are as provided in the 1976 revision of Article V.

Section 28. INITIAL TERMS FOR CERTAIN PROSECUTORS. Individuals who become district attorneys pursuant to Section 16 of this transition schedule hold that office two years beyond the terms for which they were elected. Successor office holders are elected for the same terms and in the same manner as are other district attorneys.

Section 29. MEMBER OF BOARD OF PARDONS AND PAROLES. The member of the Board of Pardons and Paroles who was appointed by the Presiding Judge of the Court of Criminal Appeals serves the full term to which appointed. A vacancy in that position is filled by the Attorney General of Texas with the advice and consent of two-thirds of the senate present.

Section 30. OTHER JUDICIARY TRANSITION. In the event a transfer or transition required by the revision of Article V has not been provided for by this transition schedule or by law, the supreme court shall provide by rule for the orderly transfer or transition.

Section 31. DISQUALIFICATION FROM VOTING. Unless provided otherwise by a law enacted after July 31, 1975, no person may be disqualified from voting because of conviction for a felony unless for the felony the person is incarcerated, on parole, or on probation.

Section 32. STATE AD VALOREM TAX. (a) Until December 31, 1978, Article VII, Section 17 (except for the first paragraph) of the Constitution of 1876, as amended and as it existed on November 4, 1975, continues in effect as if part of the constitution.

(b) The state ad valorem tax on property of two cents on the \$100 assessed valuation levied by the first paragraph of Article VII, Section 17 of the Constitution of 1876, as amended and as it existed on November 4, 1975, is hereby levied until December 31, 1978, unless an amendment revising the finance provisions of the constitution is adopted and a state ad valorem tax of two cents is levied in the constitution.

Section 33. CONTINUATION OF BOND AUTHORITY. (a) Bonds or other evidences of indebtedness specifically authorized to be issued or executed by or on behalf of the state or an agency

thereof under the following designated sections of the Constitution of 1876, as amended and as it existed on November 4, 1975, may be validly issued or executed subject to all applicable terms and conditions:

- (1) Article III, Section 49-b, Veterans' Land Program;
- (2) Article III, Section 49-c, Texas Water Development Board; Bond Issue; Texas Water Development Fund;
- (3) Article III, Section 49-d, Acquisition and Development of Water Storage Facilities; Filtration, Treatment and Transportation of Water; Enlargement of Reservoirs;
- (4) Article III, Section 49-d-1, Additional Texas Water Development Bonds;
- (5) Article III, Section 49-e, Texas Park Development Fund;
- (6) Article III, Section 50b, Student Loans; and
- (7) Article III, Section 50b-1, Additional Student Loans.

(b) The bonds or other evidences of indebtedness may be issued or executed bearing any rate of interest within the limits permitted by the Constitution of 1876, as amended and as it existed on November 4, 1975. However, the legislature by law may authorize new limits if approved by a record affirmative two-thirds vote of the membership of each house of the legislature and submitted to and approved by a majority of the qualified voters voting on the question.

(c) Until January 1, 1981, or an earlier date provided by law, bonds or other evidences of indebtedness payable solely from the general building use fees of senior colleges or universities and issued under the authority of Chapter 55 of the Education Code as it existed on July 31, 1974, are not included within the definition of "state debt" contained in Section 8(b) of Article VIII.

Section 34. CONSTITUTIONAL POWERS OMITTED FROM IMPLEMENTING STATUTES. (a) Any power directly granted to any of the following state agencies by the applicable designated section of the Constitution of 1876, as amended and as it existed on November 4, 1975, not also granted by statute continues in effect until the effective date of a statute either granting that

power or otherwise expressly superseding the power hereby continued:

(1) Veterans' Land Board--Section 49-b of Article III;

(2) Texas Water Development Board--Sections 49-c, 49-d, and 49-d-1 of Article III;

(3) Texas Water Quality Board or any successor agency--Section 49-d-1 of Article III;

(4) The Parks and Wildlife Department or its successor--Section 49-e of Article III; and

(5) Coordinating Board, Texas College and University System, or its successor or successors--Sections 50b and 50b-1 of Article III.

(b) No statute may supersede a power the continuation of which is made necessary by Section 2 of this schedule.

Section 35. COUNTY AND ROAD DISTRICT HIGHWAY FUND. Notwithstanding Section 7(d) of the 1976 revision of Article VIII, payments may be made to the County and Road District Highway Fund for the payment of the principal and interest on county and road district bonds or warrants voted or issued prior to January 2, 1939, and declared eligible prior to January 2, 1945, as provided under Section 7-a of Article VIII of the Constitution of 1876, as amended and as it existed on November 4, 1975.

Section 36. AD VALOREM TAX EXEMPTIONS. (a) Ad valorem tax exemptions granted by the 1976 revision of Article VIII, apply for the 1977 tax year. Ad valorem tax exemptions granted by the Constitution of 1876, as amended and as it existed on November 4, 1975, apply for the 1976 tax year.

(b) If an exemption in excess of \$3,000 of the assessed value of the residential homestead of persons 65 years of age or older has been granted by a political subdivision under Article VIII, Section 1-b, Subsection (b) of the Constitution of 1876, as amended and as it existed on November 4, 1975, the amount of the exemption in excess of \$3,000 continues in effect for persons eligible under Section 4, Subsection (c) of the 1976 revision of Article VIII unless lowered in the manner permitted by the Constitution of 1876, as amended and as it existed on November 4, 1975.

Section 37. CONFEDERATE AND TEXAS RANGER PENSIONS. Revenue from the two-cent tax levied by Section 1(b) (2) of the 1976 revision of Article VIII may be used for the additional purposes of paying Confederate and Texas Ranger pensions to those persons entitled to benefits under Article III, Section 51 and Article XVI, Section 66 of the Constitution of 1876, as amended and as it existed on November 4, 1975, until no persons are entitled to benefits under those provisions or until a trust fund is established by law to provide benefits for those persons.

Section 38. SHERIFF, ASSESSOR-COLLECTOR OF TAXES. In those counties in which the offices of sheriff and assessor-collector of taxes are combined on August 31, 1976, the offices remain combined as if they had been combined in conformity with Article IX, Section 3(e), of the 1976 revision of Article IX.

Section 39. COUNTY ATTORNEYS. Those counties in which the office of county attorney exists, under Section 21 of Article V of the Constitution of 1876, as amended and as it existed on November 4, 1975, retain those offices under Subsection (b) of Section 3 of Article IX until otherwise provided by general or local law. The county attorneys have those duties as provided in Section 21 of Article V of the Constitution of 1876, as amended and as it existed on November 4, 1975, unless otherwise provided by general law.

Section 40. LOCAL GOVERNMENT DEBT LIMITS. Until the legislature by general law establishes a maximum amount of interest-bearing obligations payable from ad valorem taxes that may be issued by a class of political subdivisions under Section 10, Subsection (d) of the 1976 revision of Article IX, a political subdivision of that class may issue interest-bearing obligations payable from ad valorem taxes only to the extent that the total amount of outstanding interest-bearing obligations payable from ad valorem taxes does not exceed the following applicable percentage of the then current assessed valuation of taxable property within the political subdivision:

(1) a city or town--12 percent;

(2) a county--8 percent for purposes other than those described in Article III, Section 52, Subsection (c) of the Constitution of 1876, as amended and as it existed on November 4, 1975, for which the limit is 25 percent of the assessed value of

real property for obligations approved by a majority of the qualified electors voting on the issue;

(3) a school district--10 percent; or

(4) a community junior college district--10 percent.

III.
ARTICLE-BY-ARTICLE REVIEW
OF THE PROPOSED
1976 REVISION OF
THE TEXAS CONSTITUTION

ARTICLE I, BILL OF RIGHTS

The guarantees provided under the present Bill of Rights are retained in full. These important provisions include freedom of speech, assembly, and religion; separation of church and state; the right of trial by jury; the right to keep and bear arms; and the equal legal rights amendment adopted in 1972.

ARTICLE II, SEPARATION OF POWERS

Retained provisions:

Continues the division of powers among the three branches of government: legislative, executive, and judicial. Section 1.

New provisions:

None.

ARTICLE III, THE LEGISLATURE

Retained provisions:

Continues the present structure of the legislature consisting of a senate with 31 members and a house of representatives with 150 members. Section 2.

Continues provisions concerning the organization and procedure of the legislature except that the provision allowing closed executive sessions of the senate is omitted. Section 8.

Continues provisions on conflict of interest of members of the legislature. Section 10.

Continues the governor's power to veto bills or line items in appropriation bills. Section 12.

New provisions:

Requires single-member senatorial, representative, and congressional districts. Section 5.

Provides a compensation commission which would recommend the compensation and allowances received by members of the legislature. The legislative compensation, set by law, may not exceed this recommendation and does not take effect until after an intervening general election. Section 6.

Provides for annual sessions of 140 days in odd-numbered years and 90 days in even-numbered years, and a veto session of 15 days upon request of three-fifths of the membership of each house. Section 7.

Allows the legislature to meet in organizational sessions prior to the convening of the legislature in regular sessions. Section 8.

ARTICLE IV, THE EXECUTIVE

Retained provisions:

Continues the status of the governor, lieutenant governor, attorney general, comptroller of public accounts, treasurer, commissioner of the general land office, and secretary of state as executive department officers. Section 1.

Provides four-year terms for elected executive department officers. Section 2.

Provides for a Board of Pardons and Paroles. Section 17.

Specifies terms and number of members of the Railroad Commission. Section 22.

New provisions:

Includes the commissioner of agriculture as an executive department officer. Section 1.

Authorizes the governor to designate chairmen of state boards and to remove those gubernatorial appointments to state agencies for cause unless the removal is vetoed by the senate. Section 2.

Mandates the legislature to provide a new governor-elect an appropriation in order to allow the governor to organize an office prior to inauguration. Section 4.

Permits the legislature to grant powers of fiscal control to the governor. Section 15.

Mandates a periodic review of state agencies by the governor and provides that all governmental agencies, with several exceptions, have a life of not more than 10 years unless extended by the legislature. Sections 16 and 24.

Limits the governor to two consecutive terms. Section 4.

ARTICLE V, THE JUDICIARY

Retained provisions:

Continues the present system of county courts and county judges until otherwise provided by law. Section 6.

Continues the system of choosing judges by election of the people. Section 9.

Provides for district attorneys and district clerks to be elected by the people. Sections 11 and 12.

Continues individual rights for a trial by jury and appeal by the accused. Sections 13 and 15.

New provisions:

Establishes a unified judicial system consisting of the supreme court, courts of appeals, district courts, and circuit courts. Section 1.

Merges the court of criminal appeals and the supreme court into a single court of last resort. Section 1.

Authorizes the supreme court to provide for efficient administration of the judicial system and to balance case loads. Section 7.

Allows the state to appeal in criminal cases in limited circumstances. Section 14.

Allows the legislature to establish methods of appeal to the courts from decisions of state agencies. Section 16.

ARTICLE VI, VOTER QUALIFICATIONS AND ELECTIONS

Retained provisions:

Provides for registration and qualifications for voting. Section 1.

Provides for voter residency requirements to be established by the legislature. Section 2.

New provisions:

Allows a person to vote unless that person has been convicted of a felony and for that felony is incarcerated, on parole, or on probation, subject to further legislative restrictions. Section 1.

Allows the legislature to make property ownership an additional qualification for voting in property tax or tax bond elections. Section 1.

Provides 18-year-olds the right to vote conforming the article to the 26th Amendment to the U.S. Constitution. Section 1.

ARTICLE VII, EDUCATION

Retained provisions:

Continues the Permanent and Available School Funds for the support of the free public schools. Section 2.

Continues the County Public School Funds for the support of the free public schools. Section 3.

Retains the State Board of Education. Section 4.

Continues the Permanent and Available University Funds for the benefit of The University of Texas and Texas A&M Systems. Sections 7 and 8.

Continues the state ad valorem tax of 10 cents on the \$100 valuation for the benefit of colleges and universities outside The University of Texas and Texas A&M Systems and allocates the receipts to a new Higher Education Fund. Section 9.

New provisions:

Provides that the public education system must furnish each

individual an equal educational opportunity, but a school district may provide local enrichment of educational programs exceeding the level provided by the state consistent with general law. Section 1.

Permits the legislature to change the 10 cent higher education tax by law within the 10 cent maximum, and permits the legislature to allocate by law a portion of the Higher Education Fund to certain state vocational and technical institutes. Section 9.

Increases the amount of Permanent University Bonds which may be issued from 20% of the Fund to 30% of the Fund. Section 8.

Enlarges what the money from the bonds can be used for to include capital improvements and library materials. Sections 8 and 9.

ARTICLE VIII, FINANCE

Retained provisions:

Requires that state taxes be levied and collected by general law. Section 1.

Prohibits state ad valorem taxes except for (1) the continuation of the two cent tax for State Building Fund and (2) the 10 cent tax provided for in Article VII (both taxes may be reduced by law). Section 1.

Requires ad valorem taxes on real and tangible personal property to be equal and uniform. Section 2.

Continues existing exemptions from ad valorem taxation. Section 4.

Retains the dedication of motor fuel taxes for highway purposes and the Available School Fund. Section 7.

Retains the "pay-as-you-go" principle for the operation of state government. Section 9.

New provisions:

Continues the two cent tax for the State Building Fund

Under present Article VIII, tax is phased out in 1976. Section 1.

Requires uniform standards and procedures for appraisal of property for ad valorem tax purposes. Section 2.

Requires each county to provide for a single appraisal of all property within its boundaries as provided by law. Section 2.

Requires the legislature to establish separate formulas for appraisal of farm and ranch land and authorizes separate formulas for land devoted to timber production. Section 3.

Mandates a \$3,000 exemption from ad valorem taxation by political subdivisions for persons 65 years of age or older. A political subdivision may increase the amount of the exemption. Section 4.

Authorizes legislature to exempt from ad valorem tax certain property owned by veterans' organizations, non-profit water corporations, and persons in need because of age, disability and economic circumstance. The legislature also may exempt property to preserve historical, cultural or natural history resources. Sections 4 and 5.

Provides taxpayers a new method to correct inequitable tax assessments through court action. Section 6.

Exempts petroleum products manufacturing tax from constitutional dedication to highway fund and available school fund. Section 7.

Requires state debt to be approved by two-thirds of the legislature and a majority vote of the voters. Section 8.

Requires that public funds be used only for public purposes. Amounts of public expenditures may be established by law. Section 10.

Prohibits a retail sales tax on (1) agricultural machinery or parts, fertilizer, feeds or seeds, (2) prescription drugs or medicine, or (3) food, except food sold by restaurants. Section 12.

Provides that refundable assessments voted by marine food or agricultural producers are not taxes. Section 13.

ARTICLE IX, LOCAL GOVERNMENT

Retained provisions:

Defines the counties of the state as those that exist on the date of adoption of the local government article. Section 1.

Retains the elected constitutional county offices and provides for four-year terms of office. Sections 3 and 8.

Retains home-rule provisions for cities. Section 6.

Continues the policy of intergovernmental cooperation. Section 11.

Continues provisions allowing the consolidation of offices and the transfer of governmental functions. Section 12.

New provisions:

Allows county voters to create additional offices, combine the duties and functions of offices, or eliminate offices. Section 3.

Enables county voters to grant ordinance-making power to the governing body of the county. Section 4.

Lowers the required population for home-rule cities from 5,000 to 1,500. Section 6.

Establishes tax limitations for operating purposes for cities and counties and requires the legislature to fix debt limits for cities, towns, counties, and school and community junior college districts. Section 10.

ARTICLE X, GENERAL PROVISIONS

Retained provisions:

Continues basic provisions relating to public officeholders such as the official oath of office and residency requirements. Sections 1 through 6.

Retains the provision defining the separate and community property of spouses. Section 11.

Continues the protection of the homestead from forced sale. Section 12.

Requires the legislature to protect certain personal property from forced sale. Section 13.

Prohibits garnishment of wages. Section 14.

Prohibits branch banking and foreign banking corporations. Section 16.

Continues the present system of local-option elections for the prohibition or sale of alcoholic beverages. Section 17.

Requires the legislature to prohibit lotteries and gift enterprises. Section 19.

Continues provisions for retirement benefits of teachers and other public employees. Section 21.

New provisions:

Requires the quality of the environment to be protected. Section 7.

Retains prohibition against use of state money for removing surface water from basin of origin if water is necessary to supply needs of the basin for ensuing 50 years. A new exception to this prohibition is made for the removal of water which is replaced from outside the state. Section 8.

Establishes the seaward beaches of the Gulf of Mexico and coastal submerged lands as a perpetual trust for the benefit of the people. Section 9.

Distinguishes between branch banks and bank holding companies. Mandates regulation of bank holding companies. Section 16.

Prohibits discrimination against handicapped persons. Section 23.

Establishes a goal of access to comprehensive health care for every resident as state policy. Section 24.

ARTICLE XI, MODE OF AMENDING THE CONSTITUTION OF THE STATE

Retained provisions:

Establishes a procedure for constitutional amendments requiring a two-thirds vote of each house of the legislature and majority approval by the voters. Section 1.

New provisions:

Provides for the calling of a limited or unlimited constitutional convention with voter approval. Section 2.

Requires that the question of whether to call a constitutional convention is to be submitted to the people every 30 years. Section 2.

IV.
A SUMMARY COMPARISON
OF THE PROPOSED
1976 REVISION OF
THE TEXAS CONSTITUTION
AND THE CORRESPONDING PROVISIONS
OF THE CONSTITUTION
AS IT PRESENTLY EXISTS

This summary comparison sets forth some of the more significant provisions of the proposed 1976 revision of the Texas Constitution and provides a brief summary of the changes that are made from the constitution as it presently exists. Emphasis is placed on the explanation of the new provisions and only the major changes are noted. Two of the significant changes are the length and the form of the documents; other changes are highlighted below. Some changes of substance have been made by deletion of material that is either no longer necessary or provided by statutes.

If all eight amendments are adopted on November 4, 1975, the revised constitution will consist of 11 articles with approximately 18,000 words, or about one-third the length of the present version, which contains approximately 63,000 words and is composed of 17 articles.

ARTICLE I COMPARISON OF BILL OF RIGHTS

Proposed 1976 Revision

Present Constitution

The guarantees provided under the Bill of Rights contained in the 1876 Constitution are retained in full. These important provisions include freedom of speech, assembly, and religion; separation of church and state; the right of trial by jury; the right to keep and bear arms; and the equal legal rights amendment adopted in 1972. The only changes from the present constitution are minor technical ones to conform certain provisions to the new court system provided in the revised Judiciary Article (Article V).

Same as 1976 revision.

ARTICLE II

COMPARISON OF PROVISIONS ON SEPARATION OF POWERS

Proposed 1976 Revision

Provides for three branches of state government—legislative, executive, and judicial. This section preserves the separation of powers principle by prohibiting one branch from exercising powers properly attached to the others except as authorized by the constitution.

Present Constitution

Similar provision.

ARTICLE III

COMPARISON OF PROVISIONS ON THE LEGISLATURE

Proposed 1976 Revision

1. Continues the present structure of the legislature composed of a senate and a house of representatives. The senate consists of 31 members and the house of representatives 150 members.
2. Requires single-member senatorial, representative, and congressional districts.
3. Requires the legislature to redistrict the state after each federal decennial census. If a redistricting plan is found invalid by a court, the legislature is directed to enact a redistricting plan within a designated time. If the legislature then fails to enact a

Present Constitution

Same as 1976 revision.

Representative districts may contain more than one representative in those counties entitled by sufficient population.

Requires the legislature to divide the state into senatorial and representative districts after each census. A redistricting board performs this duty if the legislature fails to do so.

redistricting plan, a redistricting board performs this duty.

4. Provides for regular annual sessions of the legislature not to exceed 140 days in odd-numbered year, and 90 days in even-numbered years. Provides for veto session of not more than 15 days upon petition of three-fifths of the membership of each house.

Regular sessions are limited to 140 days duration every two years.

5. Contains provisions concerning organization and procedure of the legislature. Organizational sessions would be permitted prior to the convening of the legislature in regular sessions.

Similar provisions except preliminary organizational sessions are not allowed.

6. Contains specific prohibitions against legislative dual-office holding and provisions on conflict of interest of members of the legislature.

Similar provisions.

7. Prohibits the legislature from enacting local or special laws except when a general law cannot be made applicable and provides that the question of whether a general law can be made applicable is reviewable by courts.

Similar provisions except the subjects on which local and special laws may not be enacted are specifically listed.

8. Includes a method for impeachment and removal from office of executive department officers and justices of the supreme court.

Similar provision is contained in a separate article on impeachment.

9. Includes a veto provision by which the governor may disapprove bills or line items of appropriation bills.

Similar provisions contained in the executive article.

10. Provides for a salary commission to recommend maximum compensation and allowance for members of the legislature.

Salary is fixed at \$7,200 per year. Members of the legislature are also entitled to \$30 per diem and travel expenses.

ARTICLE IV COMPARISON OF PROVISIONS ON THE EXECUTIVE

Proposed 1976 Revision

Present Constitution

1. Provides for an executive department consisting of the governor, lieutenant governor, attorney general, secretary of state, comptroller of public accounts, treasurer, commissioner of the general land office, commissioner of agriculture, and others as provided by law. All of these officers are to be elected except the secretary of state.

Same as 1976 revision, except does not name commissioner of agriculture and also does not allow additional members to be included by law.

2. Provides for four-year terms for executive department officers and limits the governor to two consecutive four-year terms.

Similar provisions, except there is no limit on the number of terms a governor may serve.

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|---|-------------------------------|
| 3. Provides that the terms of officers appointed by the governor to state governmental agencies will expire between February 1 and May 1 of odd-numbered years. | <i>No similar provision.</i> |
| 4. Allows the governor to designate the chairmen of state governmental agencies. | <i>No similar provision.</i> |
| 5. Authorizes the governor to remove appointed officers of state governmental agencies for stated reasons but the senate can refuse a removal by a majority vote. | <i>No similar provision.</i> |
| 6. Mandates the legislature to appropriate funds to be used by a governor-elect prior to inauguration. | <i>No similar provision.</i> |
| 7. Authorizes the governor to call a special 30-day session of the legislature. | <i>Same as 1976 revision.</i> |
| 8. Designates the governor as chief planning officer of the state. | <i>No similar provision.</i> |
| 9. Requires that the governor prepare and submit a budget to the legislature at the beginning of each session of the legislature at which a general appropriation bill is to be passed. | <i>Similar provision.</i> |

10. Allow the legislature to grant powers of fiscal control to the governor. *No similar provision.*
11. Requires the governor to report to the legislature every two years on the organization and efficiency of the executive branch. The governor may submit reorganization plans to the legislature. The plans, as they may be amended, must be brought to a vote of each house. *No similar provision.*
12. Provides for a Board of Pardons and Paroles and authorizes the governor, on the written recommendation and advice of the board, to grant various types of clemency. *Similar provision, except number and terms of Board are fixed in present constitution.*
13. Provides that state agencies with statewide jurisdiction having appointed members, except institutions related to higher education, have a life of not more than 10 years unless renewed by the legislature. *No similar provision.*
14. Provides for the membership and terms of office for a railroad commission. *Similar provision.*

ARTICLE V

COMPARISON OF PROVISIONS ON THE JUDICIARY

Proposed 1976 Revision

Present Constitution

- | | |
|---|---|
| 1. Provides for a unified judicial system consisting of a supreme court, courts of appeals, district courts, and circuit courts, each with jurisdiction as provided by law. Prohibits statutory courts. | <i>Provides for a supreme court, courts of civil appeals, a court of criminal appeals, district courts, county courts, and justice courts. Provides specific jurisdictional assignments for all courts. Permits statutory courts.</i> |
| 2. Provides for the merger of the supreme court and court of criminal appeals. Provides that intermediate courts of appeal have criminal, as well as civil, jurisdiction. | <i>Provides for separate civil and criminal courts of appeal.</i> |
| 3. Continues the present system of constitutional county courts unless changed by law. At least one justice court per county is required. Municipal courts are as authorized by law or city charter. | <i>Provides for a constitutional county court. Requires at least four justice courts per county.</i> |
| 4. Requires justices, judges, and justices of the peace to be U. S. citizens and residents of this state. Additional qualifications may be prescribed by the legislature. Justices and judges in the unified judicial system, including circuit courts on the county level, must be licensed to practice law in this state. | <i>Similar provisions for district and appellate judges.</i> |

5. Justices of the supreme court and judges of the courts of appeals are elected for six-year terms. Judges of district and circuit courts and justices of the peace are elected for four-year terms. District attorneys and district clerks are elected for four-year terms.

Similar provisions.

6. Allows the legislature to determine the number of judges for each trial court, except the county court.

Number of judges per court fixed by constitution.

7. Provides for a judicial qualifications commission with authority and functions as provided by law.

Similar provision with most authority and functions stated in the constitution.

8. Authorizes the legislature to provide by law for methods of removal for all justices, judges, and justices of the peace. Justices of the supreme court may also be removed by impeachment or address.

Contains several procedures for removal of justices and judges of the various courts.

9. Permits the legislature to grant the supreme court the authority to receive and answer questions of state law certified from federal courts.

No similar provision.

10. Grants a limited right of appeal by the state in criminal cases.

Prohibits appeal by the state in criminal cases.

11. Assigns administrative responsibility for the judicial branch to the supreme court.

No similar provision.

12. Grants individuals the right to trial by jury and appeal by the accused, but appeal to the highest court is at the discretion of that court.

Similar provisions, except that an express right of appeal is granted to the Court of Criminal Appeals.

13. Permits legislature to establish methods of appeals to the courts from decisions of state agencies.

No similar provision.

14. Requires that the state pay the basic expenses of the unified judicial system.

No similar provision. Counties pay the expense of county courts and many statutory courts.

ARTICLE VI COMPARISON OF PROVISIONS ON VOTER QUALIFICATIONS AND ELECTIONS

Proposed 1976 Revision

Present Constitution

1. Defines a qualified voter as any citizen 18 years of age or older who meets the residence and registration requirements provided by law. A person may vote unless that person has been convicted of a felony and for that felony is incarcerated, on parole, or on probation, subject to further legislative restrictions. Also, persons found mentally incompetent by a court

Persons under 21 years old, idiots and lunatics, paupers, and felons are disqualified. Specific residence requirements are fixed in the constitution for state and local elections. (The present age requirement is 18 years of age or older due to the 26th Amendment to the U. S. Constitution.)

would not be able to vote.

2. Authorizes the legislature to make property ownership an additional qualification for voting in property tax or bond elections. A similar authorization is stated for elections by special districts and authorities whose activities have a disproportionate effect on property owners.

Only property owners may vote in elections held by political subdivisions for the purpose of issuing bonds or spending money.

3. Provides for elections by secret ballot and directs the legislature to ensure the integrity of the election process.

Similar provisions.

4. Defines general elections as those held every two years for election of state and county officials.

No similar provision.

ARTICLE VII COMPARISON OF PROVISIONS ON EDUCATION

Proposed 1976 Revision

Present Constitution

1. Provides that the legislature has the duty to establish and provide by law for the equitable support and maintenance of an efficient system of free public schools below the college level. The system must furnish each individual an equal educational opportunity, but a school district may provide local enrichment of educational programs

Similar provision except no stated guarantee of equal educational opportunity or of the right of local enrichment.

exceeding the level provided by the state consistent with general law.

2. Establishes two trust funds, the permanent and county public school funds, for the support of the free public schools.

Requires that the permanent funds may not be spent, but must be invested in the manner provided by law. The Available School Fund (income from the investments of the Permanent School Fund and state taxes dedicated to the Available School Fund) is spent to provide free text books and other instructional materials. The provision to provide free instructional materials is new. The remainder of the fund is distributed to each county according to its scholastic population. The income from the County Public School Fund is spent for the support of public schools in the manner provided by law.

3. Directs legislature to provide for a State Board of Education composed of elected members.

4. Establishes the Permanent University

Similar provisions.

Similar provisions except for differences in details concerning the expenditure of available and county funds.

Similar provisions, except the board may be appointed or elected as provided by law.

Similar provision.

Fund for the benefit of The University of Texas System and The Texas A&M University System.

Similar provision, except the distribution of the remainder of the Available University Fund is provided by statute.

Requires that the Permanent University Fund may not be spent but must be invested in the manner described in the constitution. The Available University Fund (net income from the investments of the Permanent University Fund) is spent first to pay the principal and interest due on Permanent University Fund bonds and notes. The remainder is allocated, one-third to Texas A&M University in Brazos county and two-thirds to The University of Texas at Austin.

5. Allows Permanent University Fund bonds and notes to be issued to a value of 30% of the Permanent University Fund.

Similar provision except limited to 20% of Permanent University Fund.

6. Permits the use of proceeds from Permanent University Fund bonds for rehabilitation of permanent improvements, purchase of capital equipment, and acquisition of library books and materials.

Bond proceeds may be used only for construction of permanent improvements.

7. Establishes the Higher Education Fund to finance permanent improvements for public senior colleges and universities that are not included in The University of Texas System or The Texas A&M University System. The source of revenue for the fund is the 10 cents on the \$100 valuation state ad valorem tax continued from the present constitution, but provision is made for reducing the tax by law. The legislature is authorized to allocate a portion of the fund to certain state vocational and technical institutes. Fund is allocated among participating institutions on the basis of statewide higher education needs, which must be assessed annually.

Levies state ad valorem tax of 10 cents on the \$100 valuation which is dedicated to 17 specified colleges and universities for the purpose of financing the construction of permanent improvements. Fund is allocated among participating institutions according to a fixed formula. No provision for distribution of a portion of fund to state vocational and technical institutes.

8. Permits the use of proceeds from Higher Education Fund bonds for rehabilitation of permanent improvements, purchase of capital equipment, and acquisition of library books and materials.

Bond proceeds may be used only for construction of permanent improvements.

ARTICLE VIII COMPARISON OF PROVISIONS ON FINANCE

Proposed 1976 Revision

Present Constitution

1. Taxation

(a) Requires that all real and tangible personal property be taxed on the basis of market value.

Requires that all property (real and tangible and intangible personal property) be taxed on the basis of value.

(b) Prohibits state ad valorem taxes except for (1) a tax of 2 cents on the \$100 valuation (reducible by law) for the State Building Fund and (2) a tax of 10 cents on the \$100 valuation (can be changed by law within the 10 cent maximum) for higher education purposes.

Beginning in 1978, would prohibit state ad valorem taxes for state purposes except for the tax of 10 cents on the \$100 valuation levied for institutions of higher education.

(c) Requires uniform standards and procedures for appraisal of property for ad valorem tax purposes. Appraisals are to be provided for by the county in the manner and according to standards and procedures established by the legislature.

No similar provision.

(d) Requires the legislature to provide separate formulas for the appraisal of farm and ranch land and allows the legislature to provide for similar formulas for timberland.

Provides directly for a right of appraisal on the basis of productivity for land owned by natural persons and designated for agricultural use but only if agriculture is the "primary occupation and source of income of the owner."

(c) Provides for residential homestead exemptions and other exemptions from the ad valorem tax.

Similar provisions.

(f) Mandates a \$3,000 residential homestead exemption from taxation by political subdivisions for persons 65 years or older. A political subdivision may increase this amount.

Allows political subdivision to grant residential homestead exemption of not less than \$3,000 for persons 65 years or older.

(g) Authorizes the legislature to exempt from ad valorem taxation certain property owned by veterans' organizations, non-profit water corporations, and persons in need because of age, disability and economic circumstances. The legislature may exempt property to preserve historical, cultural, or natural history resources.

No similar provisions.

(h) Allows a taxpayer to pay ad valorem taxes under protest and sue for a refund in a district court. Courts have the duty of equalizing property appraisal and assessment.

No similar provisions.

(i) Dedicates three-fourths of the net revenue from motor fuel taxes for highway construction and maintenance and related

Similar provision.

purposes. One-fourth of the revenue from the motor fuel tax and state occupation taxes is dedicated to the Available School Fund.

(j) Exempts petroleum products manufacturing tax from constitutional dedication to highway fund and available school fund.

No similar provision.

2. State Debt

(a) Requires that before state debt may be incurred it must be approved by a two-thirds vote of the membership of each house of the legislature and approved by the voters at a statewide election.

Prohibits state debt, but various bond issues have been authorized by amendment to the constitution, which is basically the same approval process as the one in the 1976 revision.

(b) Defines state debt to include bonds that obligate the general credit of the state or which are payable from tax revenue, tuition, fees, or other charges of state colleges and universities, or certain state agencies. Bonds that are payable solely from the revenues of the project to be financed are not included in this definition.

Does not specifically define state debt, but the courts have limited the term to bonds that obligate the general credit of the state.

3. Appropriations

(a) Requires that appropriations remain within the revenue

Similar provision.

estimated to be available for the fiscal year.

(b) P e r m i t s appropriations in excess of estimated revenue only in response to imperative public necessity and a four-fifths vote of the membership of each house of the legislature.

Similar provision.

4. Requires that public money and public credit be used only for public purposes. The legislature may impose limitations on the amount of public money or credit that may be used for various purposes (e.g., ceiling on assistance grants to needy individuals) by statute.

Prohibits grants or loans to individuals, associations, or corporations except for purposes stated in several provisions. Among specific purposes mentioned in the present constitution are: workmen's compensation coverage, assistance grants to needy individuals (state funds for direct assistance grants are limited to \$80 million), aid to persons improperly imprisoned, assistance for survivors of law enforcement officers, and funds for the conservation and development of natural resources.

5. Prohibits a retail sales tax on (1) agricultural machinery or parts, fertilizer, feed or seeds, (2) prescription drugs or medicine, or (3) food, except food sold in restaurants.

No similar provision.

6. Provides that refundable assessments voted by marine food or agricultural producers are not taxes.

No similar provision.

ARTICLE IX COMPARISON OF PROVISIONS ON LOCAL GOVERNMENT

Proposed 1976 Revision

Present Constitution

- | | |
|---|---|
| 1. Allows changes in county boundaries by a majority vote of the voters in each county affected. Mergers of two or more counties and the relocation of county seats would require a two-thirds vote for approval. | <i>Similar provisions for changes in county boundaries and the relocation of county seats.</i> |
| 2. Defines the powers of counties as those granted by the constitution and general law. | <i>No similar provision.</i> |
| 3. Retains county officers as elected officers and provides four-year terms of office. | <i>Similar provisions.</i> |
| 4. Allows county voters by a majority vote to create additional offices, eliminate offices, or combine the duties and functions of offices. | <i>No similar provision, except that the offices of district and county clerks may be combined in counties with a population under 8,000 and the sheriff also may be the tax collector in certain counties.</i> |
| 5. Ordinance-making powers may be granted to or taken from the county governing body by county voters. | <i>No similar provision.</i> |
| 6. Cities under 1,500 population may be chartered only by general law and cities over 1,500 population may adopt home-rule charters. | <i>Similar provisions, except the minimum population for home rule is 5,000.</i> |

7. Contains a general statement of authority for the legislature to provide for special districts and authorities by general or local law. Cities and counties may also establish special districts within their boundaries if authorized by general law.

There are several sections authorizing different types of special districts and authorities.

8. Establishes maximum ad valorem tax rates for operation of cities and counties. Political subdivisions with taxing power are authorized to levy an additional tax in an amount necessary to service debt payable from ad valorem taxes.

Maximum tax rates for cities and counties apply to taxes levied for all purposes including debt services.

9. Directs the legislature to establish debt ceilings for cities, counties, school districts, and community college districts. Voter approval would be required before a special district or authority could levy taxes for operating expenses or issue interest-bearing obligations.

Provides that voter approval is required for taxes and bonds of certain special districts and authorities. Debt ceilings are provided only for certain special districts.

10. Allows political subdivisions to enter into contracts and agreements with other units of government for the performance of various services and functions.

Similar provision.

11. Allows the legislature to provide by general law for the consolidation of one or more governmental offices or transfer of functions of any one or more political subdivisions located within a county. Voter approval of a consolidation of offices or transfer of functions is required, except for the function of collecting taxes within a county, which may be provided for by general law.

Similar provisions, except there is no specific reference to tax collection.

ARTICLE X COMPARISON OF PROVISIONS ON GENERAL PROVISIONS

Proposed 1976 Revision

Present Constitution

1. Contains basic provisions relating to public officeholders such as the official oath of office and residency requirements.
2. Assures that elected and appointed officers of the state or political subdivisions will not lose the right to vote or to hold office because of absence from the state on public business.
3. Allows an officer to continue serving beyond the end of a term until a successor has qualified, but a limitation is placed on the period of time that an appointed officer

Similar provisions.

Similar provisions.

Similar provision, but there is no limitation on the holdover period.

may stay in office after the expiration of the term.

4. Requires that persons elected to fill vacancies in office serve only for the unexpired term.

Similar provision.

5. Permits the legislature to provide grounds and procedures for suspension, disqualification, and removal from office for constitutional officers if the method of removal is not provided in the constitution.

Similar provision in a different article plus several provisions relating to exclusion from office or forfeiture of office for bribery, withholding of salary, or suspension from office for failure to perform duties.

6. Establishes the protection of the environment as a state policy and mandates the legislature to implement and enforce the policy.

No similar provision.

7. Requires the legislature to implement a policy of conservation and development of the state's natural resources.

Similar provision except current restrictions on removal of water have been changed to allow removal if replaced by out-of-state water.

8. Requires that the beaches on the seaward shore of the Gulf of Mexico and the coastal submerged lands be held in perpetual trust. Guarantees the use and benefit of the beaches to the public and requires that reasonable access be provided.

No similar provision.

9. Maintains community property system but

Separate and community property is defined solely in