

*A JOINT RESOLUTION*  
*proposing a revision of the Texas Constitution.*  
*BE IT RESOLVED BY THE LEGISLATURE OF THE STATE OF TEXAS:*

**SECTION 1.** The Texas Constitution is revised to read as follows:

## **CONSTITUTION OF THE STATE OF TEXAS**

### **PREAMBLE**

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

### **ARTICLE 1. BILL OF RIGHTS**

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

Sec. 1.01. *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.

Sec. 1.02. *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.

Sec. 1.03. *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.

Sec. 1.04. *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.

Sec. 1.05. *RELIGIOUS TESTS.* No religious test shall ever be required as a qualification to any office, or public trust, in this state; nor shall anyone be excluded from holding office on account of his religious sentiments, provided he acknowledge the existence of a Supreme Being.

Sec. 1.06. *OATHS AND AFFIRMATIONS OF WITNESSES.* 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.

Sec. 1.07. *FREEDOM OF WORSHIP*. All men have a natural and inalienable 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.

Sec. 1.08. *APPROPRIATIONS FOR SECTARIAN PURPOSES*. No money shall be appropriated or drawn from the treasury for the benefit of any sect, religious society, or theological or religious seminary; nor shall property belonging to the state be appropriated for any such purposes.

Sec. 1.09. *FREEDOM OF SPEECH AND PRESS*. 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.

Sec. 1.10. *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.

Sec. 1.11. *RIGHTS OF ACCUSED*. 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 antitrust 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.

Sec. 1.12. *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.

Sec. 1.13. *MULTIPLE CONVICTIONS; DENIAL OF BAIL.*

(a) Any person

- (1) 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,
- (2) accused of a felony less than capital in this state, committed while on bail for a prior felony for which he has been indicted,
- (3) accused of a felony less than capital in this state involving the use of a deadly weapon after being convicted of a prior felony, or
- (4) accused of a violent or sexual offense committed while under the supervision of a criminal justice agency of the state or a political subdivision of the state for a prior felony, after a hearing, and upon evidence substantially showing the guilt of the accused of the offense in (1) or (3) above, of the offense committed while on bail in (2) above, or of the offense in (4) above committed while under the supervision of a criminal justice agency of the state or a political subdivision of the state for a prior felony, may be denied bail pending trial, by a district judge in this state, if said order denying bail pending trial is issued within seven calendar days subsequent to the time of incarceration of the accused; provided, however, that if the accused is not accorded a trial upon the accusation under (1) or (3) above, the accusation and indictment used under (2) above, or the accusation or indictment used under (4) above within 60 days from the time of his incarceration upon the accusation, 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 the criminal division of the supreme court is expressly accorded the accused for a review of any judgment or order made hereunder, and said appeal shall be given preference by the division.

b) In this section:

- (1) "Violent offense" means:
  - (A) murder;
  - (B) aggravated assault, if the accused used or exhibited a deadly weapon during the commission of the assault;
  - (C) aggravated kidnaping; or
  - (D) aggravated robbery.
- (2) "Sexual offense" means:
  - (A) aggravated sexual assault;
  - (B) sexual assault; or
  - (C) indecency with a child.

Sec. 1.14. *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.

Sec. 1.15. *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.

Sec. 1.16. *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.

Sec. 1.17. *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 not to exceed 90 days, by order of the county court without the necessity of a trial by jury.

Sec. 1.18. *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 either the county or probate court of the county 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.

Sec. 1.19. *BILLS OF ATTAINDER; 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.

Sec. 1.20. *PROPERTY TAKEN 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.

Sec. 1.21. *IMPRISONMENT FOR DEBT*. No person shall ever be imprisoned for debt.

Sec. 1.22. *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.

Sec. 1.23. *OUTLAWRY OR TRANSPORTATION FOR OFFENSE*. No citizen shall be outlawed. No person shall be transported out of the state for any offense committed within the same. This

section does not prohibit an agreement with another state providing for the confinement of inmates of this state in the penal or correctional facilities of that state.

Sec. 1.24. *CORRUPTION OF BLOOD; FORFEITURE OF ESTATE; DESCENT IN CASE OF SUICIDE.* 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.

Sec. 1.25. *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.

Sec. 1.26. *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.

Sec. 1.27. *MILITARY SUBORDINATE TO CIVIL AUTHORITY.* The military shall at all times be subordinate to the civil authority.

Sec. 1.28. *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.

Sec. 1.29. *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.

Sec. 1.30. *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 to apply to those invested with the powers of government for redress of grievances or other purposes, by petition, address, or remonstrance.

Sec. 1.31. *SUSPENSION OF LAWS.* No power of suspending laws in this state shall be exercised except by the legislature.

Sec. 1.32. *BILL OF RIGHTS INVIOLETE.* 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.

Sec. 1.33. *RIGHTS OF CRIME VICTIMS.*

(a) A crime victim has the following rights:

- (1) the right to be treated with fairness and with respect for the victim's dignity and privacy throughout the criminal justice process; and
- (2) the right to be reasonably protected from the accused throughout the criminal justice process.

(b) On the request of a crime victim, the crime victim has the following rights:

- (1) the right to notification of court proceedings;
- (2) the right to be present at all public court proceedings related to the offense, unless the victim is to testify and the court determines that the victim's testimony would be materially affected if the victim hears other testimony at the trial;
- (3) the right to confer with a representative of the prosecutor's office;
- (4) the right to restitution; and
- (5) the right to information about the conviction, sentence, imprisonment, and release of the accused.

(c) The legislature may enact laws to define the term "victim" and to enforce these and other rights of crime victims.

(d) The state, through its prosecuting attorney, has the right to enforce the rights of crime victims.

(e) The legislature may enact laws to provide that a judge, attorney for the state, peace officer, or law enforcement agency is not liable for a failure or inability to provide a right enumerated in this section. The failure or inability of any person to provide a right or service enumerated in this section may not be used by a defendant in a criminal case as a ground for appeal or post-conviction writ of habeas corpus. A victim or guardian or legal representative of a victim has standing to enforce the rights enumerated in this section but does not have standing to participate as a party in a criminal proceeding or to contest the disposition of any charge.

#### Sec. 1.34. *COMPENSATION TO VICTIMS OF CRIME FUNDS.*

(a) The compensation to victims of crime fund created by general law and the compensation to victims of crime auxiliary fund created by general law are each a separate dedicated account in the general revenue fund.

(b) Except as provided by Subsection (c) of this section and subject to legislative appropriation, money deposited to the credit of the compensation to victims of crime fund or the compensation to victims of crime auxiliary fund from any source may be expended as provided by law only for delivering or funding victim-related compensation, services, or assistance.

(c) The legislature may provide by law that money in the compensation to victims of crime fund or in the compensation to victims of crime auxiliary fund may be expended for the purpose of assisting victims of episodes of mass violence if other money appropriated for emergency assistance is depleted.

*TEMPORARY TRANSITION PROVISION.* This article takes effect September 1, 2001.

## **ARTICLE 2. POWERS OF GOVERNMENT**

Sec. 2.01. *LIMITATION OF POWERS.* The enumeration in this constitution of specified powers and functions does not limit the power of the government of this state, but the government of this state has all the power not denied to this state by this constitution or the Constitution of the United States.

Sec. 2.02. *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, each branch shall exercise only the powers appropriate to that branch.

*TEMPORARY TRANSITION PROVISION.* This article takes effect September 1, 2001.

### **ARTICLE 3. LEGISLATIVE BRANCH**

Sec. 3.01. *LEGISLATIVE POWER.* The legislative power of the state is vested in a senate and house of representatives, which together are styled "The Legislature of the State of Texas."

Sec. 3.02. *COMPOSITION.* The senate consists of 31 members. The house of representatives consists of 150 members.

Sec. 3.03. *QUALIFICATIONS OF MEMBERS.*

(a) To be eligible to serve in the senate, a person must:

- (1) be a qualified voter of this state;
  - (2) be at least 26 years old;
  - (3) have been a resident of this state for five years preceding election to office;
- and
- (4) have been a resident of the senatorial district for one year preceding election to office.

(b) To be eligible to serve in the house of representatives, a person must:

- (1) be a qualified voter of this state;
  - (2) be at least 21 years old;
  - (3) have been a resident of this state for two years preceding election to office;
- and
- (4) have been a resident of the representative district for one year preceding election to office.

(c) At the first general election following a redistricting, a person is eligible for election 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, provided that a person forfeits office unless, within 60 days following election, the person becomes a resident of the new district.

Sec. 3.04. *ELIGIBILITY TO HOLD OTHER OFFICES.*

(a) Except as provided by this section, 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.

(b) A member of the legislature may serve as a member of the National Guard, the 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.

(c) A member of the legislature may serve as a member of a multimember governmental body exercising executive powers if the law establishing the governmental body expressly authorizes legislative membership. A legislative member of such a body may not receive additional compensation for that service.

Sec. 3.05. *TERM LIMITS.*

(a) A person is not eligible for election to the senate if the person served as a member of the senate during all or part of the nine most recent regular sessions of the legislature that adjourned before the date of the election.

(b) A person is not eligible for election to the house of representatives if the person has served as a member of the house during all or part of the eight most recent regular sessions of the legislature that adjourned before the date of the election.

Sec. 3.06. *JUDGE OF QUALIFICATIONS; ELECTION CONTESTS.* Each house is the sole judge of the qualifications and election of its own members, but contested elections are determined in the manner provided by law.

Sec. 3.07. *ELECTION AND TERMS OF OFFICE.*

(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 six years, except that after the first election following a statewide redistricting the members of the senate shall select by lot 15 senators to serve a term of four years. The qualified voters elect a new senate after each statewide senatorial redistricting.

(c) Each representative serves a term of four years, except that after the first election following a statewide redistricting the members of the house shall select by lot 75 representatives to serve a term of two years. The qualified voters elect a new house of representatives after each statewide house of representatives redistricting.

(d) A vacancy in the senate or house of representatives is filled by special election in the manner prescribed by law.

(e) The term of office of a senator or representative begins on the date prescribed by law for convening the legislature in regular session.

Sec. 3.08. *REDISTRICTING.*

(a) Before the first August 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. This subsection does not prohibit the legislature from altering any of those districts at any other time, except as provided by Subsection (e) of this section.

(b) Senatorial, representative, and congressional districts must be composed of compact and contiguous territory and contain equal populations as required by the Constitution of the United States.

(c) A county may not be divided among senatorial, representative, or congressional districts except as necessary to prevent an unlawful population variance among districts.

(d) If the Supreme Court of Texas or a federal court enters a final decree that invalidates a redistricting plan or, before entry of the decree, orders into effect a redistricting plan other than the statutory plan in effect under state law, the legislature shall consider enacting a new redistricting plan. If the legislature is in regular session on the day the final decree is entered or the order takes effect, a new redistricting bill may be enacted only within 30 days after that date, and the session shall, if necessary, be continued for this purpose. If the final decree is entered or the order takes effect within 45 days before the convening of a regular session, a new redistricting bill may be passed only within the first 30 days following the convening of the

session. If the decree is entered or the order takes effect at any other time, the governor shall convene the legislature in a redistricting special session on or before the 14th day following the date the decree is entered or the order takes effect, and a new redistricting bill may be passed only within the 30-day redistricting special session.

(e) If, within the time prescribed by Subsection (a) or (d) of this section, the legislature does not enact a redistricting plan, or if the new redistricting plan does not become law, the governor, acting as presiding officer, shall convene a redistricting board consisting of the governor, lieutenant governor, speaker of the house of representatives, attorney general, and comptroller of public accounts not more than 10 days after the deadline for the legislature to act or after a new redistricting bill fails to become law. The board shall adopt a redistricting plan within 30 days after convening. The board is dissolved when it adopts a plan or at the expiration of 30 days, whichever is earlier. The legislature shall provide funds for the board's clerical, technical, and other expenses. The legislature may not enact a redistricting bill when the redistricting board is convened to adopt a plan for the same entity.

### Sec. 3.09. *COMPENSATION.*

(a) The salary and other allowances for members of the legislature, other than the speaker of the house of representatives, shall be set by the Texas Salary Commission established by Article 10 of this constitution. The salary of the speaker of the house shall be equal to not less than 90 percent of the salary of the governor.

(b) While serving as speaker of the house, a person may not engage in any other full-time, salaried employment.

### Sec. 3.10. *SESSIONS.*

(a) The legislature shall convene in regular session in odd-numbered years on a date prescribed by law. A regular session may not exceed 140 consecutive days.

(b) A special session may not exceed 30 consecutive days.

(c) A veto session may not exceed 15 consecutive days.

(d) Each session of the legislature shall be open to the public, except when the senate is in executive session.

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

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

(g) 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 of a session solely to reconsider bills, resolutions, or appropriation items for passage over a veto. Bills, resolutions, or appropriation items that may be reconsidered are:

(1) those bills, resolutions, or appropriation items specifically identified in the petition that authorizes the convening of the legislature into veto session;

(2) bills, resolutions, or appropriation items that the governor vetoed on or after the 10th day before adjournment, inclusive of the day of adjournment, and that the legislature did not reconsider before adjournment; and

(3) bills, resolutions, or appropriation items that, by virtue of action of the governor after adjournment, will not become law without passage over a veto.

(h) The legislature may meet in special session, veto session, and on impeachment concurrently, but a time limit for action is not extended by the concurrence of sessions.

Sec. 3.11. *ORGANIZATION AND PROCEDURE.*

(a) Each house by majority vote may determine the rules of its own proceedings, and the two houses may adopt joint rules. Rules of procedure and joint rules remain in effect until amended or repealed.

(b) The legislature may provide by law for assembling and organizing either or both houses at an organizational assembly convened not earlier than the 45th day preceding the convening of a regular session. Such an organizational assembly is composed of the members of the applicable house of the next legislature. At that organizational assembly, the respective houses may adopt rules of procedure and joint rules.

(c) At the organizational assembly or at the beginning of a regular session, at the end of each regular session, and at such other times as may be necessary, the senate shall elect from its members a president pro tempore by the affirmative vote of not fewer than 16 senators. When the lieutenant governor is absent or temporarily disabled, the president pro tempore shall perform the duties of the president in addition to the duties of senator. If the office of lieutenant governor becomes vacant, the president pro tempore shall convene the committee of the whole senate within 30 days after the vacancy occurs, and the committee of the whole shall, by the affirmative vote of not fewer than 16 senators, elect one of its members to perform the duties of lieutenant governor in addition to the duties of senator until the next general election. If the senator so elected ceases to be a senator before election of a new lieutenant governor, another senator shall be elected in the same manner to perform the duties of lieutenant governor until the next general election. Until the committee of the whole elects a member for this purpose, the president pro tempore shall perform the duties of lieutenant governor.

(d) At the organizational assembly, or when first assembled in regular session if there is no organizational assembly, the secretary of state shall convene the house of representatives for the purpose of organizing and electing a speaker. The speaker shall be elected from the members of the house by an affirmative vote of not fewer than 76 members. The house of representatives by rule or the legislature by law may limit the period of time that a person may serve as speaker or the number of times a person may be elected speaker.

(e) All elections held by either house of the legislature shall be by public vote recorded in the journal.

(f) Two-thirds of the membership of each house constitutes a quorum, 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. At the request of any three members present, the votes on any question shall be recorded in the journal.

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

Sec. 3.12. *LEGISLATIVE IMMUNITY.* A member may not be questioned in any other place for speech or debate during a legislative proceeding or for actions taken in the performance of official legislative duties.

Sec. 3.13. *CONFLICT OF INTEREST.*

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

(b) A member may not have a direct or indirect interest in any contract with the state, or with a county, that was authorized by law passed during the term for which the member was elected.

(c) A member may not for compensation other than the emoluments of office appear before or have dealings with an executive or administrative unit of state government. A member may not directly or indirectly share in any fee paid to any other person for such an appearance or dealing.

Sec. 3.14. *ENACTING CLAUSE OF LAWS.* The enacting clause of all laws shall be: "Be it enacted by the Legislature of the State of Texas."

Sec. 3.15. *BILLS AND RESOLUTIONS.*

(a) A law may be enacted only by bill.

(b) A bill may originate in either house, except that a bill for raising revenue must originate in the house of representatives.

(c) After a bill passes either house, the other house may amend or reject it.

(d) A bill may not be amended in its passage through either house so as to change its original purpose.

(e) A bill must be limited to a single subject. The subject must be expressed in the title of the bill in a manner that gives the legislature and the public reasonable notice of the subject.

(f) A general appropriations bill must be limited to the subject of appropriations. A nonsubstantive statutory revision bill must be limited to that subject.

(g) A bill that is amendatory in form, except a nonsubstantive statutory revision bill, must set out the complete section, subsection, or other statutory unit, as amended, of the statute it amends.

(h) Before a house considers a bill, the bill 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 requirement.

(i) 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.

(j) If a bill or resolution is defeated by a vote of either house, a bill or resolution containing the same substance may not be considered during the same session.

(k) The presiding officer of each house in the presence of that 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.

(l) A law other than a general appropriations act or a redistricting act may not take effect before the 90th day 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.

(m) The legislature is solely responsible for determining compliance with this section, and a law or resolution, including a law or resolution enacted before the effective date of this

constitution, may not be held void on the basis of insufficiency under this section or under the corresponding provisions of the Constitution of 1876.

Sec. 3.16. *LOCAL AND SPECIAL LAWS.*

(a) The legislature may not enact a local or special law except as expressly authorized by this constitution.

(b) The legislature by local or special law may:

(1) create or regulate special purpose districts and authorities, as authorized by Article 9 of this constitution;

(2) regulate hunting, fishing, or wildlife conservation;

(3) create or regulate courts as authorized by Article 5 of this constitution;

(4) create or regulate juvenile boards;

(5) make grants or release from taxes in cases of public calamities;

(6) provide for the consolidation of governmental offices as authorized by Article 9 of this constitution; or

(7) regulate livestock or fences.

(c) Public notice of bills enacting local laws shall be given in the manner provided by law.

Sec. 3.17. *IMPEACHMENT.*

(a) The house of representatives has the sole power to conduct legislative investigations for the purpose of determining the existence of cause for impeachment and, by a record majority vote of its membership, to impeach officers of the executive branch, the chief justice of the supreme court, or a justice of the supreme court. At times when the legislature is not in session, 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 perform the duties of office during suspension.

(c) An officer who is impeached is tried by the senate. The senate shall convene for this purpose on presentation of articles of impeachment by the house of representatives. Each senator shall affirm or take an oath to try impartially the officer impeached. If the governor or lieutenant governor is tried, the chief justice of the supreme court shall preside at the trial. 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 officer is removed from office and the office becomes vacant. A judgment of conviction may not extend beyond removal from office and disqualification to hold any state or local office of honor, trust, or profit of this state. An impeached person, whether convicted or acquitted, is also subject to indictment, prosecution, trial, judgment, and punishment according to law.

Sec. 3.18. *ADVICE AND CONSENT OF SENATE.* A record affirmative two-thirds vote of the members present constitutes consent to any appointment that this constitution or general law

requires to be made with the advice and consent of the senate. The legislature by law may regulate appointments made when the senate is not in session.

#### *TEMPORARY TRANSITION PROVISIONS.*

- (a) This article takes effect September 1, 2001.
- (b) The actions of a member of the legislature who, on the effective date of this article, is a member of a governmental body exercising executive powers are validated as of the date of the action if the member's service on that body would have been proper under Section 3.04 of this constitution.
- (c) The term limits provided by Section 3.05 of this constitution apply only to years of service beginning after the effective date of this article.
- (d) Until different compensation is provided by the salary commission in accordance with this constitution and general law, members of the legislature are entitled to compensation as provided for under the Constitution of 1876 and prior law.
- (e) The terms of office for members of a house of the legislature provided for under Section 3.07 of this constitution apply beginning with the members of that house elected at the first election after the effective date of this article that follows a statewide redistricting of that house.
- (f) Section 3.09 (b) of this constitution applies only to a person who is first elected speaker of the house after the effective date of this article.
- (g) Section 3.08 of this constitution applies beginning with the first redistricting after the effective date of this article.
- (h) A member of the legislature who, on the effective date of this article, has an interest in a contract that would be in violation of Section 3.13 of this constitution may continue to maintain that contract if it would not be in violation of Section 18, Article III, Constitution of 1876.
- (i) A member of the legislature who, on the effective date of this article, has a written contract for representation prohibited by Section 3.13 (b) of this constitution may fulfill the terms of the contract during the current term for which the member has been elected.
- (j) Until the legislature provides otherwise by law, Section 12, Article IV, Constitution of 1876, governs appointments made by the governor during a recess of the senate.
- (k) The adoption of this article does not impair any obligation created by the issuance of bonds or notes in accordance with prior law, and all bonds or other evidences of indebtedness validly issued under Article III, Constitution of 1876, remain valid, enforceable, and binding according to their terms and shall be paid from the sources pledged. Bonds or other evidences of indebtedness authorized under the Constitution of 1876 but unissued on the effective date of this article may be issued in compliance with and subject to the provisions of that constitution and prior law. The legislature by general law may provide for implementation of this provision.

#### **ARTICLE 4. EXECUTIVE BRANCH**

Sec. 4.01. *EXECUTIVE POWER.* The executive power of the state is vested in the executive branch. The executive branch consists of the governor, the governor's executive department, and other executive branch officers and agencies.

Sec. 4.02. *EXECUTIVE DEPARTMENT OFFICERS.*

(a) The governor is the chief executive officer of the state. Officers of the governor's executive department are the governor, the secretary of state, the other executive officers of the cabinet, and other executive officers as provided by law.

(b) The cabinet of the governor's executive department consists of the departments of state, interior, public safety and criminal justice, health and human services, education, agriculture, economic development, energy, and transportation.

Sec. 4.03. *EXECUTIVE BRANCH ELECTIVE OFFICERS.* Other officers within the executive branch, but not within the governor's executive department, are the lieutenant governor, comptroller of public accounts, and attorney general.

Sec. 4.04. *STATE AGENCIES.*

(a) An agency, board, commission, department, institution, or other administrative unit of state government not assigned by this constitution or law to the legislative or judicial branch is part of the executive branch and is part of the governor's executive department unless otherwise provided by law.

(b) This article does not restrict the authority of the legislature to establish an agency of the executive branch within or outside the governor's executive department. An executive branch agency outside the governor's executive department may be under the governance of one or more officers elected or appointed in the manner provided by law.

Sec. 4.05. *SELECTION AND TERM OF OFFICERS.*

(a) The governor, lieutenant governor, comptroller of public accounts, and attorney general are elected by the qualified voters at the statewide general election for four-year terms in the manner prescribed by law. Separate votes are cast for candidates for each office.

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

(c) Other officers in the executive branch are elected or appointed in the manner provided by law.

(d) Any appointment made by the governor under this constitution or under law must be with the advice and consent of the senate.

Sec. 4.06. *GOVERNOR'S ELIGIBILITY AND INSTALLATION.*

(a) To be eligible to be a candidate for or to serve as governor, a person must be a citizen of the United States, be at least 30 years of age on the date the term of office begins, and have been a resident of this state for five years preceding election day. A person serving as governor in the third of three consecutive four-year terms is not eligible for a fourth consecutive term. For purposes of this subsection, a person is considered to have served a four-year term if the person in fact serves at least two years of the term.

(b) The legislature shall appropriate money for assistance to a governor-elect. A governor-elect is entitled to receive any information or reports that the incumbent governor is entitled to receive from officers and state agencies.

(c) The governor is inaugurated on the first Tuesday following the organization of the next regular session of the legislature following the election, or as soon thereafter as practicable.

Sec. 4.07. *GUBERNATORIAL SUCCESSION.*

(a) If, before inauguration, the governor-elect is disqualified, dies, or for any other reason fails to assume office, the lieutenant governor-elect is inaugurated as governor and serves for the full term.

(b) If articles of impeachment against the governor are adopted by the house of representatives, the lieutenant governor acts as governor during the pendency of the impeachment until the governor is acquitted or convicted. If the governor is convicted on impeachment, the lieutenant governor becomes governor and serves for the remainder of the term.

(c) If the office of governor becomes vacant, the lieutenant governor becomes governor and serves for the remainder of the term.

(d) 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 the lieutenant governor returns or is no longer disabled.

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

Sec. 4.08. *ACTION ON BILLS AND RESOLUTIONS.*

(a) Every bill that passes both houses of the legislature shall be presented to the governor. The governor may approve the bill by signing it, in which event it shall become law and be filed with the secretary of state. 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 may reconsider the bill for passage over the veto. If the bill passes that house by a two-thirds record vote of its membership, it shall 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 passes that house by a two-thirds record vote of its membership, the bill shall become law and be filed with the secretary of state. If the governor does not approve or veto a bill within 10

days (Sundays excepted) after the bill is presented to the governor, the bill shall become law and be filed with the secretary of state, except that if the legislature adjourns before the expiration of that period and the governor has not approved or vetoed the bill, the governor may veto or approve the bill on or before the 20th day after the date of adjournment. If the governor does not approve or veto the bill within that period, the bill becomes law and shall be filed with the secretary of state at the expiration of that period.

(b) If the legislature adjourns before a bill presented to the governor is vetoed, approved, or becomes law without the governor's approval, the bill shall become law and shall be filed with the secretary of state unless the governor vetoes the bill and files the bill and the governor's objections to the bill with the secretary of state and gives public notice of the veto by proclamation. If the same legislature meets in veto session under Section 3.10 (g) of this constitution, 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 by Subsection (a) of this section.

(c) The governor may veto any item of appropriation in a bill. Portions of a bill containing an appropriation that are not vetoed shall become law. Items vetoed together with the governor's objections to those items shall be returned to the house in which the bill originated for reconsideration in the manner provided by Subsection (a) of this section.

(d) A resolution or other measure requiring the concurrence of both houses of the legislature shall be presented to the governor, except a measure proposing a constitutional amendment, calling a constitutional convention, calling for removal of an officer by address, or concerning legislative rules or procedures, including adjournment or a legislative study or investigation. An order or resolution presented to the governor is subject to Subsections (a) and (b) of this section in the same manner as a bill.

Sec. 4.09. *COMMANDER IN CHIEF*. The governor is commander in chief of the military forces of the state except when those forces are called into active service of the United States.

Sec. 4.10. *EXECUTION OF LAWS; CONDUCT OF BUSINESS WITH OTHER GOVERNMENTS*. The governor shall require 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.

Sec. 4.11. *CONVENING 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.

Sec. 4.12. *GOVERNOR'S AUTHORITY BEFORE COURTS*. Notwithstanding the authority granted by this constitution to the attorney general in representing the state before the courts, the governor may intervene in any legal action in which the state is a party and in which the governor believes the intervention prudent and necessary.

Sec. 4.13. *ADMINISTRATIVE REORGANIZATION*. The governor may submit to the legislature a written reorganization plan reassigning functions among or consolidating or abolishing any state agencies, offices, or governing bodies in the executive branch, including agencies outside the governor's executive department, other than an agency created by this constitution or under the authority of a constitutional elected officer. During the next 60 days after the date a plan is submitted during which both houses of the legislature are in session, either house by resolution may reject the plan. Unless rejected by one or both houses in that period, the plan becomes effective according to its terms.

Sec. 4.14. *REPRIEVES, COMMUTATIONS, AND PARDONS; REMISSION OF FINES AND FORFEITURES*. The governor may, as provided by law, grant:

- (1) reprieves relating to the execution of death sentences;
- (2) commutations;
- (3) pardons; and
- (4) the remission of fines and forfeitures.

Sec. 4.15. *LIEUTENANT GOVERNOR*. To be a candidate for or to serve as lieutenant governor, a person must have the same qualifications provided for the 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. When the senate is convened as a committee of the whole, the lieutenant governor may debate and vote on all questions before the committee.

Sec. 4.16. *COMPTROLLER OF PUBLIC ACCOUNTS*. The comptroller of public accounts is the executive officer of the department of the treasury and shall perform the duties required of that office by this constitution and by law.

Sec. 4.17. *ATTORNEY GENERAL*. The attorney general is the executive officer of the department of justice and, except as expressly provided by law to the contrary, represents the state in all civil suits in which the state may be a party in the courts of this state and of the United States, has all the powers of the office as at common law, and has other powers and duties as provided by law. The attorney general must be qualified to practice before the Supreme Court of Texas.

Sec. 4.18. *SECRETARY OF STATE*.

(a) The secretary of state is the executive officer of the department of state and the chief elections officer of the state, and shall perform the duties required of that office by this constitution and by law.

(b) The secretary of state shall keep the state seal and use it for official purposes under the direction of the governor.

Sec. 4.19. *OTHER OFFICERS OF EXECUTIVE BRANCH*. The other officers of the executive branch have the powers and duties as provided by this constitution and by law.

Sec. 4.20. *COMPENSATION OF OFFICERS OF EXECUTIVE BRANCH*.

(a) The compensation for constitutional officers of the executive branch, including the governor, shall be prescribed by law, subject to Section 10.08 of this constitution.

(b) The compensation of any officer of the executive branch may not be diminished during the officer's term of office.

(c) In addition to any compensation or other perquisites provided by law, the governor is entitled to the use of the Governor's Mansion.

Sec. 4.21. *DUAL OFFICE-HOLDING AND EMPLOYMENT*. A constitutional elected officer of the executive branch 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. This section does not apply to the president pro tempore of the senate when that officer assumes the office of lieutenant governor or governor until the president pro tempore has served as lieutenant governor for six months.

Sec. 4.22. *VACANCIES IN ELECTED OFFICES OF EXECUTIVE BRANCH*. Except for the offices of governor and lieutenant governor, a vacancy in an office of the executive branch is filled by appointment of the governor with the advice and consent of the senate. The person so appointed serves the remainder of the term.

*TEMPORARY TRANSITION PROVISIONS.*

(a) This article takes effect September 1, 2001.

(b) Each state agency in existence on the effective date of this article continues in effect under existing law until otherwise provided by law or by a reorganization plan of the governor under Section 4.13 of this constitution. The term of office of each officer, including a member of a governing body, governing a state agency continues as provided by law when the term of office began unless otherwise provided by law or by a reorganization plan of the governor under Section 4.13 of this constitution.

(c) The governor may adopt a reorganization plan under Section 4.13 of this constitution and appoint the members of the cabinet of the governor's executive department immediately on or after the effective date of this article.

(d) The provisions of this article prohibiting the practice of a profession or other employment do not apply to a member of the cabinet until compensation for that office is initiated as provided by law.

(e) The person serving as commissioner of the general land office and the person serving as commissioner of agriculture on the effective date of this article continue in office for the remainder of the terms to which appointed or elected before this article takes effect. Those offices may be abolished or consolidated with another entity as provided by law or by the governor in a reorganization plan under Section 4.13 of this constitution, except that each of those offices shall continue in existence as an elected state office as provided by the law in effect on the effective date of this article:

(1) for the remainder of the term of office being served on the effective date of this article and for each subsequent consecutive term of the office to which the person serving in the office on the effective date is elected; and

(2) if the person serving on the effective date of this article is a candidate in the general election for the office for a subsequent consecutive term of the same office, until at least the end of the term of office filled at that general election, without regard to who is elected to serve for that term.

(f) The requirements of the Constitution of 1876 that certain officers of the executive department reside at the seat of government or maintain an office or records at the seat of government continue in effect as if provided by statute until otherwise provided by law.

**ARTICLE 5. JUDICIAL BRANCH**

*Sec. 5.01. JUDICIAL POWER.*

(a) The judicial power of this state is vested in the judicial branch, which consists of the supreme court, courts of appeals, district courts, and such other courts as may be provided by law.

(b) The legislature by law shall establish the jurisdiction of the courts of this state, subject to the provisions of this constitution governing that jurisdiction. The jurisdiction of all courts on the same level shall be uniform statewide.

*Sec. 5.02. SUPREME COURT.*

(a) The Supreme Court of Texas consists of the chief justice, 14 justices, and such other officials as provided by law. Seven of the justices constitute the civil division of the supreme

court, and the other seven justices constitute the criminal division. One of the justices on each division is selected in the manner provided by law as presiding justice of that division. Four members of a division constitute a quorum, and the concurrence of four justices is necessary for a decision in a case. A division may sit en banc or in sections as designated by the division to hear argument of cases and to consider petitions for review or other preliminary matters. The chief justice may sit on either division or both divisions, as provided by court rule. The supreme court may determine by rule how conflicts between divisions should be resolved and under what circumstances the chief justice may call the full court to sit en banc.

(b) To serve in the office of chief justice or justice, a person must be licensed to practice law in this state, be a citizen of the United States and a resident of this state, and have been at the time of appointment a practicing lawyer or a judge of a court of record in this state for a total of at least 10 years.

#### Sec. 5.03. *JURISDICTION OF SUPREME COURT.*

(a) The supreme court is the highest court of the state and shall exercise the judicial power of the state except as otherwise provided by this constitution. Its jurisdiction shall be coextensive with the limits of the state, and its determinations shall be final. Its appellate jurisdiction shall be final and shall extend to all cases except as otherwise provided by this constitution or by law.

(b) The appeal of all cases in which the death penalty has been assessed shall be directly to the supreme court. The supreme court may, on its own motion, review a decision of a court of appeals as provided by law. The appeal of all other cases shall be to the courts of appeals as prescribed by law.

(c) The supreme court and each division of the court may issue writs of habeas corpus, mandamus, procedendo, and certiorari, and other writs necessary to enforce the court's jurisdiction. The legislature may confer original jurisdiction on the supreme court to issue writs of quo warranto and mandamus, except as against the governor.

(d) The supreme court may, on affidavit or otherwise as determined by the court, ascertain matters of fact as necessary to the proper exercise of its jurisdiction.

(e) The supreme court has jurisdiction to answer questions of state law certified from federal appellate courts under rules of procedure promulgated by the court.

(f) The legislature may provide by law for an appeal directly to the supreme court from an order of any trial court granting or denying an interlocutory or permanent injunction on the grounds of the constitutionality or unconstitutionality of a statute of this state or on the validity or invalidity of any administrative order issued by any state agency under a statute of this state.

(g) The supreme court may sit at any time during the year at the seat of government or at any other location the court determines appropriate for the transaction of business, and its term shall begin and end with each calendar year.

(h) The supreme court may promulgate rules of administration not inconsistent with law as may be necessary for the efficient and uniform administration of justice in the courts, and may promulgate other rules as authorized by this constitution or by law, subject to the limitations and procedures provided by law.

Sec. 5.04. *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 two or more other

judges. A court of appeals may sit in sections if authorized by law. The concurrence of a majority of the judges sitting is necessary to decide a case.

*Sec. 5.05. DISTRICT COURTS.*

(a) Except as limited by Subsection (b) of this section, the legislature shall divide the state into discrete geographical judicial districts with no overlapping geographical areas. Each district shall have one district court having one or more judges. Districts composed of more than one county must be compact and of contiguous counties. The legislature shall determine the number and location of districts and the number of judges in each district.

(b) A judicial district may not be smaller in size than an entire county.

(c) The district courts have original jurisdiction over all actions and matters for which exclusive jurisdiction is not otherwise provided by law.

*Sec. 5.06. COUNTY AND JUSTICE COURTS.*

(a) There is in each county in this state a county court, which shall be a court of record. A county court has the jurisdiction provided by law. The county judge is the presiding officer of the county court and has the judicial functions provided by law. The county judge is elected by the voters of the county for a term of office of four years.

(b) The governing body of each county shall:

(1) from time to time divide the county into justice of the peace precincts in the number provided by law; and

(2) establish and maintain one or more justice of the peace courts, each serving one or more precincts in the manner prescribed by law.

(c) A justice of the peace is elected for a four-year term in the manner prescribed by law by the qualified voters of the precinct or precincts served by the justice of the peace court. A vacancy in the office of justice of the peace is filled by appointment of the governing body of the county, and the person so appointed serves until the next statewide general election.

*Sec. 5.07. MUNICIPAL COURTS.*

(a) The governing body of a municipality may establish and maintain municipal courts as provided by law or by charter as authorized by law.

(b) A municipal court judge is selected in the manner prescribed by law or by charter as authorized by law.

*Sec. 5.08. JUDICIAL QUALIFICATIONS.*

(a) To be eligible to serve as a court of appeals judge or district judge, a person must be a citizen of the United States, be a resident of this state, be licensed to practice law in this state, and satisfy any other qualifications provided by law.

(b) To be eligible to serve as a county judge or a justice of the peace, a person must be a citizen of the United States, be a resident of the county, and satisfy any other qualifications provided by law.

(c) The legislature shall establish the qualifications for a judge of any other court established by law.

*Sec. 5.09. JUDICIAL SELECTION AND TERMS.*

(a) The chief justice and justices of the supreme court, courts of appeals judges, and district judges shall, in the first instance, be appointed by the governor with the advice and consent of the senate. Five supreme court justices shall be appointed each two years. The legislature by law may provide for the nomination of eligible candidates for appointment to any court by a committee or other nominating authority established by law and may require an appointment to be made from the nominees of a nominating authority.

(b) The term of office for the chief justice, a justice of the supreme court, and a court of appeals judge is six years. The term of office for district judges is four years.

(c) In case of a vacancy in the office of the chief justice or a supreme court justice, court of appeals judge, or district judge, the governor shall fill the vacancy for the remainder of the unexpired term by appointment with the advice and consent of the senate.

(d) At the expiration of each term of office, the chief justice or a justice of the supreme court, court of appeals judge, or district judge who chooses to seek another term in the same office is subject to a nonpartisan retention election without an opponent, in which the qualified voters in the election vote either "yes" or "no" on the proposition of an additional term for the incumbent justice or judge. The retention election for the chief justice or a justice of the supreme court shall be statewide. The retention election for a court of appeals judge or district judge shall be by the qualified voters of the district served by the court. If the majority of votes cast at the election favor retention, the incumbent is reelected to a subsequent term. If the majority of votes cast at the election do not favor retention, the office becomes vacant, in which case the governor shall appoint another person to the office for the next term.

(e) The legislature by law may prescribe a mandatory retirement age for justices and judges of appellate and district courts.

#### Sec. 5.10. *REMOVAL AND DISCIPLINE OF JUDGES.*

(a) The governor shall remove the chief justice or a justice of the supreme court on the address of two-thirds of the members of each house of the legislature for wilful neglect of duty, incompetency, oppression in office, or other reasonable cause not sufficient grounds for impeachment, as determined by the legislature.

(b) The legislature by law shall provide for a commission on judicial conduct and may provide for the removal, mandatory retirement, suspension, or censure of the chief justice or a justice of the supreme court, a judge or magistrate, a justice of the peace, or a court master.

Sec. 5.11. *REMOVAL OF COUNTY OFFICERS.* A county judge, county attorney, clerk of a district or county court, justice of the peace, constable, or other county officer may be removed by a district court for incompetency, official misconduct, habitual drunkenness, or other cause defined by law, on the petition of the county attorney, district attorney, or criminal district attorney. The officer whose removal is sought has the right to a trial of the matter by a jury.

#### Sec. 5.12. *CLERKS.*

(a) The supreme court shall appoint a clerk who serves a six-year term of office unless removed by action of the court recorded on the minutes of the court.

(b) The judges of a court of appeals may appoint a clerk to the court in the manner provided by law. The judge or judges of each district court by majority vote may appoint a clerk for the court in the manner provided by law. The voters of each county shall elect a county clerk for the county courts of the county. A clerk appointed or elected under this subsection serves a

four-year term of office. A clerk appointed under this subsection may be removed by action of the appointing judge or judges recorded on the minutes of the court.

Sec. 5.13. *JURIES.*

(a) A grand jury in a district court consists of 12 persons, 9 of whom constitute a quorum.

(b) A trial jury in a district court consists of 12 persons, except that a trial jury for a criminal misdemeanor case consists of 6 persons, and its verdict must be unanimous. The legislature by law may provide that a district court jury in a civil or misdemeanor case may consist of fewer than 12 persons but not fewer than 6 persons. Not less than a majority of the members of a district court jury may be authorized to render a verdict.

(c) A trial jury in a court inferior to the district court consists of six persons, and its verdict must be unanimous, except that the legislature by law may provide that in civil cases a verdict may be rendered by fewer than six jurors.

(d) The legislature by law shall provide the qualifications for a grand juror and a trial juror.

(e) Each party in a civil cause in the district or inferior courts has a right of trial by jury on demand as provided by law or, in the absence of law, by rule of the supreme court. A jury may not be impaneled in any cause until a jury fee is paid if required by law.

(f) The legislature by law may provide for a jury in a criminal case to be informed about a law or other procedure, such as parole, mandatory supervision, or good conduct time, that may affect the time that a person sentenced to incarceration will serve.

Sec. 5.14. *APPEAL OF 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 this constitution or by law.

Sec. 5.15. *STATE'S RIGHT TO APPEAL IN CRIMINAL CASES.* The state is entitled to appeal in criminal cases as authorized by law.

Sec. 5.16. *SUSPENSION OF SENTENCE AND PROBATION.* A court having original jurisdiction of a criminal case may suspend sentence, place a defendant on probation, and reimpose sentence, subject to regulation by law.

*TEMPORARY TRANSITION PROVISIONS.*

(a) This article takes effect September 1, 2001.

(b) Each justice of the supreme court and court of criminal appeals serving on the effective date of this article continues in office as a justice of the supreme court after this article takes effect. The persons serving as justices of the supreme court constitute the justices of the civil division and the persons serving as justices of the court of criminal appeals constitute the justices of the criminal division. The person serving as chief justice of the supreme court becomes the presiding justice of the civil division and the person serving as presiding judge of the court of criminal appeals becomes the presiding justice of the criminal division. At the expiration of the term of office being served on the effective date and at the end of each subsequent term, each of those justices seeking to serve a subsequent term on the supreme court

in the same office is subject to a retention election in the manner provided by this article. A position on the supreme court held by a former supreme court or court of criminal appeals justice under this subsection shall be filled as provided by Section 5.09 of this constitution only when the justice resigns or otherwise leaves office or when the justice's term ends and the justice does not run for retention or is not retained after running in a retention election. The first vacancies on the civil division and the criminal division occurring after the effective date of this article that would otherwise be filled as provided by Section 5.09 of this constitution may not be filled until the number of justices in each division is reduced to seven as provided by Section 5.02 of this constitution. On the effective date of this article, the governor with the advice and consent of the senate shall appoint a person to serve as chief justice of the supreme court for a term that expires January 1, 2007.

(c) All other courts established by law and in existence on the effective date of this article continue to exist with the powers and jurisdiction provided by law on the effective date until the legislature by law provides otherwise in conformance with this constitution. Each judge serving on the effective date of this article continues in office as a judge of the same court when this article takes effect, and serves the same term to which elected or appointed before the effective date, unless otherwise provided by law. In changing the courts in existence on the effective date of this article in conformance with this article, the legislature may provide by law for the implementation of this article, including provisions for the transfer of a judge from one court to another, for the abolition of a court or judicial office, or for the shortening or extension of the term of a judge or judicial office. Each term of judicial office that begins on or after the effective date of this article and each judicial vacancy that occurs on or after that effective date shall be filled by appointment as provided by this article, except that the legislature by law may provide that, at the expiration of the term of office being served on the effective date, the judge of a court of appeals or district court seeking to serve a subsequent term on the same court or on another court of the same type for which the person is eligible is subject to a retention election in the manner provided by this article.

(d) Unless otherwise provided by the supreme court under this subsection or by other law, a matter pending in any court on the effective date of this article remains pending in that court for disposition in the manner provided by the law in effect when the matter was filed in that court. A matter pending before the court of criminal appeals immediately before the effective date is considered pending in the supreme court on the effective date. The supreme court by rule or order may make any provision necessary to ensure that a change made by this article or by the legislature in conformance with this article does not adversely affect the substantial rights of any party having a matter pending before any court on the effective date.

(e) Except as otherwise provided by law, rules adopted by a court that are in effect on the effective date of this article are continued in effect until superseded by law or court rule adopted under the authority of this article.

(f) Members of the State Judicial Qualifications Commission on the effective date of this article continue in office, and the existing commission shall continue to operate pursuant to Section 1-a, Article V, Constitution of 1876, until otherwise provided by law.

(g) The clerks of the courts serving on the effective date of this article continue in office under the law in effect on the effective date. A clerk holding elected office continues in office for the remainder of the term being served. A clerk holding an appointed position serves until

the expiration of the clerk's term, if any, or until another clerk is selected as provided by this article or by law.

(h) Before January 1, 2003, the supreme court by rule or order may adopt any additional saving or transitional procedures or provisions the supreme court considers appropriate to implement this article fairly and efficiently. A rule or order under this subsection may be superseded by statute.

## **ARTICLE 6. VOTER QUALIFICATIONS AND ELECTIONS**

Sec. 6.01. *QUALIFICATIONS FOR VOTING.* A United States citizen who is at least 18 years of age and who meets the registration and residence requirements provided by law is a qualified voter unless the person has been finally convicted of a felony and has not had the disabilities of that conviction removed as provided by law or unless the person has been determined mentally incompetent by a final judgment of a court.

Sec. 6.02. *ELECTIONS.*

(a) Voting by the people in all elections shall be by secret ballot.

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

(c) The statewide general election shall be held in even-numbered years on a date prescribed by law.

*TEMPORARY TRANSITION PROVISION.* This article takes effect September 1, 2001.

## **ARTICLE 7. EDUCATION**

Sec. 7.01. *EQUITABLE SUPPORT OF PUBLIC FREE SCHOOLS.*

(a) A general diffusion of knowledge being essential to the preservation of the liberties and rights of the people, the legislature shall establish and make suitable provision for the support and maintenance of an efficient system of public free schools.

(b) In order to satisfy the requirements of Subsection (a) of this section:

(1) not more than 15 percent of the state's public free school students, as defined by law, may be enrolled in school districts in which the financial resources available per student are not equalized by the state; and

(2) except for those districts described by Subdivision (1) of this subsection, each school district must have substantially equal access to similar revenues per pupil at similar tax rates.

Sec. 7.02. *SCHOOL AND COMMUNITY COLLEGE DISTRICTS.* The legislature by general law shall provide for establishing, financing, consolidating, and abolishing school districts and community college districts and shall define their powers.

Sec. 7.03. *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 public free 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 public free schools. The principal of the fund may not be spent except as provided in Subsection (d) or (e) of this section. The land of the permanent school fund may be sold, leased, or exchanged as provided 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. The available school fund shall be used exclusively for the administration of the permanent school fund and the support of the state's public free schools in the manner prescribed by general law.

(d) The legislature by general law may allocate to the available school fund not more than one-half of the capital gains on investment of the permanent school fund.

(e) The legislature by general law may provide for using the permanent school fund and the income from the permanent school fund to guarantee bonds issued by school districts. The legislature shall provide for the recovery from the appropriate school district of any permanent school fund money required to be expended as a result of the bond guarantees authorized by this subsection.

(f) The State Board of Education shall manage the assets of the permanent school fund in the manner prescribed by general law. Subject to general law, the board may acquire, exchange, sell, supervise, manage, or retain, through procedures and subject to restrictions it establishes and in amounts it considers appropriate, any kind of investment, including investments in the Texas growth fund created by Section 8.20 of this constitution, that persons of ordinary prudence, discretion, and intelligence, exercising the judgment and care under the circumstances then prevailing, acquire or retain for their own account in the management of their affairs, not in regard to speculation but in regard to the permanent disposition of their funds, considering the probable income as well as the probable safety of their capital.

*Sec. 7.04. STATE BOARD OF EDUCATION.* The legislature shall provide by law for a state board of education, whose members shall be appointed or elected in the manner and by the authority provided by law and shall serve for such terms as provided by law, not to exceed six years. The board shall perform the duties prescribed by law or by this constitution.

*Sec. 7.05. HIGHER EDUCATION SYSTEM.* The legislature shall provide for the creation, management, maintenance, and support of a public higher education system consisting of a university of the first class styled "The University of Texas," other institutions of the first class, and university systems, system component universities, community colleges, and other institutions of higher education as may be created by law.

*Sec. 7.06. PERMANENT UNIVERSITY FUND.*

(a) The permanent university fund is established for the purpose of creating and maintaining a high level of academic excellence in a limited number of world-class research universities in the state and consists of:

- (1) the land identified in Section 15, Article VII, Constitution of 1876, as amended and as it existed on January 1, 1994, and the Legislative Act of April 10, 1883;
- (2) the proceeds from sale and mineral development of the land; and

(3) the property purchased with the proceeds.

(b) The permanent university fund is held in perpetual trust for the people of this state and for the use and benefit of The University of Texas at Austin, Texas A&M University at College Station, and Prairie View A&M University. The principal of the fund may not be spent.

(c) 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. Subject to general law, the board may acquire, exchange, sell, supervise, manage, or retain, through procedures and subject to restrictions it establishes and in amounts it considers appropriate, any kind of investment, including investments in the Texas growth fund created by Section 8.20 of this constitution, that persons of ordinary prudence, discretion, and intelligence, exercising the judgment and care under the circumstances then prevailing, acquire or retain for their own account in the management of their affairs, not in regard to speculation but in regard to the permanent disposition of their funds, considering the probable income as well as the probable safety of their capital.

(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 university fund land. For each of the universities entitled to benefits from the permanent university fund, its governing body shall annually be appropriated that institution's share of the available university fund for the support and maintenance of excellence at the university.

(e) Subject to general law, the board of regents of The University of Texas System and the board of regents of The Texas A&M University System may issue bonds and notes, and pledge their respective shares of the available university fund to the payment of the principal of and interest on those bonds and notes, for the purpose of acquiring land either with or without permanent improvements, constructing and equipping buildings and other permanent improvements, major repair and rehabilitation of buildings and other permanent improvements, acquiring capital equipment and library books and library materials, and refunding bonds or notes issued under this section. Bonds and notes issued under this subsection shall be for the benefit of the institutions described by Subsection (b) of this section.

#### *Sec. 7.07. HIGHER EDUCATION CAPITAL FUND.*

(a) Each fiscal year there is appropriated out of the first money coming into the state treasury not otherwise appropriated by this constitution \$250 million to be used by the state's institutions of higher education, other than The University of Texas at Austin, Texas A&M University at College Station, Prairie View A&M University, or a junior college, for the purpose of acquiring land either with or without permanent improvements, constructing and equipping buildings or other permanent improvements, major repair or rehabilitation of buildings and other permanent improvements, and acquiring capital equipment, library books, and library materials. The legislature may appropriate additional money for that purpose.

(b) The governing board of an institution authorized to participate in the distribution of money under this section may issue negotiable bonds or notes for the benefit of the institution payable from the institution's allocations under this section. The aggregate principal amount of the bonds may not exceed 50 percent of the value of the funds appropriated to the institution under this section. The bonds or notes may be used for the purposes enumerated in this section. The legislature may, by provision in the general appropriations bill, adjust the allocation of the funds for the ensuing biennium, but may not adjust the appropriation in such a way as to impair any obligation created by the issuance of bonds or notes in accordance with this section.

- (c) The legislature by general law may provide for and regulate:
- (1) the pledge of these funds for bonds or refunding bonds;
  - (2) the manner of sale and maturities for bonds payable from these funds;
  - (3) the depository for these funds;
  - (4) the transfers of these funds by the comptroller to the institutions; and
  - (5) the incontestability of bonds approved by the attorney general.

(d) The funds appropriated by this section may not be used for the purpose of constructing, equipping, repairing, or rehabilitating buildings or other permanent improvements that are to be used for student housing, intercollegiate athletics, or auxiliary enterprises.

(e) The legislature by general law may dedicate portions of the state's revenues to the creation of a dedicated fund for the purposes expressed in Subsection (a) of this section. The principal of the fund may not be spent for any purpose except on affirmative vote of two-thirds of the membership of each house of the legislature. Income from investment of the fund shall be credited to the fund until the fund balance equals \$2 billion. After the balance of the fund equals \$2 billion, the income from investment of the fund shall be expended for the purposes and in the manner described by Subsection (a), except that 10 percent of the income shall be credited to the principal of the fund. At the beginning of the first fiscal year after the fund balance reaches \$2 billion, the appropriation required by Subsection (a) shall cease.

(f) An allocation under this section to the Texas State Technical College System and its campuses may not exceed 2.2 percent of the total of all allocations in any fiscal year.

#### *TEMPORARY TRANSITION PROVISIONS.*

(a) This article takes effect September 1, 2001.

(b) The powers directly granted to school districts and junior college districts by Section 3-b, Article VII, Constitution of 1876, are continued in effect until the effective date of a general law that by its terms diminishes or discontinues the powers in whole or in part.

(c) The adoption of this article does not impair any obligation created by the issuance of bonds or notes in accordance with prior law, and all outstanding bonds and notes validly issued under the Constitution of 1876 remain valid, enforceable, and binding and shall be paid in full, both principal and interest, in accordance with their terms and from the sources pledged to the payment of the bonds. The changes made in the allocation of the available university fund do not affect the pledges made in connection with bonds or notes. The legislature by general law may provide for implementation of this provision.

(d) The money in the higher education fund created under Section 17 (i), Article VII, Constitution of 1876, on the effective date of this article is transferred to the credit of the fund created under Section 7.07 (e) of this constitution on that effective date.

(e) In any fiscal year the legislature may reduce the amount of an appropriation required by Section 7.07 (a) of this constitution by the amount an institution covered by the applicable section receives in that fiscal year from the available university fund in connection with an obligation issued by or for the institution when the institution was entitled to participate in funding from the available university fund.

(f) The Texas tomorrow fund established under the Constitution of 1876 and prior law is continued as a trust fund dedicated to the purposes for which the fund was established.

## **ARTICLE 8. FINANCE**

Sec. 8.01. *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 that the legislature by law may provide for a statewide ad valorem tax to provide state support for the public free schools.

Sec. 8.02. *AD VALOREM TAXATION.*

(a) Except as otherwise permitted by this article, in a taxing authority that imposes an ad valorem tax, all real property and tangible personal property must be taxed equally and uniformly in proportion to its market value.

(b) A political subdivision of this state may not impose an ad valorem tax unless the voters of the political subdivision have approved the imposition of an ad valorem tax.

Sec. 8.03. *APPRAISAL OF TAXABLE PROPERTY; EQUALIZATION.*

(a) The legislature by law shall provide for the establishment and enforcement of standards and procedures for appraisal of property for ad valorem tax purposes. These standards must:

- (1) be applied uniformly throughout the state; and
- (2) provide for equalizing to the greatest extent possible the valuation of all property subject to taxation.

(b) Except as limited by general law, a taxing authority levying an ad valorem tax on property within a county may seek countywide enforcement of the standards and procedures under Subsection (b) of this section.

(c) The legislature shall provide by law for a single appraisal within each county and all property subject to ad valorem taxation by the county and all other taxing authorities located in the county.

(d) The legislature by law may authorize an appraisal outside a county if:

- (1) the taxing authority is located in more than one county; or
- (2) two or more counties elect to consolidate appraisal services.

(e) The legislature by law shall provide for a single board of equalization for each appraisal entity. The board must consist of qualified persons residing within the territory appraised by the entity. A member of the board may not be an elected official of the county or the governing body of a taxing unit.

(f) The costs and expenses of appraisals are to be allocated among the taxing authorities in the manner prescribed by law.

(g) The legislature shall by law prescribe the methods, timing, and administrative process for implementing this section.

Sec. 8.04. *AD VALOREM TAXATION OF RAILROAD ROLLING STOCK.* The rolling stock of a railroad company may be appraised for ad valorem taxation in gross as provided by law and the appraised value of the rolling stock apportioned for taxation among the counties in proportion to the length of the railroad bed located in each county on which the railroad company operates the rolling stock.

Sec. 8.05. *AUTHORITY FOR AD VALOREM TAX EXEMPTIONS.* The legislature may provide exemptions and other relief from ad valorem taxation in addition to that provided by this constitution.

Sec. 8.06. *AD VALOREM TAX RELIEF FOR RESIDENCE HOMESTEADS.*

(a) The amount of \$3,000 of the market value of the residence homestead of a married or unmarried adult individual is exempt from state ad valorem taxation.

(b) The amount of \$15,000 of the market value of the residence homestead of a married or unmarried adult individual is exempt from taxation for general elementary and secondary public school purposes. The legislature by law may provide that all or part of the exemption does not apply to a taxing authority that is not the principal school district providing general elementary and secondary public education throughout its territory.

(c) The total amount of ad valorem taxes imposed for general elementary and secondary public school purposes each year on the residence homestead of an individual who is 65 years of age or older may not be increased in any year while it remains the residence homestead of the individual or, if the individual dies, of the individual's surviving spouse who is 55 years of age or older on the date the individual dies, subject to any exceptions provided by law. The legislature by law may provide for the transfer of all or a proportionate amount of a limitation provided by this subsection for a person who qualifies for the limitation and establishes a different residence homestead. Taxes limited by this subsection may be increased to the extent the market value of the homestead is increased by improvements, other than improvements made to comply with governmental requirements.

(d) The legislature by law may define "residence homestead" for purposes of this section and may prescribe procedures for the administration of exemptions under this section.

Sec. 8.07. *APPRAISAL FOR TAXATION OF AGRICULTURAL AND OTHER OPEN-SPACE LAND.*

(a) The legislature by general law shall provide for the ad valorem taxation of open-space land used for agricultural use or other farm or ranch purposes, wildlife management, or timber production on the basis of the land's productive capacity for those purposes. For purposes of this section, "agricultural use" means the raising of livestock or growing of crops, fruit, flowers, and other products of the soil under natural conditions as a business venture for profit.

(b) The legislature may provide eligibility limitations and impose sanctions in furtherance of the purposes of this section.

Sec. 8.08. *OTHER AD VALOREM TAX EXEMPTIONS.*

(a) Public property held primarily for public purposes is exempt from ad valorem taxation.

(b) The legislature by general law shall exempt from ad valorem taxation household goods and personal effects not held or used for the production of income.

(c) Farm products, livestock, and poultry in the hands of the producer, and family supplies for home and farm use, are exempt from ad valorem taxation.

(d) Implements of husbandry used in the production of farm or ranch products are exempt from ad valorem taxation.

Sec. 8.09. *AD VALOREM TAX EXEMPTION FOR FREEPORT GOODS.*

- (a) To promote economic development in this state, tangible personal property and ores, other than oil, gas, or other petroleum products, are exempt from ad valorem taxation if:
- (1) the property is acquired in or imported into this state to be forwarded outside of this state, whether or not the intention to forward the property outside this state is formed or the destination to which the property is forwarded is specified when the property is acquired in or imported into this state;
  - (2) the property is detained in this state for assembling, storing, manufacturing, processing, or fabricating purposes by the person who acquired or imported the property; and
  - (3) the property is transported outside this state not later than 175 days after the date the person acquired or imported the property.

(b) Property otherwise exempt under Subsection (a) of this section is subject to ad valorem taxation by a taxing authority that elected to tax the property as provided by law before January 1, 1990, unless the taxing authority subsequently elects to exempt the property from ad valorem taxation by the taxing authority. A taxing authority that elects to exempt the property from taxation may not tax the property at any time after that election.

Sec. 8.10. *SALE OF PROPERTY FOR DELINQUENT TAXES.* The legislature by law may provide for the sale of land or other property for delinquent ad valorem taxes, as well as for the rights to the redemption of that land or property.

Sec. 8.11. *PERSONAL INCOME TAX.* A general law enacted by the legislature that imposes a tax on the net incomes of natural persons must provide that the portion of the law imposing the tax not take effect until approved by a majority of the registered voters voting in a statewide referendum held on the question of imposing the tax. A condition stated in the referendum relating to the tax may not be changed while the tax is imposed unless the change is approved at a subsequent referendum under this section.

Sec. 8.12. *PUBLIC FUNDS.*

- (a) Public funds and public credit may be used only for public purposes.
- (b) The legislature may not grant or authorize the grant of state money to a political subdivision of this state except for a governmental purpose or as expressly authorized by this constitution.
- (c) Public funds or public credit may not be used to influence the election of a public office.

Sec. 8.13. *REVENUE FROM MOTOR VEHICLE REGISTRATION FEES AND TAXES ON MOTOR FUELS AND LUBRICANTS.*

- (a) Except as provided by Subsection (b) of this section, and subject to legislative appropriation, allocation, and direction, all net revenue remaining after payment of all refunds allowed by law and expenses of collection derived from motor vehicle registration fees and all taxes, except gross production and ad valorem taxes, on motor fuels and lubricants used to propel motor vehicles over public roadways shall be used only for the following purposes:
- (1) acquiring rights-of-way for the public roadways;
  - (2) constructing, maintaining, and policing the public roadways; and

(3) administering the laws pertaining to the supervision of traffic and safety on the public roadways.

(b) One-fourth of the net revenue from the tax on motor fuels described by Subsection (a) of this section shall be used as provided by law for the support of the public free schools.

(c) All revenue received from the federal government as reimbursement for state expenditures of funds that are themselves dedicated for acquiring rights-of-way and constructing, maintaining, and policing public roadways as provided by Subsection (a) of this section shall be used only for those purposes.

#### Sec. 8.14. *STATE DEBT.*

(a) In this section, "state debt" means bonds or other evidence of indebtedness secured by the general credit of the state or to be repaid from taxes, fees, tuition, or other revenue or income of the state, including revenue or income of a state agency or institution having statewide jurisdiction or of a state senior college or university. "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 revenue generated by the project.

(b) State debt may not be incurred except:

- (1) to supply casual deficiencies of revenue, not to exceed in the aggregate at any one time \$500,000;
- (2) to repel invasion, suppress insurrection, or defend the state in war;
- (3) as otherwise authorized by this constitution; or
- (4) as authorized by Subsections (c) through (g) of this section.

(c) The legislature, by joint resolution approved by at least two-thirds of the members of each house, may from time to time call an election and submit to the eligible voters of this state one or more propositions that, if approved by a majority of those voting on the question, authorize the legislature to create state debt for the purposes and subject to the limitations stated in the applicable proposition. Each election and proposition must conform to the requirements of Subsections (d) and (e) of this section.

(d) The legislature may call an election under Subsection (c) of this section during any regular session of the legislature or during any special session of the legislature in which the subject of the election is designated in the governor's proclamation for that special session. The election may be held on any date authorized by law, and notice of the election shall be given for the period and in the manner required for amending this constitution. The election shall be held in each county in the manner provided by law for other statewide elections.

(e) A proposition must clearly describe the amount and purpose for which debt is to be created and must describe the source of payment for the debt. Except as provided by law under Subsection (g) of this section, the amount of debt stated in the proposition may not be exceeded and may not be renewed after the debt has been created unless the right to exceed or renew is stated in the proposition.

(f) The legislature may enact all laws necessary or appropriate to implement the authority granted by a proposition that is approved as provided by Subsection (c) of this section. A law enacted in anticipation of the election is valid if, by its terms, it is subject to the approval of the related proposition.

(g) State debt authorized under this section may be refunded in the manner and amount and subject to the conditions provided by law.

(h) State debt authorized under this section and approved by the attorney general in accordance with applicable law is incontestable for any reason.

Sec. 8.15. *LIMIT ON STATE DEBT.*

(a) The legislature may not create additional state debt payable from the general revenue fund if the resulting annual debt service exceeds the limitation imposed by this section. The maximum annual debt service in any fiscal year on state debt payable from the general revenue fund may not exceed five percent of an amount equal to the average of the amount of general revenue fund revenues, excluding revenues constitutionally dedicated for purposes other than payment of state debt, for the three preceding fiscal years.

(b) For purposes of this section, "state debt payable from the general revenue fund" means general obligation and revenue bonds, including authorized but unissued bonds, and lease-purchase agreements in an amount greater than \$250,000, which bonds or lease purchase agreements are designed to be repaid with the general revenues of the state. The term does not include bonds that, although backed by the full faith or credit of the state, are reasonably expected to be paid from other revenue sources and that are not expected to create a general revenue draw. Bonds or lease-purchase agreements that pledge the full faith and credit of the state are considered to be reasonably expected to be paid from other revenue sources if they are designed to receive revenues other than state general revenues sufficient to cover their debt service over the life of the bonds or agreement. If those bonds or agreements, or any portion of the bonds or agreements, subsequently require use of the state's general revenue for payment, the bonds or agreements, or portion of the bonds or agreements, are considered to be a "state debt payable from the general revenue fund" under this section, until:

- (1) the bonds or agreements are backed by insurance or another form of guarantee that ensures payment from a source other than general revenue; or
- (2) the issuer demonstrates in the manner provided by law that the bonds no longer require payment from general revenue.

Sec. 8.16. *APPROPRIATIONS.*

(a) All money received or collected by the state or any state agency, including the proceeds of a judgment, may be spent only as provided by legislative appropriation. This subsection does not apply to money received and held in a trust established by law or by this constitution for a specific beneficiary.

(b) An appropriation must be made by law, be specific, be for a purpose authorized by law, and be for a period not 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 then current fiscal year;
- (3) an itemized estimate of anticipated revenue for the succeeding biennium; and
- (4) other information required by law.

(d) On the convening of a special session of the legislature, the comptroller of public accounts shall submit a report showing changes from the report most recently submitted under Subsection (c) of this section.

(e) A bill containing an appropriation is not considered passed and may not be presented to the governor unless:

- (1) the comptroller of public accounts has certified that the amount appropriated is within the amount estimated to be available for the applicable period; or
- (2) 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.

(f) On finding that an appropriation in a bill exceeds the amount estimated to be available, the comptroller shall endorse that finding on the bill, return the bill to the house in which it originated, and notify both houses of the legislature of the findings and of the return of the bill.

#### Sec. 8.17. *RESTRICTION ON APPROPRIATIONS.*

(a) In no biennium may the rate of growth of appropriations from state tax revenues not dedicated by this constitution exceed the anticipated rate of growth of the state's economy. The legislature by general law shall provide procedures to implement this subsection.

(b) If the legislature by adoption of a resolution by a record vote of a majority of the members of each house finds that an emergency exists and identifies the nature of the emergency, the legislature may provide for appropriations in excess of the amount authorized by Subsection (a) of this section. The excess authorized under this subsection may not exceed the amount specified in the resolution.

(c) Appropriations authorized under Subsection (b) of this section are subject to Section 8.16 of this constitution.

#### Sec. 8.18. *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 department are expended only as directed by the legislature.

(c) The legislature, by rider in an appropriation act or by other statute, may authorize an officer or agency of any branch of state government to make an expenditure or emergency transfer of appropriated money, subject to the conditions provided by the appropriation act or other statute.

#### Sec. 8.19. *LIMITS ON CERTAIN APPROPRIATIONS.*

(a) The maximum amount paid out of state funds for assistance grants to or on behalf of needy dependent children and their caretakers may not exceed one percent of the state budget for the two years of each state fiscal biennium. The legislature by law shall provide for the means for determining the state budget amounts, including state and other funds appropriated by the legislature, to be used in establishing the biennial limit.

(b) If the limitation provided by Subsection (a) of this section is found to be in conflict with the provisions of appropriate federal statutes to the extent that federal matching money is not available to the state for the specified purposes, the legislature may prescribe such limitations and restrictions and enact such laws as may be necessary in order that such federal matching money will be available.

Sec. 8.20. *TEXAS GROWTH FUND.*

(a) The Texas growth fund is created as a trust fund that invests in new or small businesses, businesses with rapid growth potential, or investments in applied research and organizational activities leading to business formation and opportunities involving new or improved processes or products. All investments of the fund shall be directly related to the creation, retention, or expansion of employment opportunities and economic growth in this state.

(b) An investing fund or system of the state, without liability at law or in equity to members of the governing board of the fund or system in their personal or official capacities, may cumulatively invest up to one percent of the book value of the fund in the Texas growth fund.

(c) The legislature shall by general law provide for:

- (1) the establishment of the board of trustees for the Texas growth fund;
- (2) the appointment of members of the board of trustees by the governor and the terms of office for board members;
- (3) the authority of the board of trustees;
- (4) restrictions on and criteria for investments of the fund; and
- (5) the audit and review of the fund and its investments.

*TEMPORARY TRANSITION PROVISIONS.*

(a) This article takes effect September 1, 2001.

(b) A political subdivision of this state authorized to impose an ad valorem tax on the effective date of this article may continue to impose an ad valorem tax until otherwise provided by law, subject to any restrictions provided by law. A limit provided by the Constitution of 1876 as it existed on the effective date of this article on the maximum ad valorem tax rate that a taxing authority may adopt continues in effect until otherwise provided by law.

(c) All exemptions and other relief from ad valorem taxation authorized by the Constitution of 1876 or law in effect on the effective date of this article remain in effect until otherwise provided by law.

**ARTICLE 9. LOCAL GOVERNMENT**

Sec. 9.01. *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 who vote on the question in each affected county; and
- (2) counties may be merged or county seats relocated if approved by a majority of the qualified voters who vote on the question in each affected county.

Sec. 9.02. *POWERS OF COUNTY GOVERNMENT.* A county has only the powers granted by this constitution and by law.

Sec. 9.03. *COUNTY OFFICERS.*

(a) The governing body of a county is the county commission, consisting of the county judge and four county commissioners, with each commissioner 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) Subject to change approved by the qualified voters under Subsection (g) of this section, the qualified voters of each county elect a sheriff, treasurer, and tax assessor-collector. The legislature by general law may provide for other county officers.

(c) County attorneys, district attorneys, and criminal district attorneys are elected in such numbers and for such counties as provided by general or local law. A district attorney represents the state in all criminal cases in courts below the level of court of appeals other than municipal courts or justice courts, except that in a county in which there is a county attorney the powers and duties of the district and county attorneys are as provided by general or local law. A county, district, or criminal district attorney performs other duties and functions provided by general or local law.

(d) The county commission may provide for the election of one or more constables.

(e) The qualifications and functions of county officers and the grounds and procedure for disqualification, suspension, and removal are as provided by this constitution or by general law. In addition to other qualifications, a county attorney, district attorney, or criminal district attorney must be licensed to practice law in this state.

(f) The county clerk shall act as county recorder and clerk of the county commission.

(g) In the manner and to the extent provided by general law, the qualified voters of a county by a majority vote of those voting on the question may create additional county offices, eliminate county offices, combine the functions of county offices, or change the method of selection of county offices. The county commission shall act to ensure that, following action under this subsection, all duties and functions required by state law are assigned to an appropriate office.

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

#### Sec. 9.04. *GENERAL-LAW AND HOME-RULE MUNICIPALITIES.*

(a) The legislature shall provide by law for general-law and home-rule municipalities, which shall be classified as such according to population.

(b) A general-law municipality may be organized only under general law and has the powers, including the power to levy, assess, and collect taxes, as authorized by general law.

(c) A home-rule municipality may be organized under a municipal charter and has the powers authorized by the charter, including the power to levy, assess, and collect taxes. The qualified voters of a municipality authorized by law to be organized under a municipal charter may by majority vote adopt, amend, or repeal the municipal charter as provided by general law. A charter or ordinance adopted under a charter may not be inconsistent with this constitution or with general law.

Sec. 9.05. *SPECIAL DISTRICTS AND AUTHORITIES.* The legislature by general or local law shall provide for establishing, financing, consolidating, and abolishing special districts and authorities and shall define their powers.

Sec. 9.06. *COMPENSATION OF OFFICIALS.* An elected official of a political subdivision may be compensated only by a salary or per diem payments and in amounts provided by law or charter.

Sec. 9.07. *LOCAL DEBT.* A county, municipality, special district or authority, or other political subdivision may not issue general obligation bonds, except refunding bonds, unless the bonds are approved by a majority vote of the qualified voters voting on the question. A debt may not be created by a political subdivision unless, at the same time, provision is made for paying the interest and principal of the debt when due.

Sec. 9.08. *INTERGOVERNMENTAL COOPERATION.* Any county, municipality, special district or authority, or other political subdivision may agree and contract, except as limited by law and with or without compensation, to share the costs and responsibilities of functions and services with any one or more other political subdivisions.

Sec. 9.09. *CONSOLIDATION OF OFFICES AND TRANSFER OF FUNCTIONS AMONG POLITICAL SUBDIVISIONS.*

(a) Political subdivisions, including counties, municipalities, and special districts or authorities, may be authorized by general or local law to consolidate offices, transfer functions of government, or modify or cancel a consolidation or transfer. A law may not authorize a consolidation or transfer among political subdivisions of more than one county.

(b) A consolidation or transfer may not take effect unless it is approved by a majority of the qualified voters who vote on the question in each affected political subdivision, except that if the question involves a consolidation or transfer of county offices or functions, the proposition must be approved by a majority of the qualified voters who reside in unincorporated areas of the county.

(c) Notwithstanding the requirements of Subsections (a) and (b) of this section, the legislature by general or local law may provide for the consolidation of the function of collection of taxes in a county.

(d) This section does not apply to the annexation of territory by a municipality or other political subdivision in accordance with applicable law.

Sec. 9.10. *LOCAL OPTION ON SALE OF ALCOHOLIC BEVERAGES.*

(a) The legislature shall enact general laws whereby the qualified voters of any county, justice precinct, or municipality may, by a majority vote of those voting, determine from time to time whether the sale of intoxicating liquors for beverage purposes shall be prohibited or legalized within the prescribed limits. Such laws shall contain provisions for voting on the sale of intoxicating liquors of various types.

(b) In all counties, justice precincts, or municipalities wherein the sale of intoxicating liquors had been prohibited by local option elections held under the laws of the state and in force at the time of the taking effect of this article, it shall continue to be unlawful to manufacture, sell, barter, or exchange in any such prescribed limits any spirituous, vinous, or malt liquors or medicated bitters capable of producing intoxication or any other intoxicants whatsoever, for beverage purposes, unless and until a majority of the qualified voters in such county, justice precinct, or municipality voting in an election held for such purpose shall determine such to be lawful.

Sec. 9.11. *GOVERNMENTAL AND PROPRIETARY FUNCTIONS.* The legislature by general law may define for all purposes those functions of a municipality or other political subdivision

that are to be considered governmental and those that are proprietary, including reclassifying a function's classification assigned by a prior statute or common law.

*TEMPORARY TRANSITION PROVISIONS.*

(a) This article takes effect September 1, 2001.

(b) Any power directly granted to a county, municipality, or special district or authority under the Constitution of 1876 not also granted by statute or this constitution is continued in effect until superseded by law.

(c) The term of office of each officer of a county, municipality, special district or authority, or other political subdivision continues as provided by law when the term of office began unless otherwise provided by law or, where applicable, by charter.

**ARTICLE 10. GENERAL PROVISIONS**

Sec. 10.01. *SEAL OF THE 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."

Sec. 10.02. *OFFICIAL OATH.* Each state and local officer 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 constitutions and laws of the United States and of this state, so help me God."

Sec. 10.03. *RESIDENCE OF PUBLIC OFFICERS.* Each state and local officer must reside in this state. An officer of a political subdivision or district must reside in the political subdivision or district that the officer serves and shall keep the office at the location prescribed by law. An officer who does not comply with this section vacates the office.

Sec. 10.04. *CONTINUATION IN OFFICE.* Each state and local officer shall continue to perform the duties of office until a successor is qualified.

Sec. 10.05. *VACANCY IN OFFICE.*

(a) A vacancy in a state or district office shall be filled by appointment of the governor with the advice and consent of the senate unless another means of filling the vacancy is provided by this constitution or by law.

(b) A person elected to fill a vacancy in office serves only for the remainder of the term.

Sec. 10.06. *DISQUALIFICATION, SUSPENSION, AND REMOVAL OF OFFICER; DISABILITY OF OFFICER.*

(a) The legislature by general law may:

(1) establish grounds and procedures for the disqualification, suspension, or removal of an officer for whom a mode of removal is not provided in this constitution;

(2) establish grounds and procedures for the withholding of an officer's salary; and

(3) provide for the temporary filling of a vacancy or the temporary performance of the duties of an office following an officer's disqualification, suspension, or removal.

(b) The legislature by law shall provide procedures for the temporary suspension and replacement or for the permanent replacement of an executive branch officer who becomes temporarily or permanently disabled or who otherwise becomes unable to discharge the duties of office.

Sec. 10.07. *TEXAS ETHICS COMMISSION.*

(a) The Texas Ethics Commission is a state agency consisting of the following eight members:

(1) two members of different political parties appointed by the governor from a list of at least 10 names submitted by the members of the house of representatives from each political party required by law to hold a primary;

(2) two members of different political parties appointed by the governor from a list of at least 10 names submitted by the members of the senate from each political party required by law to hold a primary;

(3) two members of different political parties appointed by the speaker of the house of representatives from a list of at least 10 names submitted by the members of the house from each political party required by law to hold a primary; and

(4) two members of different political parties appointed by the lieutenant governor from a list of at least 10 names submitted by the members of the senate from each political party required by law to hold a primary.

(b) Commission members serve four-year terms. A vacancy on the commission shall be filled for the unexpired portion of the term in the same manner as the original appointment. A member who has served for one term and any part of a second term is not eligible for reappointment.

(c) The commission has the powers and duties provided by law.

Sec. 10.08. *TEXAS SALARY COMMISSION.*

(a) The Texas Salary Commission is a state agency composed of nine members appointed by the governor with the advice and consent of the senate. Members serve six-year terms of office, with the terms of three members expiring every other year. A vacancy on the commission is filled for the unexpired term by appointment of the governor with the advice and consent of the senate. A member of the commission may not hold another public office.

(b) In addition to performing other duties prescribed by this constitution or by law, the commission shall recommend the rate of compensation for elected and appointed officers of the executive branch, for judges of state district courts, and for judges and justices of appellate courts, including the supreme court and court of criminal appeals. The commission shall set the compensation for members of the legislature in accordance with Section 3.09 of this constitution.

(c) The compensation paid to an officer for which the commission makes a recommendation may not exceed the amount recommended by the commission. The compensation paid is determined by law and is subject to limits established by general law or appropriation. An officer is not entitled to compensation at the rate recommended by the commission.

(d) In this section, "compensation" includes salary or a compensatory per diem, but does not include other benefits or reimbursement for expenses.

Sec. 10.09. *SEPARATE AND COMMUNITY PROPERTY OF SPOUSES.*

(a) In this section, a "marriage" is the union of a man and a woman joined in a mutual social and legal dependence for the purpose of founding and maintaining a family, and a "spouse" is one of the people united in marriage.

(b) The legislature may enact laws consistent with this section that define the rights of spouses in relation to separate and community property.

(c) All property of a spouse owned or claimed before marriage, and that acquired afterward by gift, devise, or descent, is the separate property of that spouse.

(d) Spouses or persons about to marry, without the intention to defraud preexisting creditors, may by written instrument from time to time partition between themselves all or part of their property, then existing or to be acquired, or exchange between themselves the community interest of one spouse or future spouse in any property for the community interest of the other spouse or future spouse in other community property then existing or to be acquired. The portion or interest set aside to each is the separate property of that spouse or future spouse.

(e) Spouses may from time to time, by written instrument, agree between themselves that the income or property from all or part of the separate property then owned or thereafter acquired by only one of them is the separate property of that spouse.

(f) If one spouse makes a gift of property to the other, the gift is presumed to include all the income or property that might arise from that gift.

(g) Spouses may agree in writing that, on the death of one spouse, all or part of the community property becomes the property of the surviving spouse.

Sec. 10.10. *HOMESTEAD.*

(a) The homestead is the home of a family or single adult. The place used for conducting a business or 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 municipality. 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 municipality on any residential lot not to exceed one acre. 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 of a family or of a single adult person is protected from forced sale for the payment of all debts except for:

- (1) the purchase money debt for the homestead, or a part of that purchase money;
- (2) the taxes due on the homestead;
- (3) an owelty of partition imposed against the entirety of the property by a court order or by a written agreement of the parties to the partition, including a debt of one spouse in favor of the other spouse resulting from a division or an award of a family homestead in a divorce proceeding;

- (4) the refinance of a lien against a homestead, including a federal tax lien resulting from the tax debt of both spouses, if the homestead is a family homestead, or from the tax debt of the owner;
- (5) work and material used in constructing new improvements on the homestead; or
- (6) an extension of credit that is secured by a voluntary lien on the homestead created under a written agreement with the consent of each owner and each owner's spouse and that is without recourse for personal liability against each owner and the spouse of each owner.

(e) Notwithstanding Subsections (d) (4) and (d) (6) of this section, an agricultural homestead, except for an agricultural homestead dedicated to the production of dairy products, is exempt from forced sale for the payment of a refinanced lien or for an extension of credit secured by a voluntary lien.

(f) The legislature shall by general law provide for the protection of citizens who are the beneficiaries of proceeds resulting from a debt incurred against their homesteads, including provision for a waiting period before the closing of a lien, the right to a rescission period, regulations on the amounts and terms of such liens, the type of institutions allowed to provide such instruments, and the location and mechanisms for the closing of such debts.

Sec. 10.11. *PROTECTION OF PERSONAL PROPERTY FROM FORCED SALE.* The legislature by law shall provide for the protection from forced sale of certain personal property belonging to each adult and each head of a family.

Sec. 10.12. *PROTECTION OF WAGES FROM GARNISHMENT.*

(a) Current wages for personal service are not subject to garnishment, except for the enforcement of court-ordered child-support payments.

(b) The legislature by law may provide for deductions from the salary of a public officer who neglects the performance of a duty assigned by law.

Sec. 10.13. *LIENS OF MECHANICS, ARTISANS, AND MATERIALMEN.* Mechanics, artisans, and materialmen have liens on the buildings or articles made, improved, or repaired by them. A lien is for the value of labor or material furnished. The legislature by general law shall provide for the efficient enforcement of liens.

Sec. 10.14. *BANKING.* A foreign corporation, other than a bank chartered by the United States, may not exercise banking or discounting privileges in this state.

Sec. 10.15. *PENSION AND RETIREMENT SYSTEMS.*

(a) A pension or retirement system of this state, a political subdivision, or a state or local governmental agency existing on the effective date of this article is continued subject to the provisions of the Constitution of 1876 until changed by law. Funds held under any such system may not be used for any purpose inconsistent with that system.

(b) The amount contributed by a person participating in the Employees Retirement System of Texas or the Teacher Retirement System of Texas, or the successor of either, may not be less than 6 percent of compensation. The amount contributed by the state to either may not be less than 6 percent nor more than 10 percent of the aggregate compensation paid to individuals

participating in the system. In an emergency, as determined by the governor, the legislature may appropriate such additional sums as are actuarially determined to be required to fund benefits authorized by law.

Sec. 10.16. *GAMBLING.*

(a) Lotteries and gift enterprises are prohibited in this state except for:

- (1) bingo games or raffles, the proceeds of which are spent in Texas for charitable purposes;
- (2) lotteries operated on behalf of the state; or
- (3) lotteries and gift enterprises approved by an affirmative vote of two-thirds of the membership of each house of the legislature and approved by a majority vote of the qualified voters in a referendum.

(b) The legislature by general law may regulate lotteries and gift enterprises permitted under this section.

Sec. 10.17. *AMENDMENTS TO CONSTITUTION.*

(a) The legislature may propose amendments to this constitution by a record affirmative two-thirds vote of the membership of each house.

(b) A proposed amendment shall be submitted to the people on the date specified by the legislature, but not less than 90 days after the date the legislature proposes the amendment.

(c) A proposed amendment must be publicized in English and any other language prescribed by law. The legislature by law shall prescribe 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 part of this constitution on the date the statewide returns of the election are canvassed.

Sec. 10.18. *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. A constitutional convention shall be called if approved by a majority of the qualified voters voting on the question.

(b) At the next legislative session following approval of a call, the legislature by law shall provide for:

- (1) the election of convention delegates and the filling of delegate vacancies;
- (2) the convening of the convention on a date not later than three months after the election of delegates;
- (3) the meeting place and duration of the convention;
- (4) the pay, allowances, and expenses of delegates and officers; and
- (5) the other expenses of the convention.

(c) A public officer is not prohibited from serving as a delegate by any provision in this constitution.

(d) 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 English and in any other language specified by the convention.

(e) 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.

*TEMPORARY TRANSITION PROVISIONS.*

(a) This article takes effect September 1, 2001.

(b) After the effective date of this article and before the effective date of salary commission recommendations, the lack of salary commission recommendation does not affect the compensation of elected and appointed officers of the executive branch, judges of state district courts, and judges and justices of appellate courts, including the supreme court, and those officers shall receive the compensation authorized by law.

(c) Lotteries and gift enterprises authorized by the Constitution of 1876 continue to be subject to the restrictions of that constitution until regulated by general law in accordance with Section 10.16 (b) of this constitution.

(d) A law in effect on the effective date of this article that is not in conflict with this constitution, the Constitution of 1876, or the Constitution of the United States is continued in effect until the law expires by its own terms or is amended or repealed by the legislature.

(e) This article does not affect the validity or enforceability of a lien against a homestead that was valid under the terms of Section 50, Article XVI, Constitution of 1876.

**SECTION 2.** This proposed constitutional amendment shall be submitted to the voters at an election to be held November 2, 1999. The ballot shall be printed to permit voting for or against the proposition: "The constitutional amendment to revise the Texas Constitution."