

1
00:00:01,979 --> 00:00:08,639
we bow our heads God of our fathers

2
00:00:05,819 --> 00:00:11,400
grant unto us life servants the true

3
00:00:08,639 --> 00:00:14,630
appreciation of our Texas heritage great

4
00:00:11,400 --> 00:00:17,550
men and women of great deeds in the past

5
00:00:14,630 --> 00:00:20,100
and enable us to appreciate their work

6
00:00:17,550 --> 00:00:23,850
as we build further on the foundation

7
00:00:20,100 --> 00:00:26,460
they have to tweeze that keep us ever

8
00:00:23,850 --> 00:00:29,279
mindful that thou art ever-present to

9
00:00:26,460 --> 00:00:32,850
direct and did it inspire our hearts to

10
00:00:29,279 --> 00:00:34,890
wisdom and sound judgment we invoke thy

11
00:00:32,850 --> 00:00:37,800
blessings upon this assembly for

12
00:00:34,890 --> 00:00:40,829
guidance and help in these troubled

13
00:00:37,800 --> 00:00:43,890
times and grant our representative will

14

00:00:40,829 --> 00:00:47,039
to work together as a team for the

15
00:00:43,890 --> 00:00:50,010
welfare of all the people of Texas grant

16
00:00:47,039 --> 00:00:52,710
courage to endure the pressures of the

17
00:00:50,010 --> 00:00:54,920
selfish and give to the people the

18
00:00:52,710 --> 00:00:58,829
wisdom and the vision to see that

19
00:00:54,920 --> 00:01:01,680
sacrifice must be shared by all and if

20
00:00:58,829 --> 00:01:05,460
there is no substitute for hard work and

21
00:01:01,680 --> 00:01:08,310
no joy for unmerited reward teach us to

22
00:01:05,460 --> 00:01:12,000
trust not our cleverness but to trust

23
00:01:08,310 --> 00:01:15,540
that inward faith which we can never be

24
00:01:12,000 --> 00:01:19,350
denied lead us out of confusion to

25
00:01:15,540 --> 00:01:22,530
reason and to feel your love and respond

26
00:01:19,350 --> 00:01:26,490
to it and may no cowardice our coward

27
00:01:22,530 --> 00:01:29,700
selfishness make us reluctant to assume

28
00:01:26,490 --> 00:01:33,780
the responsibilities of leadership in a

29
00:01:29,700 --> 00:01:35,729
world hungry for hope and justice may

30
00:01:33,780 --> 00:01:38,360
you dwell with us throughout this day as

31
00:01:35,729 --> 00:01:38,360
our prayer

32
00:01:39,860 --> 00:01:48,010
terrible now here excuse for absent

33
00:01:42,050 --> 00:01:51,470
members excuse representative waters

34
00:01:48,010 --> 00:01:53,060
code of important business on a motion

35
00:01:51,470 --> 00:01:54,680
of representative Nichols excused

36
00:01:53,060 --> 00:01:56,000
representative Donaldson because of

37
00:01:54,680 --> 00:01:57,920
important business on a motion to

38
00:01:56,000 --> 00:01:58,580
representative cast her is there

39
00:01:57,920 --> 00:02:01,750
objection

40
00:01:58,580 --> 00:02:01,750
chair here is none

41

00:02:16,290 --> 00:02:28,939
bobak bells on first meeting reverence

42
00:02:18,540 --> 00:02:32,790
committee declare to read the bills HSR

43
00:02:28,939 --> 00:02:34,739
126 by reback and Kubiak relating to the

44
00:02:32,790 --> 00:02:36,870
appointment of a special investigating

45
00:02:34,739 --> 00:02:39,689
committee to investigate the process of

46
00:02:36,870 --> 00:02:42,109
obtaining bank charters referred to the

47
00:02:39,689 --> 00:02:49,739
Committee on financial institutions

48
00:02:42,109 --> 00:02:52,019
House bill 21 70 relating to state

49
00:02:49,739 --> 00:02:54,269
grants to public junior colleges for

50
00:02:52,019 --> 00:02:56,370
constructing and equipping facilities

51
00:02:54,269 --> 00:02:57,750
for health occupations education and

52
00:02:56,370 --> 00:02:59,400
declaring an emergency

53
00:02:57,750 --> 00:03:01,430
refer to the Committee on Higher

54
00:02:59,400 --> 00:03:01,430
Education

55
00:03:35,660 --> 00:03:40,520
pursuant to rule 24 section 10 the chair

56
00:03:38,840 --> 00:03:41,150
give notice and after the expiration of

57
00:03:40,520 --> 00:03:43,480
one hour

58
00:03:41,150 --> 00:03:46,550
the recognized representative neighbors

59
00:03:43,480 --> 00:03:50,470
as for a suspension the rules on Senate

60
00:03:46,550 --> 00:03:50,470
concurrent resolution number 52

61
00:04:38,910 --> 00:04:41,450
Hey

62
00:04:59,629 --> 00:05:04,559
chair recognizes mr. McDonald for

63
00:05:02,309 --> 00:05:07,169
emotion it speaking members I'd like to

64
00:05:04,559 --> 00:05:11,489
move that we spend on this hair rules in

65
00:05:07,169 --> 00:05:13,349
order to take up out of order the bills

66
00:05:11,489 --> 00:05:15,330
that are on third reading on your

67
00:05:13,349 --> 00:05:17,610
calendar that those we've already passed

68

00:05:15,330 --> 00:05:19,080
on second reading so we get them out of

69
00:05:17,610 --> 00:05:23,339
the way and then put the constitutional

70
00:05:19,080 --> 00:05:24,989
amendment up on top are you heard mr.

71
00:05:23,339 --> 00:05:26,879
MacDonald's motion that we suspend the

72
00:05:24,989 --> 00:05:28,619
rules so that the order of business on

73
00:05:26,879 --> 00:05:30,539
the calendar might be changed so that we

74
00:05:28,619 --> 00:05:33,839
can take up house bills on third reading

75
00:05:30,539 --> 00:05:34,889
prior to the time we take up HJ our 56

76
00:05:33,839 --> 00:05:37,319
is there objection

77
00:05:34,889 --> 00:05:39,679
chair here's none and the rules are so

78
00:05:37,319 --> 00:05:39,679
cependant

79
00:05:48,050 --> 00:05:53,510
chair lays out House bill 727 on third

80
00:05:51,860 --> 00:05:59,030
reading and final passage a clerk will

81
00:05:53,510 --> 00:06:01,670
read the bill House bill 727 by Nowlin

82
00:05:59,030 --> 00:06:03,890
relating to the limitation on operating

83
00:06:01,670 --> 00:06:07,160
expenses of certain mr. Harris to

84
00:06:03,890 --> 00:06:12,950
explain the bill let's begin fellow

85
00:06:07,160 --> 00:06:14,420
members certain associations are not

86
00:06:12,950 --> 00:06:16,400
required to have certificates of

87
00:06:14,420 --> 00:06:19,420
authority under the insurance Insurance

88
00:06:16,400 --> 00:06:23,960
Code the associations are composed of

89
00:06:19,420 --> 00:06:27,050
employees of public entities postal

90
00:06:23,960 --> 00:06:29,870
employees and certain other related

91
00:06:27,050 --> 00:06:33,800
kindred groups the president law says

92
00:06:29,870 --> 00:06:35,750
that such associations shall not spend

93
00:06:33,800 --> 00:06:37,780
more than three hundred dollars monthly

94
00:06:35,750 --> 00:06:41,120
and their operation operating expenses

95

00:06:37,780 --> 00:06:45,320
this bill House bill 727 will Murli

96
00:06:41,120 --> 00:06:47,990
raise that amount to a thousand dollars

97
00:06:45,320 --> 00:06:50,600
per month authorized to be spent in

98
00:06:47,990 --> 00:06:54,020
operating their business mr. speaker I'm

99
00:06:50,600 --> 00:06:55,610
moving final passage of hospital 727 as

100
00:06:54,020 --> 00:06:58,400
Harris moves final passage of House Bill

101
00:06:55,610 --> 00:07:01,820
Fire a 727 all those in favor final

102
00:06:58,400 --> 00:07:05,540
passage House bill 727 will say aye all

103
00:07:01,820 --> 00:07:08,600
opposed no House bill 727 is finally

104
00:07:05,540 --> 00:07:10,760
passed the speaker as the door gamer we

105
00:07:08,600 --> 00:07:15,020
have a message from the Senate admit the

106
00:07:10,760 --> 00:07:16,670
messenger mr. speaker I'm directed by

107
00:07:15,020 --> 00:07:18,680
the Senate to inform the house that the

108
00:07:16,670 --> 00:07:21,170
Senate has passed the following Senate

109
00:07:18,680 --> 00:07:22,940
concurrent resolution 3-1 by andujar

110
00:07:21,170 --> 00:07:26,030
that the Congress of the United States

111
00:07:22,940 --> 00:07:27,980
be urged to approve Senate bill 1306 to

112
00:07:26,030 --> 00:07:29,450
support the operating and capital needs

113
00:07:27,980 --> 00:07:32,660
of the Rock Island Railroad

114
00:07:29,450 --> 00:07:34,070
Senate bill 2:9 by Harrington relating

115
00:07:32,660 --> 00:07:35,570
to the authority of the Parks and

116
00:07:34,070 --> 00:07:37,760
Wildlife Commission to authorize

117
00:07:35,570 --> 00:07:39,440
recreational hunting at sea rim state

118
00:07:37,760 --> 00:07:42,980
park and declaring an emergency

119
00:07:39,440 --> 00:07:44,590
Senate bill 1-800 by damage relating to

120
00:07:42,980 --> 00:07:47,380
the establishment of health maintenance

121
00:07:44,590 --> 00:07:50,170
organizations in declaring an emergency

122

00:07:47,380 --> 00:07:52,340
Senate bill seven eight nine by more

123
00:07:50,170 --> 00:07:54,690
changing the name of the directors of

124
00:07:52,340 --> 00:07:56,730
Texas A&M University System

125
00:07:54,690 --> 00:07:59,700
and declaring an emergency Senate bill

126
00:07:56,730 --> 00:08:02,400
845 by hands relating to exemption of

127
00:07:59,700 --> 00:08:04,230
product sales from assessment on request

128
00:08:02,400 --> 00:08:07,370
of producers of agricultural commodities

129
00:08:04,230 --> 00:08:07,370
and declaring an emergency

130
00:08:19,529 --> 00:08:23,849
Cheerilee is out on second reading our

131
00:08:21,929 --> 00:08:26,879
third reading and final passage House

132
00:08:23,849 --> 00:08:35,610
bill 695 965 the clerk will read the

133
00:08:26,879 --> 00:08:37,740
bill House bill 965 by Nugent relating

134
00:08:35,610 --> 00:08:39,449
to a judge's willful and persistent

135
00:08:37,740 --> 00:08:41,849
conduct that is clearly inconsistent

136
00:08:39,449 --> 00:08:45,389
with the performance of his duties after

137
00:08:41,849 --> 00:08:47,579
Nugent to explain his bill mr. speaker

138
00:08:45,389 --> 00:08:50,339
and members this is the bill that we

139
00:08:47,579 --> 00:08:53,939
worked on yesterday which simply places

140
00:08:50,339 --> 00:08:57,509
in statutory law the constitutional

141
00:08:53,939 --> 00:09:01,259
provision that defines what is willful a

142
00:08:57,509 --> 00:09:03,870
willful our persistent conduct on the

143
00:09:01,259 --> 00:09:08,100
part of a judge that would give the

144
00:09:03,870 --> 00:09:09,660
judicial qualification Commission the

145
00:09:08,100 --> 00:09:14,639
authority of did remove him from office

146
00:09:09,660 --> 00:09:17,550
I move its final passage mr. speaker mr.

147
00:09:14,639 --> 00:09:20,040
Nugent moves at House bill six nine

148
00:09:17,550 --> 00:09:21,990
sixty five he finally passed all those

149

00:09:20,040 --> 00:09:26,189
in favor of final passage of House bill

150
00:09:21,990 --> 00:09:33,930
965 we'll say aye all opposed no

151
00:09:26,189 --> 00:09:35,579
House bill 965 is finally passed surely

152
00:09:33,930 --> 00:09:37,829
is out on third reading in final pass

153
00:09:35,579 --> 00:09:42,180
the jobs bill 1633 the clerk will read

154
00:09:37,829 --> 00:09:45,059
the bill House bill 1633 by gene green

155
00:09:42,180 --> 00:09:47,730
amending article 3 mr. green don't clean

156
00:09:45,059 --> 00:09:49,769
his bill mr. speaker members this is the

157
00:09:47,730 --> 00:09:52,860
bill we discussed yesterday that it

158
00:09:49,769 --> 00:09:55,620
allows counties to include retirees in

159
00:09:52,860 --> 00:09:59,399
their group insurance plans and move its

160
00:09:55,620 --> 00:10:01,829
adoption twice and don't final passage

161
00:09:59,399 --> 00:10:04,019
of House Bill 1633 all those in favor of

162
00:10:01,829 --> 00:10:04,350
passage to the House bill 1633 able to

163
00:10:04,019 --> 00:10:09,120
say aye

164
00:10:04,350 --> 00:10:11,689
I won't oppose No House bill 1633 has

165
00:10:09,120 --> 00:10:11,689
finally passed

166
00:10:12,559 --> 00:10:17,160
chair lays out on third reading and

167
00:10:15,029 --> 00:10:21,480
final passage jobs bill 3:05 the clerk

168
00:10:17,160 --> 00:10:23,790
will read the bill House bill 305 by

169
00:10:21,480 --> 00:10:26,550
coreos relating to planning and

170
00:10:23,790 --> 00:10:29,009
recording of subdivisions amending

171
00:10:26,550 --> 00:10:30,930
section at the choreo explaining bill

172
00:10:29,009 --> 00:10:33,540
mr. speaker members this is the Bell

173
00:10:30,930 --> 00:10:35,279
playing destiny pertaining to the City

174
00:10:33,540 --> 00:10:39,120
Council's and applying Zoning Commission

175
00:10:35,279 --> 00:10:40,620
on site plans are moves past let's go

176

00:10:39,120 --> 00:10:43,080
with mood final passage of House Bill

177
00:10:40,620 --> 00:10:46,040
305 all those in favor of passage of our

178
00:10:43,080 --> 00:10:54,000
final passage House bill 305 or say aye

179
00:10:46,040 --> 00:10:59,700
all opposed no House bill 305 is finally

180
00:10:54,000 --> 00:11:02,010
passed jury is out on final third

181
00:10:59,700 --> 00:11:05,420
reading and final passage on bill 605

182
00:11:02,010 --> 00:11:09,240
the clerk will read the bill House bill

183
00:11:05,420 --> 00:11:11,430
605 by Caldwell relating to the payment

184
00:11:09,240 --> 00:11:13,860
of specified claims made against the

185
00:11:11,430 --> 00:11:15,990
state of Texas authorizing the

186
00:11:13,860 --> 00:11:17,430
controller of public accounts to issue

187
00:11:15,990 --> 00:11:19,770
warrants for the payment of

188
00:11:17,430 --> 00:11:21,899
miscellaneous claims providing a

189
00:11:19,770 --> 00:11:25,220
procedure for qualifying miscellaneous

190
00:11:21,899 --> 00:11:25,220
claims in declaring an emergency

191
00:11:56,740 --> 00:11:59,730
where'd your wife

192
00:12:23,290 --> 00:12:28,489
all right chair recognizes mr. PBO to

193
00:12:26,239 --> 00:12:30,739
explain House bill 605 the speaker

194
00:12:28,489 --> 00:12:33,439
members this is the bill you passed on

195
00:12:30,739 --> 00:12:35,029
second reading yesterday went through

196
00:12:33,439 --> 00:12:37,549
the revenue and tax committee with a

197
00:12:35,029 --> 00:12:41,059
unanimous vote what it would do would

198
00:12:37,549 --> 00:12:43,939
allow the controller to pay small claims

199
00:12:41,059 --> 00:12:46,429
once the Attorney General certifies that

200
00:12:43,939 --> 00:12:49,970
it is a good legal claim against the

201
00:12:46,429 --> 00:12:52,730
state of Texas just on third reading

202
00:12:49,970 --> 00:12:54,679
let's people don't move House bill 605

203

00:12:52,730 --> 00:12:56,959
we finally passed all those in favor of

204
00:12:54,679 --> 00:12:57,579
finally passing House bill 605 or say

205
00:12:56,959 --> 00:13:02,089
aye

206
00:12:57,579 --> 00:13:04,299
all opposed no House bill 605 is finally

207
00:13:02,089 --> 00:13:04,299
passed

208
00:13:11,870 --> 00:13:15,040
from India

209
00:13:19,670 --> 00:13:24,579
I can't right now we go we're faking get

210
00:13:21,709 --> 00:13:24,579
on competition

211
00:14:50,760 --> 00:14:58,740
chair recognizes representative Sullivan

212
00:14:53,910 --> 00:15:00,600
for emotion their speaker members I

213
00:14:58,740 --> 00:15:03,780
would like to move that we suspend

214
00:15:00,600 --> 00:15:07,350
necessary rules to allow the staff of

215
00:15:03,780 --> 00:15:09,360
the constitutional revision committee on

216
00:15:07,350 --> 00:15:11,940
the floor including mr. Steve

217
00:15:09,360 --> 00:15:15,180
Bickerstaff who is the parliamentarian

218
00:15:11,940 --> 00:15:17,910
of the Senate and Miss Liz levatino from

219
00:15:15,180 --> 00:15:19,980
the attorney general's office to assist

220
00:15:17,910 --> 00:15:24,240
the members in understanding this

221
00:15:19,980 --> 00:15:26,360
constitutional revision effort be glad

222
00:15:24,240 --> 00:15:28,590
to answer questions you heard mr.

223
00:15:26,360 --> 00:15:30,440
Sullivan's motion is there objection to

224
00:15:28,590 --> 00:15:32,580
this mention the rules for this purpose

225
00:15:30,440 --> 00:15:34,800
chair here's none the rules are

226
00:15:32,580 --> 00:15:37,790
submitted or suspended and the staff has

227
00:15:34,800 --> 00:15:37,790
made it to the floor

228
00:15:56,670 --> 00:16:03,460
members of my to have your attention for

229
00:15:59,050 --> 00:16:08,280
just a minute we have finished the

230

00:16:03,460 --> 00:16:08,280
counter with the exception of HJ our 56

231
00:16:08,310 --> 00:16:17,800
HDD or 56 is a work product of our

232
00:16:14,290 --> 00:16:20,680
constitutional revision committee it is

233
00:16:17,800 --> 00:16:25,180
a product that I think basically most of

234
00:16:20,680 --> 00:16:27,630
you are familiar with it is a product

235
00:16:25,180 --> 00:16:33,360
that I hope that this house will

236
00:16:27,630 --> 00:16:35,980
consider during debate and respect to

237
00:16:33,360 --> 00:16:39,270
the many arguments that were put forth

238
00:16:35,980 --> 00:16:39,270
and the Constitutional Convention

239
00:16:39,480 --> 00:16:48,400
realizing your obligation as members of

240
00:16:42,520 --> 00:16:52,650
this body and trying to expedite as we

241
00:16:48,400 --> 00:16:56,500
proceed on this as it's a long matter

242
00:16:52,650 --> 00:16:59,020
and if you will recall some year and a

243
00:16:56,500 --> 00:17:02,800
half or two years ago or about a year

244
00:16:59,020 --> 00:17:04,600
and a half about a year ago a little

245
00:17:02,800 --> 00:17:08,280
less than a year ago at the conclusion

246
00:17:04,600 --> 00:17:12,310
of the convention I think many people

247
00:17:08,280 --> 00:17:14,740
left the convention with a thought that

248
00:17:12,310 --> 00:17:16,630
there would be a possibility for this

249
00:17:14,740 --> 00:17:19,360
legislative session to take the work

250
00:17:16,630 --> 00:17:21,340
product and proceed forward with giving

251
00:17:19,360 --> 00:17:26,530
the people of Texas a product to vote on

252
00:17:21,340 --> 00:17:30,430
I think that this reality is close at

253
00:17:26,530 --> 00:17:33,910
hand the Senate has passed the work

254
00:17:30,430 --> 00:17:36,430
product of the house committee the house

255
00:17:33,910 --> 00:17:42,880
now will take under consideration this

256
00:17:36,430 --> 00:17:45,850
document I want to express my sentiments

257

00:17:42,880 --> 00:17:48,330
of appreciation to the committee for

258
00:17:45,850 --> 00:17:50,500
their long hours of deliberation and

259
00:17:48,330 --> 00:17:59,220
preparation of this document and the

260
00:17:50,500 --> 00:17:59,220
transition schedule and the chair will

261
00:17:59,400 --> 00:18:07,030
exercise a privilege of the chair that

262
00:18:02,620 --> 00:18:07,720
has not been exercised thus far in this

263
00:18:07,030 --> 00:18:13,450
session

264
00:18:07,720 --> 00:18:16,149
and we'll use his machine and we'll be

265
00:18:13,450 --> 00:18:28,870
voting on in the affirmative for this

266
00:18:16,149 --> 00:18:30,970
document the counter shows that HJ r56

267
00:18:28,870 --> 00:18:33,789
is up for consideration the chair lays

268
00:18:30,970 --> 00:18:36,250
out in lieu of that joint resolution

269
00:18:33,789 --> 00:18:42,759
Senate joint resolution number 11 the

270
00:18:36,250 --> 00:18:45,100
clerk will read the resolution SJ r 11

271
00:18:42,759 --> 00:18:46,769
by gamma CH 8 amendments to the

272
00:18:45,100 --> 00:18:49,299
constitution article by article

273
00:18:46,769 --> 00:18:57,009
submission of constitutional convention

274
00:18:49,299 --> 00:19:00,509
resolution number one chair recognizes

275
00:18:57,009 --> 00:19:00,509
mr. Sullivan for motion

276
00:19:07,000 --> 00:19:14,770
I think young this speaker I'd like to

277
00:19:11,590 --> 00:19:17,280
move to suspend the rules divide the

278
00:19:14,770 --> 00:19:28,690
question and take up consider and adopt

279
00:19:17,280 --> 00:19:29,950
SJ or 11 section by section all right

280
00:19:28,690 --> 00:19:31,690
members you've heard the motion to

281
00:19:29,950 --> 00:19:33,760
suspend the rules that this document may

282
00:19:31,690 --> 00:19:34,510
be taken up section by section is there

283
00:19:33,760 --> 00:19:37,179
objection

284

00:19:34,510 --> 00:19:38,010
and adopted section by section is there

285
00:19:37,179 --> 00:19:40,630
objection

286
00:19:38,010 --> 00:19:44,530
ciara here's none and the rules are

287
00:19:40,630 --> 00:19:46,240
suspended for that purpose she

288
00:19:44,530 --> 00:19:47,940
recognized it mr. Sullivan for an

289
00:19:46,240 --> 00:19:51,490
explanation

290
00:19:47,940 --> 00:19:56,500
SJ our number 11 Thank You mr. speaker

291
00:19:51,490 --> 00:20:00,309
members I would like to go into just a

292
00:19:56,500 --> 00:20:02,169
few moments of background perhaps more

293
00:20:00,309 --> 00:20:05,860
from the benefit of the new members but

294
00:20:02,169 --> 00:20:08,770
also to bring the old members up to date

295
00:20:05,860 --> 00:20:10,780
on exactly where we are today the

296
00:20:08,770 --> 00:20:14,159
Constitutional Convention as you recall

297
00:20:10,780 --> 00:20:17,470
failed by three votes to vote out

298
00:20:14,159 --> 00:20:20,230
resolution number 32 to the people for

299
00:20:17,470 --> 00:20:22,690
their consideration let me start by

300
00:20:20,230 --> 00:20:28,409
saying that what you have before you and

301
00:20:22,690 --> 00:20:31,179
s jr. 11 is essentially resolution 32

302
00:20:28,409 --> 00:20:34,539
that the convention failed to vote out

303
00:20:31,179 --> 00:20:37,360
last year now after the Constitutional

304
00:20:34,539 --> 00:20:41,890
Convention failed several ideas

305
00:20:37,360 --> 00:20:43,750
developed on how we should proceed first

306
00:20:41,890 --> 00:20:46,559
there was the idea that we might do it

307
00:20:43,750 --> 00:20:49,270
by simplification that being to leave

308
00:20:46,559 --> 00:20:52,750
all of the provisions as they are but

309
00:20:49,270 --> 00:20:57,179
just simplify the language the other the

310
00:20:52,750 --> 00:21:00,640
second one was to vote out a single-shot

311

00:20:57,179 --> 00:21:02,890
Constitution an up or down vote and give

312
00:21:00,640 --> 00:21:05,770
it to the people in that matter the

313
00:21:02,890 --> 00:21:08,289
third idea was for a citizens convention

314
00:21:05,770 --> 00:21:10,990
to be formed to take over the work of

315
00:21:08,289 --> 00:21:13,710
the Constitutional Convention and the

316
00:21:10,990 --> 00:21:16,600
fourth idea was an article by article

317
00:21:13,710 --> 00:21:20,860
submission such as what we have decided

318
00:21:16,600 --> 00:21:24,010
upon many people agreed that

319
00:21:20,860 --> 00:21:26,649
the fourth alternative was the best that

320
00:21:24,010 --> 00:21:28,899
is the article by article submission but

321
00:21:26,649 --> 00:21:32,590
said that it simply could not be done

322
00:21:28,899 --> 00:21:35,590
because we could not write a transition

323
00:21:32,590 --> 00:21:38,590
schedule which would work in case the

324
00:21:35,590 --> 00:21:41,710
people fail to adopt one or more of the

325
00:21:38,590 --> 00:21:46,149
articles only one man in the states the

326
00:21:41,710 --> 00:21:48,220
far as I know in position to do anything

327
00:21:46,149 --> 00:21:50,500
about it really believed that this could

328
00:21:48,220 --> 00:21:52,480
be done that this transition schedule

329
00:21:50,500 --> 00:22:01,210
could be written and that was the parent

330
00:21:52,480 --> 00:22:03,909
General John Hill mr. nickles sjr eleven

331
00:22:01,210 --> 00:22:07,120
yes mr. nickles sjr eleven is in the

332
00:22:03,909 --> 00:22:10,600
same legislative process that hjr

333
00:22:07,120 --> 00:22:12,130
fifty-six and an identical document that

334
00:22:10,600 --> 00:22:14,919
is out of the house committee and the

335
00:22:12,130 --> 00:22:16,630
chair laid out yes it's substantially

336
00:22:14,919 --> 00:22:19,809
the same and it's here laid out the s

337
00:22:16,630 --> 00:22:23,669
jr. and we're debating the SGA are but

338

00:22:19,809 --> 00:22:26,200
but the the the hjr is the same thing

339
00:22:23,669 --> 00:22:27,519
it's the same thing substantially the

340
00:22:26,200 --> 00:22:28,960
same thing I think with two or three

341
00:22:27,519 --> 00:22:33,250
amendments which mr. Sullivan will

342
00:22:28,960 --> 00:22:35,799
explain okay thank so Attorney General

343
00:22:33,250 --> 00:22:38,220
John Hill assigned his staff to go to

344
00:22:35,799 --> 00:22:41,139
work on this transition schedule and he

345
00:22:38,220 --> 00:22:44,919
contributed his lives levatino of his

346
00:22:41,139 --> 00:22:48,090
staff to a sort of ad hoc constitutional

347
00:22:44,919 --> 00:22:52,330
revision staff composed of Liz and Steve

348
00:22:48,090 --> 00:22:56,320
Bickerstaff and Rick and Louise who are

349
00:22:52,330 --> 00:22:59,019
on our own House committee staff now and

350
00:22:56,320 --> 00:23:01,149
these four people said about and proved

351
00:22:59,019 --> 00:23:04,289
that you could ride a transition

352
00:23:01,149 --> 00:23:07,059
schedule for an article by article trend

353
00:23:04,289 --> 00:23:09,760
submission to the people they worked

354
00:23:07,059 --> 00:23:11,679
almost from the time the Constitutional

355
00:23:09,760 --> 00:23:14,080
Convention failed until today

356
00:23:11,679 --> 00:23:17,710
and I can say to you with absolute

357
00:23:14,080 --> 00:23:20,669
assurance that this transition schedule

358
00:23:17,710 --> 00:23:23,649
will work if you'll notice over on the

359
00:23:20,669 --> 00:23:26,500
wall against the windows over there

360
00:23:23,649 --> 00:23:30,490
there is a chart which the staff put

361
00:23:26,500 --> 00:23:33,200
together and this chart has on it on

362
00:23:30,490 --> 00:23:36,380
separate cards each section

363
00:23:33,200 --> 00:23:38,419
of the present Constitution and we in

364
00:23:36,380 --> 00:23:41,510
our committee has spent a full day going

365

00:23:38,419 --> 00:23:43,340
through that chart and taking article by

366
00:23:41,510 --> 00:23:46,610
article and following the transition

367
00:23:43,340 --> 00:23:49,159
schedule subtracting from the chart

368
00:23:46,610 --> 00:23:51,200
those parts of it that are required when

369
00:23:49,159 --> 00:23:54,380
you pass article one and article two and

370
00:23:51,200 --> 00:23:56,600
so forth and improve that it will work

371
00:23:54,380 --> 00:23:59,029
and indeed if the people pass the whole

372
00:23:56,600 --> 00:24:01,370
Constitution or one or more of the

373
00:23:59,029 --> 00:24:07,309
articles we can end up with a workable

374
00:24:01,370 --> 00:24:09,380
Constitution that brings us down to the

375
00:24:07,309 --> 00:24:12,620
substantive part of the revision and

376
00:24:09,380 --> 00:24:14,809
this is what I wanted to tell for for

377
00:24:12,620 --> 00:24:16,850
everyone to know exactly where we stand

378
00:24:14,809 --> 00:24:18,710
it will help answer the question that

379
00:24:16,850 --> 00:24:22,730
mr. Nichols asked from the back mic a

380
00:24:18,710 --> 00:24:26,090
moment ago I along with dick Geiger Joe

381
00:24:22,730 --> 00:24:29,659
Pinta need Neal Carl Herbert Aloha Jim

382
00:24:26,090 --> 00:24:32,929
Maddox and some others introduced 10

383
00:24:29,659 --> 00:24:36,200
separate articles on an article by

384
00:24:32,929 --> 00:24:40,639
article basis to submit to this body a

385
00:24:36,200 --> 00:24:44,990
few days later I and mr. Geiger and Ray

386
00:24:40,639 --> 00:24:48,380
Hutchison introduced hjr 56 which

387
00:24:44,990 --> 00:24:51,519
essentially was a compilation of the

388
00:24:48,380 --> 00:24:54,769
separate articles that had already been

389
00:24:51,519 --> 00:24:56,510
introduced into one vehicle so that we

390
00:24:54,769 --> 00:25:01,039
could get by the House and Senate rules

391
00:24:56,510 --> 00:25:04,399
a little easier so our committee then

392

00:25:01,039 --> 00:25:04,909
went line by line through article fit I

393
00:25:04,399 --> 00:25:09,169
mean

394
00:25:04,909 --> 00:25:11,149
resolution 56 had made a very few

395
00:25:09,169 --> 00:25:13,250
substantive changes which will be

396
00:25:11,149 --> 00:25:18,830
carefully pointed out during the day

397
00:25:13,250 --> 00:25:20,750
today and made several comments and

398
00:25:18,830 --> 00:25:23,090
other clerical errors were corrected and

399
00:25:20,750 --> 00:25:25,940
came out with what was committee

400
00:25:23,090 --> 00:25:29,630
amendment number one to resolution

401
00:25:25,940 --> 00:25:31,639
number 56 as soon as the House committee

402
00:25:29,630 --> 00:25:34,730
came out with resolution I mean with

403
00:25:31,639 --> 00:25:37,880
house committee amendment number one and

404
00:25:34,730 --> 00:25:41,510
it was printed the Senate committee

405
00:25:37,880 --> 00:25:44,659
which was chaired by being akin picked

406
00:25:41,510 --> 00:25:45,850
up without a single amendment the House

407
00:25:44,659 --> 00:25:50,110
Committee on men

408
00:25:45,850 --> 00:25:53,260
number one and attached it as committee

409
00:25:50,110 --> 00:25:56,440
amendment number one to s jr. 11 which

410
00:25:53,260 --> 00:25:58,539
was the vehicle in the Senate so what

411
00:25:56,440 --> 00:26:02,890
you have before you today although it is

412
00:25:58,539 --> 00:26:06,070
called s jr. 11 is nothing more nor less

413
00:26:02,890 --> 00:26:08,260
than the product of your house committee

414
00:26:06,070 --> 00:26:11,919
which was picked up verbatim by the

415
00:26:08,260 --> 00:26:16,120
Senate and attached as their committee

416
00:26:11,919 --> 00:26:17,950
amendment to their SJ or 11 this

417
00:26:16,120 --> 00:26:22,299
document that you're going to consider

418
00:26:17,950 --> 00:26:23,950
today is obviously not exactly what you

419

00:26:22,299 --> 00:26:25,750
or I or anyone else in here when a

420
00:26:23,950 --> 00:26:26,380
Britain could he have done it all by

421
00:26:25,750 --> 00:26:29,110
himself

422
00:26:26,380 --> 00:26:31,570
but it has been recognized by the

423
00:26:29,110 --> 00:26:33,669
experts who have studied it as one of

424
00:26:31,570 --> 00:26:37,150
the most readable one of the most

425
00:26:33,669 --> 00:26:39,760
understandable documents that could form

426
00:26:37,150 --> 00:26:43,260
a state constitution in the United

427
00:26:39,760 --> 00:26:47,520
States today it has the support of

428
00:26:43,260 --> 00:26:50,620
governor Briscoe it has the support of

429
00:26:47,520 --> 00:26:53,140
lieutenant governor hobby you just heard

430
00:26:50,620 --> 00:26:54,760
from the mike a few moments ago that it

431
00:26:53,140 --> 00:26:57,789
has the support of the Speaker of the

432
00:26:54,760 --> 00:27:01,659
House and it has the unqualified support

433
00:26:57,789 --> 00:27:05,440
of Attorney General John Hill even more

434
00:27:01,659 --> 00:27:07,840
importantly each and every article of

435
00:27:05,440 --> 00:27:11,140
the document that you have before you

436
00:27:07,840 --> 00:27:14,409
has the support of over two-thirds of

437
00:27:11,140 --> 00:27:17,440
the Senate of Texas so we can no longer

438
00:27:14,409 --> 00:27:20,890
say that it can't be done in a

439
00:27:17,440 --> 00:27:23,940
legislative session we can no longer say

440
00:27:20,890 --> 00:27:27,340
that article by article revision is

441
00:27:23,940 --> 00:27:30,400
impossible we can no longer say that the

442
00:27:27,340 --> 00:27:34,059
top leadership in Texas cannot lay aside

443
00:27:30,400 --> 00:27:37,419
their differences and work for a single

444
00:27:34,059 --> 00:27:42,340
revision effort and we can no longer say

445
00:27:37,419 --> 00:27:44,370
that the Senate will kill any revision

446

00:27:42,340 --> 00:27:48,309
effort that the house is able to pass

447
00:27:44,370 --> 00:27:51,159
all of these impenetrable obstacles

448
00:27:48,309 --> 00:27:52,990
which have been pointed to by those who

449
00:27:51,159 --> 00:27:56,370
for their own purposes wanted some other

450
00:27:52,990 --> 00:27:58,720
forum to consider this matter have been

451
00:27:56,370 --> 00:28:01,179
proven to be no more in

452
00:27:58,720 --> 00:28:06,490
penetrable then the bridge Maginot Line

453
00:28:01,179 --> 00:28:11,440
was when it is confronted by a concerted

454
00:28:06,490 --> 00:28:13,600
effort a few people refused to accept

455
00:28:11,440 --> 00:28:16,980
defeat when the convention failed last

456
00:28:13,600 --> 00:28:18,940
year in the face of all the despairing

457
00:28:16,980 --> 00:28:22,690
statements from people in high places

458
00:28:18,940 --> 00:28:25,299
that the legislature simply could not do

459
00:28:22,690 --> 00:28:28,539
it and in face of almost unanimous

460
00:28:25,299 --> 00:28:31,690
agreement among the news media

461
00:28:28,539 --> 00:28:33,730
editorials that the legislature simply

462
00:28:31,690 --> 00:28:38,409
could not raise itself to the plain

463
00:28:33,730 --> 00:28:41,679
necessary to enact a constitution these

464
00:28:38,409 --> 00:28:44,470
people quietly and without any fanfare

465
00:28:41,679 --> 00:28:47,260
said about one by one knocking down the

466
00:28:44,470 --> 00:28:52,210
obstacles and they're all gone except

467
00:28:47,260 --> 00:28:54,970
one known failure can be blamed on the

468
00:28:52,210 --> 00:29:01,690
governor the Lieutenant Governor the

469
00:28:54,970 --> 00:29:05,070
speaker or the Senate any failure must

470
00:29:01,690 --> 00:29:09,870
necessarily now be blamed on the house

471
00:29:05,070 --> 00:29:09,870
because these boats have done their duty

472
00:29:10,559 --> 00:29:18,220
this house at this point stands in a

473

00:29:16,179 --> 00:29:23,200
position where the eyes of Texas are

474
00:29:18,220 --> 00:29:25,419
upon us and it will very soon become

475
00:29:23,200 --> 00:29:30,549
apparent to all whether we are statesmen

476
00:29:25,419 --> 00:29:33,789
or whether the petty selfish small

477
00:29:30,549 --> 00:29:37,360
issues that hurt us last year will again

478
00:29:33,789 --> 00:29:40,720
deny the people of Texas the right to

479
00:29:37,360 --> 00:29:42,850
vote on the Constitution the people are

480
00:29:40,720 --> 00:29:45,549
watching us and I assure you they are

481
00:29:42,850 --> 00:29:47,230
anxiously awaiting the verdict their

482
00:29:45,549 --> 00:29:49,890
speaker I ask you to layout section

483
00:29:47,230 --> 00:29:49,890
number one

484
00:29:59,159 --> 00:30:05,109
following amendment of section 1 the

485
00:30:01,330 --> 00:30:08,529
clerk will read the amendment committee

486
00:30:05,109 --> 00:30:13,409
amendment 1 by Mattox I'm in subsection

487
00:30:08,529 --> 00:30:13,409
C of section 3 mathematics

488
00:30:19,510 --> 00:30:22,920
you gonna explain your amendment

489
00:30:28,310 --> 00:30:33,760
Oh where'd he go

490
00:30:30,740 --> 00:30:33,760
at Sullivan

491
00:30:44,500 --> 00:30:48,730
it's subtle but to explain the amendment

492
00:30:50,440 --> 00:31:12,040
this speaker parliamentary inquiry the

493
00:31:06,530 --> 00:31:15,110
speaker right here miss German

494
00:31:12,040 --> 00:31:16,490
parliamentary inquiry into inquiry mr.

495
00:31:15,110 --> 00:31:18,740
chairman the chair is going to identify

496
00:31:16,490 --> 00:31:21,080
these amendments as committee of members

497
00:31:18,740 --> 00:31:23,750
yes this isn't us that's correct lady

498
00:31:21,080 --> 00:31:26,030
amendment only takes a majority vote to

499
00:31:23,750 --> 00:31:27,740
pass and a floor amendment would take

500

00:31:26,030 --> 00:31:35,600
two-thirds under the resolution

501
00:31:27,740 --> 00:31:36,860
previously passed right that's Sherman

502
00:31:35,600 --> 00:31:38,210
you're correct committee amendments a

503
00:31:36,860 --> 00:31:41,600
simple majority floor amendments

504
00:31:38,210 --> 00:31:43,070
two-thirds of those this is a committee

505
00:31:41,600 --> 00:31:45,620
amendment and chair recognizes mr.

506
00:31:43,070 --> 00:31:47,900
Maddox explanation of the amendment

507
00:31:45,620 --> 00:31:49,580
gentleman what my amendment does is and

508
00:31:47,900 --> 00:31:52,670
it is a committee amendment acceptable

509
00:31:49,580 --> 00:31:56,180
to the authors if provided it strikes to

510
00:31:52,670 --> 00:31:58,430
be elected online files page three and

511
00:31:56,180 --> 00:32:00,620
what it does basically we're just

512
00:31:58,430 --> 00:32:03,770
tracking some excess language that was

513
00:32:00,620 --> 00:32:08,240
not needed the Senate changed if you

514
00:32:03,770 --> 00:32:10,010
will recall when document 32 came out it

515
00:32:08,240 --> 00:32:12,620
had a provision that provided that you

516
00:32:10,010 --> 00:32:15,050
had to be a resident of the district

517
00:32:12,620 --> 00:32:17,870
that you were running from on the date

518
00:32:15,050 --> 00:32:19,490
of the election and this one and on the

519
00:32:17,870 --> 00:32:21,440
date - I believe the date that you filed

520
00:32:19,490 --> 00:32:23,330
and what this does it was changing the

521
00:32:21,440 --> 00:32:25,640
Senate to provide that you must move

522
00:32:23,330 --> 00:32:27,800
into that district within 60 days after

523
00:32:25,640 --> 00:32:29,180
your election so in other words you

524
00:32:27,800 --> 00:32:31,250
could run from whichever part of your

525
00:32:29,180 --> 00:32:33,170
district in case you were redistricting

526
00:32:31,250 --> 00:32:34,640
out and so this it just takes down some

527

00:32:33,170 --> 00:32:37,750
excess language all it does just take

528
00:32:34,640 --> 00:32:37,750
out to be elected

529
00:32:38,950 --> 00:32:42,470
are you heard an explanation of the

530
00:32:41,240 --> 00:32:45,380
amendment is there objection to its

531
00:32:42,470 --> 00:32:47,920
adoption chair hears none the amendment

532
00:32:45,380 --> 00:32:47,920
is adopted

533
00:32:49,900 --> 00:32:56,500
the following committee amendment the

534
00:32:51,550 --> 00:32:59,860
clerk will read the amendment committee

535
00:32:56,500 --> 00:33:02,860
amendment 3 by Delco amend the section

536
00:32:59,860 --> 00:33:07,059
entitled redistricting in subdivision

537
00:33:02,860 --> 00:33:11,250
for of subsection B of section 1 of sjr

538
00:33:07,059 --> 00:33:11,250
11 miss Delco

539
00:33:22,870 --> 00:33:27,790
there's Delco to explain the committee

540
00:33:25,340 --> 00:33:27,790
amendment

541
00:33:42,370 --> 00:33:45,150
and what

542
00:33:47,850 --> 00:33:52,970
just just a minute miss Delco yes just

543
00:33:50,639 --> 00:33:52,970
one minute

544
00:34:12,050 --> 00:34:15,490
it's a corrective amendment

545
00:39:29,050 --> 00:39:34,480
my chair is going to recognize Delco for

546
00:39:32,650 --> 00:39:39,910
the explanation of committee amendment

547
00:39:34,480 --> 00:39:42,040
number three mr. speaker and members

548
00:39:39,910 --> 00:39:44,590
what the committee amendment number

549
00:39:42,040 --> 00:39:49,330
three does is change the language to

550
00:39:44,590 --> 00:39:52,140
simply clarify it on line 15 page three

551
00:39:49,330 --> 00:39:56,440
by deleting the words prior to and

552
00:39:52,140 --> 00:40:01,350
replacing those words with s and as it

553
00:39:56,440 --> 00:40:01,350
existed on is simply clarifying language

554

00:40:02,940 --> 00:40:10,930
Mr Speaker I yield yelling the miss

555
00:40:10,450 --> 00:40:14,560
chairman

556
00:40:10,930 --> 00:40:18,090
the lady is you serve what was that

557
00:40:14,560 --> 00:40:21,490
reference again the reference is page

558
00:40:18,090 --> 00:40:26,050
301 page 30 I'm looking at the

559
00:40:21,490 --> 00:40:28,450
amendments of what 30 of sjr number 11

560
00:40:26,050 --> 00:40:29,890
well we've got to the first and second

561
00:40:28,450 --> 00:40:32,260
printings of it now is that the first

562
00:40:29,890 --> 00:40:34,359
printing or the second printing first

563
00:40:32,260 --> 00:40:35,619
printing mr. chairman and there's a

564
00:40:34,359 --> 00:40:37,600
whole lot of us out here who don't

565
00:40:35,619 --> 00:40:38,650
happen were sending sergeants after them

566
00:40:37,600 --> 00:40:40,480
and they don't know where to go to find

567
00:40:38,650 --> 00:40:41,920
them and I'm just standing up here

568
00:40:40,480 --> 00:40:43,540
trying to kill a little time to make

569
00:40:41,920 --> 00:40:45,250
sure we can get some copies of it

570
00:40:43,540 --> 00:40:48,910
distributed because we're all trying to

571
00:40:45,250 --> 00:40:51,130
refer to what was laid out on the HJ r56

572
00:40:48,910 --> 00:40:53,920
and nobody's got the others out here yet

573
00:40:51,130 --> 00:40:55,540
would you mind talking a little bit

574
00:40:53,920 --> 00:40:58,720
longer than we can get some more of them

575
00:40:55,540 --> 00:41:00,760
up here be glad to mr. parliamentary

576
00:40:58,720 --> 00:41:03,220
inquiry mr. state you inquire mr.

577
00:41:00,760 --> 00:41:05,260
Halliwell I share mr. Sherman's concern

578
00:41:03,220 --> 00:41:08,500
I'd like to follow this very closely and

579
00:41:05,260 --> 00:41:11,320
all we have is HJ our 56 are the page

580
00:41:08,500 --> 00:41:15,130
number is the same no they're not and

581

00:41:11,320 --> 00:41:17,140
mr. Halliwell this probably may be

582
00:41:15,130 --> 00:41:21,210
causing a problem the chair realizes

583
00:41:17,140 --> 00:41:24,760
this the chair the chair is going to

584
00:41:21,210 --> 00:41:26,980
stand the house at ease for five or six

585
00:41:24,760 --> 00:41:30,220
minutes so members may retrieve from

586
00:41:26,980 --> 00:41:33,100
their offices SJ are number 11 which has

587
00:41:30,220 --> 00:41:35,020
the committee amendments attached so the

588
00:41:33,100 --> 00:41:37,320
house will stand at ease for a few

589
00:41:35,020 --> 00:41:37,320
minutes

590
00:41:44,470 --> 00:41:53,740
members sjr number 11 has been delivered

591
00:41:49,790 --> 00:41:58,490
to your box you should have a copy of it

592
00:41:53,740 --> 00:42:01,220
it's the printing that of sjr 11 that

593
00:41:58,490 --> 00:42:03,680
came out of a house committee where the

594
00:42:01,220 --> 00:42:05,450
house amendments attached to it and

595
00:42:03,680 --> 00:42:07,100
we're going to stand at ease until you

596
00:42:05,450 --> 00:42:09,710
have an opportunity to retrieve that

597
00:42:07,100 --> 00:42:13,630
copy that's what we'll be working from

598
00:42:09,710 --> 00:42:16,280
today I think Donald and mr. Sullivan

599
00:42:13,630 --> 00:42:18,320
motion while ago to think of section by

600
00:42:16,280 --> 00:42:20,750
section that was passed and I understood

601
00:42:18,320 --> 00:42:23,990
that but now there's these committee

602
00:42:20,750 --> 00:42:26,120
amendments override that because we're

603
00:42:23,990 --> 00:42:28,880
jumping from section to section now in

604
00:42:26,120 --> 00:42:30,580
committee amendments and I can't keep up

605
00:42:28,880 --> 00:42:33,770
with them

606
00:42:30,580 --> 00:42:35,690
mr. McDonald let me answer your point of

607
00:42:33,770 --> 00:42:38,390
order or a point of inquiry when we

608

00:42:35,690 --> 00:42:39,530
bring the house back in possession and

609
00:42:38,390 --> 00:42:42,250
since we're standing at he's right at

610
00:42:39,530 --> 00:42:42,250
this point okay

611
00:50:50,580 --> 00:50:55,540
Allison please come to order

612
00:50:53,070 --> 00:51:03,330
chair signs and presents the house the

613
00:50:55,540 --> 00:51:09,970
following Senate bill 87 Senate bill 222

614
00:51:03,330 --> 00:51:18,400
Senate bill 353 Senate bill 4 70 cent it

615
00:51:09,970 --> 00:51:20,170
bill 74 members I hope everybody now has

616
00:51:18,400 --> 00:51:25,540
their copies we have a few additional

617
00:51:20,170 --> 00:51:27,940
copies if anybody needs one sure is

618
00:51:25,540 --> 00:51:30,130
going to recognize Miss Delco for the

619
00:51:27,940 --> 00:51:35,160
explanation of committee amendment

620
00:51:30,130 --> 00:51:37,570
number three mr. speaker and members

621
00:51:35,160 --> 00:51:40,210
what committee amendment number three

622
00:51:37,570 --> 00:51:44,350
does is change the language to clarify

623
00:51:40,210 --> 00:51:49,170
it from prior to to end as it existed on

624
00:51:44,350 --> 00:51:49,170
in the legislative redistricting article

625
00:51:51,090 --> 00:51:59,220
page 39 for page 30 line 4

626
00:52:16,390 --> 00:52:22,180
mr. speaker mr. Larry when it's

627
00:52:19,780 --> 00:52:26,530
appropriate with the lady yield for a

628
00:52:22,180 --> 00:52:28,180
question yes lady yells mr. Larry miss

629
00:52:26,530 --> 00:52:29,860
telco I'm having an awful difficult time

630
00:52:28,180 --> 00:52:34,150
would you go through this real slow for

631
00:52:29,860 --> 00:52:37,720
a slow learner I'll be glad to try mr.

632
00:52:34,150 --> 00:52:40,570
Larry what it does this is a transition

633
00:52:37,720 --> 00:52:43,360
schedule that was adopted or we'd like

634
00:52:40,570 --> 00:52:46,180
to adopt to make sure that there is

635

00:52:43,360 --> 00:52:49,780
consistency in the event any one of the

636
00:52:46,180 --> 00:52:52,840
Articles does not pass what this does is

637
00:52:49,780 --> 00:52:56,410
simply clarify the language that at the

638
00:52:52,840 --> 00:53:01,500
present time reads prior to to change it

639
00:52:56,410 --> 00:53:04,420
to say and as it existed on that's one

640
00:53:01,500 --> 00:53:06,400
clarification on are these underlined

641
00:53:04,420 --> 00:53:09,630
these changes are they noted in any way

642
00:53:06,400 --> 00:53:13,750
so we can see them are they just sorta

643
00:53:09,630 --> 00:53:16,750
no I don't see them do you have your

644
00:53:13,750 --> 00:53:18,490
commit committee amendment yeah I've got

645
00:53:16,750 --> 00:53:21,130
this I've got two of them here I've got

646
00:53:18,490 --> 00:53:23,650
one it says s jr. number 11 that's the

647
00:53:21,130 --> 00:53:26,290
one it's the first first printing of s

648
00:53:23,650 --> 00:53:31,890
jr. number 11 and it's on page three of

649
00:53:26,290 --> 00:53:31,890
that no page 30 of sjr 11

650
00:53:38,319 --> 00:53:44,140
when Alan paints 30 I've got

651
00:53:40,979 --> 00:53:48,189
redistricting legislative salary yes in

652
00:53:44,140 --> 00:53:50,349
convening the legislature and online for

653
00:53:48,189 --> 00:53:51,789
mr. larios where I know we are we

654
00:53:50,349 --> 00:53:55,140
talking about committee amendment number

655
00:53:51,789 --> 00:53:58,269
one committee amendment number three

656
00:53:55,140 --> 00:53:59,459
okay what happened to one and two we

657
00:53:58,269 --> 00:54:02,789
take needs out of order

658
00:53:59,459 --> 00:54:05,859
they've already been it adopted miss :

659
00:54:02,789 --> 00:54:09,279
no I'm sorry number one has been adopted

660
00:54:05,859 --> 00:54:20,140
number two has not understand it has not

661
00:54:09,279 --> 00:54:24,130
been laid out yet yes I said it is an

662

00:54:20,140 --> 00:54:26,289
amendment to the transition schedule not

663
00:54:24,130 --> 00:54:28,329
to the Constitution itself to the

664
00:54:26,289 --> 00:54:34,709
transition schedule what page is an

665
00:54:28,329 --> 00:54:41,709
amendment number three on on page 30 of

666
00:54:34,709 --> 00:54:46,329
sjr number 11 line four it changes the

667
00:54:41,709 --> 00:54:53,529
words prior to changes those two words

668
00:54:46,329 --> 00:55:01,449
to and as it existed on that's the first

669
00:54:53,529 --> 00:55:02,739
change there are two others I still

670
00:55:01,449 --> 00:55:05,109
don't think I have the right copy here

671
00:55:02,739 --> 00:55:06,819
this we have more one second reading

672
00:55:05,109 --> 00:55:11,880
floating around now this is the first

673
00:55:06,819 --> 00:55:11,880
printing this is a set

674
00:56:23,230 --> 00:56:26,579
this is HJ

675
00:56:31,280 --> 00:56:37,800
members are some confusion as to what

676
00:56:34,020 --> 00:56:40,200
printing we're operating under we're not

677
00:56:37,800 --> 00:56:42,990
going to get in any hurry until

678
00:56:40,200 --> 00:56:44,610
everybody is satisfied and to have the

679
00:56:42,990 --> 00:56:48,060
right document that we're working on

680
00:56:44,610 --> 00:56:50,790
this is very important we should be

681
00:56:48,060 --> 00:56:53,250
working on the second printing of SJ art

682
00:56:50,790 --> 00:56:55,410
number eleven which has the house

683
00:56:53,250 --> 00:56:57,620
amendments to the Senate joint

684
00:56:55,410 --> 00:56:57,620
resolution

685
00:57:15,960 --> 00:57:24,670
members if you look at your resolution

686
00:57:20,070 --> 00:57:26,920
the first printing of sjr 11 is the way

687
00:57:24,670 --> 00:57:30,400
the resolution came from the Senate

688
00:57:26,920 --> 00:57:34,240
the second printing is the attachment of

689

00:57:30,400 --> 00:57:37,930
the amendments only to the first

690
00:57:34,240 --> 00:57:40,090
printing so you have the first printing

691
00:57:37,930 --> 00:57:42,160
of SDA or 11 with the amendments

692
00:57:40,090 --> 00:57:46,930
attached which makes it the second

693
00:57:42,160 --> 00:57:49,270
printing and if you look at your

694
00:57:46,930 --> 00:57:54,820
attached amendments it says refer back

695
00:57:49,270 --> 00:57:57,690
to first printing of SDR 11 and this is

696
00:57:54,820 --> 00:58:00,190
the text that we're working on

697
00:57:57,690 --> 00:58:02,200
parliamentary inquiry mr. speaker state

698
00:58:00,190 --> 00:58:06,750
you inquired mr. Haley's your copy of

699
00:58:02,200 --> 00:58:06,750
sjr 11 have about 20 pages missing

700
00:58:13,260 --> 00:58:18,970
mr. Hale our copy is complete if there

701
00:58:17,109 --> 00:58:21,339
is some missing pages in some of them we

702
00:58:18,970 --> 00:58:22,990
have additional copies coming up we

703
00:58:21,339 --> 00:58:24,849
couldn't get any copies downstairs

704
00:58:22,990 --> 00:58:28,119
either I went downstairs and they said

705
00:58:24,849 --> 00:58:30,400
it didn't have any copies and the pages

706
00:58:28,119 --> 00:58:33,430
were missing about 20 pages missing from

707
00:58:30,400 --> 00:58:35,170
the copy they're here I understand that

708
00:58:33,430 --> 00:58:36,730
they these pages that have caught that

709
00:58:35,170 --> 00:58:39,579
error mr. Hale and they are being

710
00:58:36,730 --> 00:58:41,440
reproduced will be up shortly you

711
00:58:39,579 --> 00:58:43,540
suppose we might wait till we get copies

712
00:58:41,440 --> 00:58:45,820
early before we debate this matter we

713
00:58:43,540 --> 00:58:48,670
will we're not going to bate any we may

714
00:58:45,820 --> 00:58:51,490
it unless this amendment is the pages

715
00:58:48,670 --> 00:58:56,160
you have missing if this amendment does

716

00:58:51,490 --> 00:58:56,160
not apply to him we may proceed

717
00:59:27,920 --> 00:59:33,410
net speaker for what purpose mr.

718
00:59:31,039 --> 00:59:36,380
MacAlister parliamentary inquiry states

719
00:59:33,410 --> 00:59:39,470
you inquire mr. Miguel if we're not able

720
00:59:36,380 --> 00:59:42,589
to get copies in seeming to my office's

721
00:59:39,470 --> 00:59:44,420
not they find them for the moment would

722
00:59:42,589 --> 00:59:46,130
you entertain a motion that we recess

723
00:59:44,420 --> 00:59:49,369
until 1:30 in order that we could all

724
00:59:46,130 --> 00:59:51,200
start even mr. McAllister will have the

725
00:59:49,369 --> 00:59:56,799
copies that shortly they are on the way

726
00:59:51,200 --> 00:59:56,799
up Thank You mr. speaker

727
01:00:16,030 --> 01:00:20,040
we've got some pages missing here here

728
01:00:33,130 --> 01:00:36,910
somebody has a copy with the missing

729
01:00:35,140 --> 01:00:39,900
pages I have one additional copy here

730
01:00:36,910 --> 01:00:39,900
that has a pages in it

731
01:02:12,660 --> 01:02:17,410
members could we have a show of hands of

732
01:02:15,430 --> 01:02:23,680
how many have copies were those missing

733
01:02:17,410 --> 01:02:26,110
pages we need that we need to know how

734
01:02:23,680 --> 01:02:28,540
many copies are needed for those who

735
01:02:26,110 --> 01:02:30,760
have copies of sjr 11 were the missing

736
01:02:28,540 --> 01:02:33,100
pages in it mr. speaker would you

737
01:02:30,760 --> 01:02:35,530
identify the missing pages as its second

738
01:02:33,100 --> 01:02:40,780
printing in what pages numbers its first

739
01:02:35,530 --> 01:02:50,980
spring and his pages 19 through 30 who

740
01:02:40,780 --> 01:02:52,840
does not have those pages all right

741
01:02:50,980 --> 01:02:56,250
we'll have we'll have enough copies up

742
01:02:52,840 --> 01:02:56,250
in just a minute take care of these

743

01:03:12,099 --> 01:03:14,579
in

744
01:03:18,950 --> 01:03:22,059
to current you

745
01:04:02,040 --> 01:04:04,850
period

746
01:04:10,510 --> 01:04:17,950
members will proceed with this amendment

747
01:04:15,300 --> 01:04:19,690
will have a copies of those pages in a

748
01:04:17,950 --> 01:04:22,330
few minutes there's enough there's only

749
01:04:19,690 --> 01:04:25,000
a few that don't have those pages if you

750
01:04:22,330 --> 01:04:27,640
do not have pages 19 through 30 and

751
01:04:25,000 --> 01:04:30,760
you're first printing if you wouldn't

752
01:04:27,640 --> 01:04:32,290
look on with someone that has them so we

753
01:04:30,760 --> 01:04:35,830
might go ahead by the time we finish

754
01:04:32,290 --> 01:04:39,010
this amendment I think we'll have the

755
01:04:35,830 --> 01:04:40,810
probably the pages up here so the chair

756
01:04:39,010 --> 01:04:43,840
at this time is going to recognize miss

757

01:04:40,810 --> 01:04:47,080

Delco to continue her explanation on

758

01:04:43,840 --> 01:04:48,670

committee amendment number three mr.

759

01:04:47,080 --> 01:04:52,210

speaker and members the next section

760

01:04:48,670 --> 01:04:57,790

that is to be changed or amended is to

761

01:04:52,210 --> 01:05:00,520

add on page 33 line seven to nine to add

762

01:04:57,790 --> 01:05:03,340

article two which in effect officially

763

01:05:00,520 --> 01:05:08,320

repeals article two which is the

764

01:05:03,340 --> 01:05:10,360

separation of powers article in the

765

01:05:08,320 --> 01:05:12,670

transition schedule now we're talking

766

01:05:10,360 --> 01:05:15,520

about the transition schedule and

767

01:05:12,670 --> 01:05:20,280

finally what committee amendment number

768

01:05:15,520 --> 01:05:29,130

three does is on page 34 lines

769

01:05:20,280 --> 01:05:29,130

19 to 21 change the word retained to add

770

01:05:29,640 --> 01:05:38,590
and to strike the word revised now what

771
01:05:35,350 --> 01:05:41,500
this does to the suspension of sentence

772
01:05:38,590 --> 01:05:44,710
section is to put it if this article

773
01:05:41,500 --> 01:05:49,260
does not pass in the current judiciary

774
01:05:44,710 --> 01:05:49,260
article of the present Constitution

775
01:05:53,060 --> 01:05:57,710
Mr Speaker I move adoption of this

776
01:05:55,650 --> 01:05:59,910
committee amendment number three

777
01:05:57,710 --> 01:06:01,920
questions on the adoption of committee

778
01:05:59,910 --> 01:06:05,160
amendment number three is there

779
01:06:01,920 --> 01:06:06,450
objection to its adoption chair here's

780
01:06:05,160 --> 01:06:09,110
non-committee a minute number three

781
01:06:06,450 --> 01:06:09,110
years adopting

782
01:06:33,610 --> 01:06:41,180
alright members the question now before

783
01:06:37,850 --> 01:06:46,520
the house is the adoption of section

784
01:06:41,180 --> 01:06:50,090
number 1 of s jr. 11 section number one

785
01:06:46,520 --> 01:06:53,540
contains the division of powers the

786
01:06:50,090 --> 01:06:57,850
legislative and executive articles it

787
01:06:53,540 --> 01:06:57,850
requires a two-thirds vote for adoption

788
01:07:03,370 --> 01:07:08,960
so the question now occurs upon the

789
01:07:06,230 --> 01:07:10,790
adoption of section number one there's

790
01:07:08,960 --> 01:07:12,950
anybody waiting parliamentary report

791
01:07:10,790 --> 01:07:15,380
state you inquire miss section one is

792
01:07:12,950 --> 01:07:19,070
article 1 of the proposed Constitution

793
01:07:15,380 --> 01:07:21,500
is that correct no mr. Halliwell section

794
01:07:19,070 --> 01:07:23,390
1 contains a division of powers the

795
01:07:21,500 --> 01:07:26,690
executive I mean the separation of

796
01:07:23,390 --> 01:07:34,670
powers the executive and the legislative

797

01:07:26,690 --> 01:07:36,380
articles articles two three and four all

798
01:07:34,670 --> 01:07:39,770
right members the question recorders on

799
01:07:36,380 --> 01:07:41,570
the adoption of one section one all

800
01:07:39,770 --> 01:07:41,780
those in favor of the adoption will vote

801
01:07:41,570 --> 01:07:44,420
aye

802
01:07:41,780 --> 01:07:47,860
all those opposed will vote no it's a

803
01:07:44,420 --> 01:07:47,860
record vote the clerk will ring the bell

804
01:07:59,550 --> 01:08:07,350
have all members voted so mr. Earl

805
01:08:03,660 --> 01:08:14,130
voting on dome at the Hall of web

806
01:08:07,350 --> 01:08:23,100
floating I show that the Allred voting

807
01:08:14,130 --> 01:08:25,430
guy if all members voted all members

808
01:08:23,100 --> 01:08:25,430
voted

809
01:08:39,850 --> 01:08:43,500
showmance McVeigh voting No

810
01:08:58,730 --> 01:09:07,420
miss McPhee was voting no instead of I

811
01:09:01,130 --> 01:09:07,420
and mr. Smith thoughts no instead of I

812
01:09:15,480 --> 01:09:19,199
she'll miss chart voting no one said of

813
01:09:17,460 --> 01:09:26,400
eye and show Mr Craddock voting no one

814
01:09:19,199 --> 01:09:28,520
said if I show mr. Washington building

815
01:09:26,400 --> 01:09:28,520
No

816
01:09:41,150 --> 01:09:48,460
show mr. Martin voting aye mr. Martin

817
01:09:46,069 --> 01:09:48,460
voting aye

818
01:10:04,769 --> 01:10:10,479
there being a hundred and twenty-one

819
01:10:06,849 --> 01:10:15,489
eyes and nineteen nose section one is

820
01:10:10,479 --> 01:10:17,619
finally adopted cherry is going to

821
01:10:15,489 --> 01:10:20,800
recognize mr. Hutchison for a brief

822
01:10:17,619 --> 01:10:22,570
explanation mr. speaker members in view

823
01:10:20,800 --> 01:10:25,090
the early confusion and where we're

824

01:10:22,570 --> 01:10:28,059
going we're going to lay out on your

825
01:10:25,090 --> 01:10:31,510
desk as quickly as we can get them some

826
01:10:28,059 --> 01:10:33,550
copies of a ballot that you had a few

827
01:10:31,510 --> 01:10:37,090
days ago and we'll get some more copies

828
01:10:33,550 --> 01:10:39,159
and this section by section approach

829
01:10:37,090 --> 01:10:42,159
that's being considered simply means

830
01:10:39,159 --> 01:10:44,860
that you're voting on each proposition

831
01:10:42,159 --> 01:10:46,719
as reflected on the ballot in the order

832
01:10:44,860 --> 01:10:49,329
in which they are presented on the

833
01:10:46,719 --> 01:10:52,780
ballot this is the ballot that would be

834
01:10:49,329 --> 01:10:55,840
produced if the legislature adopt in its

835
01:10:52,780 --> 01:10:57,280
entirety sjr 11 we'll get that to you

836
01:10:55,840 --> 01:11:01,679
and it might help to follow the

837
01:10:57,280 --> 01:11:01,679
proceedings a little bit more thank you

838
01:11:55,850 --> 01:12:08,930
members consideration is now section 2

839
01:12:02,570 --> 01:12:11,750
of sjr 11 which is article 5 sure is

840
01:12:08,930 --> 01:12:14,740
going to records over recognize mr. Hale

841
01:12:11,750 --> 01:12:14,740
would you won't explain this

842
01:13:28,429 --> 01:13:35,060
she recognizes mr. hey open explanation

843
01:13:31,070 --> 01:13:39,409
of section two mr. speaker and members

844
01:13:35,060 --> 01:13:43,040
of the house section two of sjr eleven

845
01:13:39,409 --> 01:13:48,350
is a revision of article file of the

846
01:13:43,040 --> 01:13:50,500
Constitution and again this is the end

847
01:13:48,350 --> 01:13:54,190
product of the Constitutional Convention

848
01:13:50,500 --> 01:13:57,920
all of you were provided at one time

849
01:13:54,190 --> 01:14:00,320
earlier this year with a study put out

850
01:13:57,920 --> 01:14:03,080
by the House Judiciary Committee after

851

01:14:00,320 --> 01:14:05,480
the convention adjourned last year what

852
01:14:03,080 --> 01:14:08,060
we had done and what is contained in

853
01:14:05,480 --> 01:14:12,310
this comprehensive revision of article

854
01:14:08,060 --> 01:14:14,659
five in this blue book was to go through

855
01:14:12,310 --> 01:14:16,760
everything that the Constitutional

856
01:14:14,659 --> 01:14:19,010
Convention had done in any of its

857
01:14:16,760 --> 01:14:22,400
deliberations pretending to the

858
01:14:19,010 --> 01:14:24,320
judiciary many of those most of those

859
01:14:22,400 --> 01:14:26,210
actions of course were contained in the

860
01:14:24,320 --> 01:14:28,790
article 5 which was adopted by the

861
01:14:26,210 --> 01:14:30,620
Constitutional Convention but there were

862
01:14:28,790 --> 01:14:32,570
a number of other areas of the

863
01:14:30,620 --> 01:14:34,640
Constitutional Convention action which

864
01:14:32,570 --> 01:14:37,250
pertained to the judiciary particularly

865
01:14:34,640 --> 01:14:40,100
local government and general provisions

866
01:14:37,250 --> 01:14:42,770
articles of the Constitution we went

867
01:14:40,100 --> 01:14:44,480
through step by step everything that the

868
01:14:42,770 --> 01:14:46,760
convention had adopted and put together

869
01:14:44,480 --> 01:14:48,679
this comprehensive revision so that

870
01:14:46,760 --> 01:14:49,909
everything contained in this report that

871
01:14:48,679 --> 01:14:53,090
was made by the House Judiciary

872
01:14:49,909 --> 01:14:54,820
Committee reflects the affirmative

873
01:14:53,090 --> 01:14:57,530
action of the Constitutional Convention

874
01:14:54,820 --> 01:15:00,710
it is that proposal which is carried

875
01:14:57,530 --> 01:15:03,980
forward into sjr eleven and I can say to

876
01:15:00,710 --> 01:15:06,380
you that it is almost word-for-word what

877
01:15:03,980 --> 01:15:09,830
is in this study of the House Judiciary

878

01:15:06,380 --> 01:15:13,010
Committee the only change is being minor

879
01:15:09,830 --> 01:15:15,380
changes in text in order to adopt the

880
01:15:13,010 --> 01:15:18,199
independent proposal of the judiciary

881
01:15:15,380 --> 01:15:20,000
and make it conform to the other changes

882
01:15:18,199 --> 01:15:23,140
made in other articles scattered through

883
01:15:20,000 --> 01:15:26,000
this jrl of them so that the entire

884
01:15:23,140 --> 01:15:27,679
eleven eleven articles event of the new

885
01:15:26,000 --> 01:15:31,810
constitution would be consistent with

886
01:15:27,679 --> 01:15:34,670
each other now so hardly review this

887
01:15:31,810 --> 01:15:37,699
this with you if you want to follow in

888
01:15:34,670 --> 01:15:40,030
in the printed version of the first

889
01:15:37,699 --> 01:15:42,849
printing of sjr 11 starting on

890
01:15:40,030 --> 01:15:45,909
thirty-five you'll find the proposal for

891
01:15:42,849 --> 01:15:48,460
the article five the judicial power is

892
01:15:45,909 --> 01:15:50,770
vested in the judicial branch a unified

893
01:15:48,460 --> 01:15:53,559
judicial system composed of a Supreme

894
01:15:50,770 --> 01:15:56,110
Court a court of appeals district courts

895
01:15:53,559 --> 01:15:57,969
and circuit court's jurisdiction of all

896
01:15:56,110 --> 01:16:00,340
the courts is made uniform throughout

897
01:15:57,969 --> 01:16:04,949
the state and all new courts created

898
01:16:00,340 --> 01:16:04,949
must conform to this system mr. speaker

899
01:16:05,400 --> 01:16:10,059
mr. speaker mr. Sullivan look gentlemen

900
01:16:08,349 --> 01:16:14,170
yield at that point for a question

901
01:16:10,059 --> 01:16:16,119
gentlemen Sullivan mr. Hale there has

902
01:16:14,170 --> 01:16:18,820
been some questions raised on the floor

903
01:16:16,119 --> 01:16:23,289
by various members that I think you're

904
01:16:18,820 --> 01:16:26,800
touching on down this this article does

905

01:16:23,289 --> 01:16:30,179
not does it mandate circuit courts nor

906
01:16:26,800 --> 01:16:32,739
serves them permissive as it was in

907
01:16:30,179 --> 01:16:35,409
resolution 32 in the convenient it is

908
01:16:32,739 --> 01:16:37,929
permissive if you read section 5 on page

909
01:16:35,409 --> 01:16:39,820
36 that's made abundantly clear that

910
01:16:37,929 --> 01:16:42,340
circuit courts are permissive it does

911
01:16:39,820 --> 01:16:45,099
leave the County judges with their

912
01:16:42,340 --> 01:16:47,079
current situation just like they are

913
01:16:45,099 --> 01:16:49,329
it's not putting anybody out of business

914
01:16:47,079 --> 01:16:51,730
is it right yes correct and one other

915
01:16:49,329 --> 01:16:53,920
point has been asked by several people

916
01:16:51,730 --> 01:16:57,130
there is nothing in here that mandates

917
01:16:53,920 --> 01:16:59,170
any redistricting of our district court

918
01:16:57,130 --> 01:17:00,699
districts at this point is there that is

919
01:16:59,170 --> 01:17:02,829
a correct statement there is no

920
01:17:00,699 --> 01:17:12,010
redistricting mandated in this

921
01:17:02,829 --> 01:17:13,869
constitutional review section 2 of this

922
01:17:12,010 --> 01:17:16,960
article has to do with the courts of

923
01:17:13,869 --> 01:17:19,090
appeals those are now the courts of

924
01:17:16,960 --> 01:17:20,980
civil appeals under this revision they

925
01:17:19,090 --> 01:17:23,380
would be courts of appeals having both

926
01:17:20,980 --> 01:17:25,960
civil and criminal jurisdiction section

927
01:17:23,380 --> 01:17:28,480
4 deals with district courts which is

928
01:17:25,960 --> 01:17:30,130
maintaining the present basic trial

929
01:17:28,480 --> 01:17:31,510
level which we have of district courts

930
01:17:30,130 --> 01:17:34,480
with both civil and criminal

931
01:17:31,510 --> 01:17:36,969
jurisdiction the one change there would

932

01:17:34,480 --> 01:17:39,309
be to allow more than one judge in each

933
01:17:36,969 --> 01:17:41,469
district court so that by as the

934
01:17:39,309 --> 01:17:43,270
workload increases in the judicial area

935
01:17:41,469 --> 01:17:45,070
we would not have to create new courts

936
01:17:43,270 --> 01:17:47,980
but we could simply add judges to

937
01:17:45,070 --> 01:17:49,630
existing court structure similar to the

938
01:17:47,980 --> 01:17:51,309
manner in which the judges are added to

939
01:17:49,630 --> 01:17:51,969
the federal system without technically

940
01:17:51,309 --> 01:17:53,979
creating

941
01:17:51,969 --> 01:17:57,159
courts and requiring new sets of minutes

942
01:17:53,979 --> 01:17:58,960
and new records section 5 authorizes

943
01:17:57,159 --> 01:18:01,300
circuit courts but as mr. Sullivan

944
01:17:58,960 --> 01:18:02,889
pointed out this is not mandated it

945
01:18:01,300 --> 01:18:05,469
simply left to the discretion of the

946
01:18:02,889 --> 01:18:07,780
legislature in future sessions as to how

947
01:18:05,469 --> 01:18:09,909
many of these will be created and where

948
01:18:07,780 --> 01:18:11,650
they would be located that would be the

949
01:18:09,909 --> 01:18:13,300
rough equivalent of our present County

950
01:18:11,650 --> 01:18:15,219
courts at law and as you know they're

951
01:18:13,300 --> 01:18:16,960
not mandated at the present time but

952
01:18:15,219 --> 01:18:20,050
they are created from time to time by

953
01:18:16,960 --> 01:18:23,650
the legislature as in the cestia rises

954
01:18:20,050 --> 01:18:26,409
in the particular area section six has

955
01:18:23,650 --> 01:18:29,499
to do with other courts and it preserves

956
01:18:26,409 --> 01:18:33,670
the present County courts as they exist

957
01:18:29,499 --> 01:18:35,889
on August 31 1976 and their continued

958
01:18:33,670 --> 01:18:37,409
that's provided by law again the

959

01:18:35,889 --> 01:18:39,789
legislature would have the authority

960
01:18:37,409 --> 01:18:42,579
general authority over all of these

961
01:18:39,789 --> 01:18:46,300
courts municipal courts and Jaypee

962
01:18:42,579 --> 01:18:49,539
courts are maintained in the same manner

963
01:18:46,300 --> 01:18:51,670
which they are today section 7 deals

964
01:18:49,539 --> 01:18:54,039
with Court Administration and rulemaking

965
01:18:51,670 --> 01:18:55,900
power in which we are attempting to set

966
01:18:54,039 --> 01:18:57,579
up for the first time in Texas a

967
01:18:55,900 --> 01:19:00,249
comprehensive system of court

968
01:18:57,579 --> 01:19:02,110
administration and I can say to you that

969
01:19:00,249 --> 01:19:05,019
in my humble opinion this is the heart

970
01:19:02,110 --> 01:19:07,659
of the entire judicial reform program if

971
01:19:05,019 --> 01:19:09,159
we can get good court administration

972
01:19:07,659 --> 01:19:11,469
from the top with trained court

973
01:19:09,159 --> 01:19:14,619
administrators as has been proven in a

974
01:19:11,469 --> 01:19:16,360
number of situations over the country

975
01:19:14,619 --> 01:19:18,880
where our trial run has been made on

976
01:19:16,360 --> 01:19:21,219
administration I think you'll find that

977
01:19:18,880 --> 01:19:23,769
we can tremendously increase the

978
01:19:21,219 --> 01:19:25,599
productive output of all of our courts

979
01:19:23,769 --> 01:19:27,999
without the necessity of creating so

980
01:19:25,599 --> 01:19:29,800
many additional courts this will be one

981
01:19:27,999 --> 01:19:31,269
of the most far-reaching changes which

982
01:19:29,800 --> 01:19:34,239
will grow out of the adoption of this

983
01:19:31,269 --> 01:19:36,579
amendment the rulemaking tires basically

984
01:19:34,239 --> 01:19:38,949
what it is today vesting in the Supreme

985
01:19:36,579 --> 01:19:41,920
Court Rule making power with respect

986

01:19:38,949 --> 01:19:44,920
both to administration and to Rules of

987
01:19:41,920 --> 01:19:47,860
Civil Procedure which they now have a

988
01:19:44,920 --> 01:19:50,769
Rule of Civil Procedure again as it is

989
01:19:47,860 --> 01:19:52,360
today cannot violate a statute so that

990
01:19:50,769 --> 01:19:54,820
if this legislature and its wisdom

991
01:19:52,360 --> 01:19:56,979
wishes to override one of those rules

992
01:19:54,820 --> 01:19:59,320
made by the Supreme Court it has the

993
01:19:56,979 --> 01:20:01,880
authority to do so

994
01:19:59,320 --> 01:20:04,429
section nine deals with selection in

995
01:20:01,880 --> 01:20:07,340
terms of the judges and that's basically

996
01:20:04,429 --> 01:20:09,499
the existing law on that six year terms

997
01:20:07,340 --> 01:20:11,659
in the courts of appeals and four-year

998
01:20:09,499 --> 01:20:12,469
terms at the district in Circuit Court

999
01:20:11,659 --> 01:20:16,599
level

1000
01:20:12,469 --> 01:20:19,429
JPS are left at four-year terms and the

1001
01:20:16,599 --> 01:20:21,530
are the judges of the Municipal Court

1002
01:20:19,429 --> 01:20:23,630
are left with the terms azar provided by

1003
01:20:21,530 --> 01:20:26,389
their Charter or the method by which

1004
01:20:23,630 --> 01:20:28,190
they're created section 10 deals with

1005
01:20:26,389 --> 01:20:30,889
removal and discipline of judges and

1006
01:20:28,190 --> 01:20:32,329
that's a condensation of our present

1007
01:20:30,889 --> 01:20:34,869
existing statutes on him

1008
01:20:32,329 --> 01:20:37,190
section 11 deals with district attorneys

1009
01:20:34,869 --> 01:20:39,710
requiring a district attorney in each

1010
01:20:37,190 --> 01:20:41,809
each Judicial District of Texas to serve

1011
01:20:39,710 --> 01:20:45,019
the state and to do the prosecuting of

1012
01:20:41,809 --> 01:20:47,840
all actions criminal actions in which

1013

01:20:45,019 --> 01:20:50,329
the state is a party district 12 deals

1014
01:20:47,840 --> 01:20:52,849
with the district clerks in this area of

1015
01:20:50,329 --> 01:20:54,679
the there would be one clerk for both of

1016
01:20:52,849 --> 01:20:56,659
the trial court levels so the district

1017
01:20:54,679 --> 01:20:59,150
clerk would become the court clerk for

1018
01:20:56,659 --> 01:21:01,729
both the circuit courts and the and the

1019
01:20:59,150 --> 01:21:04,159
district courts the county clerk which

1020
01:21:01,729 --> 01:21:07,429
is taken care of in the local government

1021
01:21:04,159 --> 01:21:10,010
article would remain and maintain its

1022
01:21:07,429 --> 01:21:12,440
present constitutional status but would

1023
01:21:10,010 --> 01:21:16,219
not serve as clerk of the court at the

1024
01:21:12,440 --> 01:21:18,679
circuit court level section 13 deals

1025
01:21:16,219 --> 01:21:19,130
with juries basically the same as it is

1026
01:21:18,679 --> 01:21:21,800
today

1027
01:21:19,130 --> 01:21:24,710
section 14 deals with appeals by the

1028
01:21:21,800 --> 01:21:26,420
state there is one minor change here and

1029
01:21:24,710 --> 01:21:28,610
that is that the state's given a very

1030
01:21:26,420 --> 01:21:30,309
limited right of appeal where act of the

1031
01:21:28,610 --> 01:21:32,829
Legislature's declared unconstitutional

1032
01:21:30,309 --> 01:21:36,380
they can take an appeal from that

1033
01:21:32,829 --> 01:21:38,539
otherwise the right of appeal is

1034
01:21:36,380 --> 01:21:40,840
basically the same as it is today by the

1035
01:21:38,539 --> 01:21:43,670
state no right of appeal by the state

1036
01:21:40,840 --> 01:21:46,519
the right of appeal by the accused is

1037
01:21:43,670 --> 01:21:48,949
spelled out in section 15 section 16

1038
01:21:46,519 --> 01:21:50,630
gives the legislature the authority to

1039
01:21:48,949 --> 01:21:52,479
prescribe the method of appeal from

1040

01:21:50,630 --> 01:21:55,489
actions of administrative agencies

1041
01:21:52,479 --> 01:21:57,409
section 17 deals with the financing of

1042
01:21:55,489 --> 01:21:58,999
the state judicial system so that the

1043
01:21:57,409 --> 01:22:00,949
basic financial structure would be

1044
01:21:58,999 --> 01:22:04,639
financed by the legislature through the

1045
01:22:00,949 --> 01:22:06,769
general appropriations bill and then the

1046
01:22:04,639 --> 01:22:08,420
transition scared you and I will not go

1047
01:22:06,769 --> 01:22:10,090
into that in detail unless there's some

1048
01:22:08,420 --> 01:22:12,369
questions but the transition

1049
01:22:10,090 --> 01:22:13,989
get you having to do with that has been

1050
01:22:12,369 --> 01:22:16,540
carefully worked out so that we can

1051
01:22:13,989 --> 01:22:18,280
phase in this entire new court system

1052
01:22:16,540 --> 01:22:21,940
and the court administration system with

1053
01:22:18,280 --> 01:22:25,860
a minimum of difficulty if there are no

1054
01:22:21,940 --> 01:22:28,119
questions Mr Speaker I would move

1055
01:22:25,860 --> 01:22:29,469
passage of this section of the

1056
01:22:28,119 --> 01:22:30,670
Constitution following committee

1057
01:22:29,469 --> 01:22:36,190
amendment the clerk will read the

1058
01:22:30,670 --> 01:22:40,270
amendment committee amendment 6 by Delco

1059
01:22:36,190 --> 01:22:42,940
AM in Subsection B entitled courts as

1060
01:22:40,270 --> 01:22:45,659
delgo to a cleaner amendment this is a

1061
01:22:42,940 --> 01:22:45,659
committee amendment

1062
01:22:54,070 --> 01:23:02,060
committee amendment number number six

1063
01:22:59,560 --> 01:23:06,440
commit mr. speaker and members committee

1064
01:23:02,060 --> 01:23:10,580
member amendment number six deletes the

1065
01:23:06,440 --> 01:23:13,220
word it's on page 45 line 15 it deletes

1066
01:23:10,580 --> 01:23:16,580
the word same and replaces it with

1067

01:23:13,220 --> 01:23:18,650
identical the reason for that is that it

1068
01:23:16,580 --> 01:23:22,460
is to clarify the language because in

1069
01:23:18,650 --> 01:23:24,920
some areas the courts overlap and in

1070
01:23:22,460 --> 01:23:27,080
others they are exactly the same and

1071
01:23:24,920 --> 01:23:29,300
it's to make it clear that we're talking

1072
01:23:27,080 --> 01:23:32,450
about the same court rather than

1073
01:23:29,300 --> 01:23:38,990
overlapping courts Mr Speaker I move the

1074
01:23:32,450 --> 01:23:40,550
adoption of the amendment questions on

1075
01:23:38,990 --> 01:23:43,940
the adoption of the committee amendment

1076
01:23:40,550 --> 01:23:45,440
six is there objection to adoption chair

1077
01:23:43,940 --> 01:23:49,250
here not in the committee amendment is

1078
01:23:45,440 --> 01:23:50,330
adopted thank you the following

1079
01:23:49,250 --> 01:23:51,620
amendment the clerk will read the

1080
01:23:50,330 --> 01:23:56,000
amendment this is committee amendment

1081
01:23:51,620 --> 01:23:57,170
number four committee amendment number

1082
01:23:56,000 --> 01:24:00,290
four by Maddox

1083
01:23:57,170 --> 01:24:01,600
amend section entitled state cymatics to

1084
01:24:00,290 --> 01:24:03,740
explain his amendment

1085
01:24:01,600 --> 01:24:05,990
Ramirez this is just a clarifying

1086
01:24:03,740 --> 01:24:08,510
amendment if the vote if the local

1087
01:24:05,990 --> 01:24:10,190
government is not adopted then what

1088
01:24:08,510 --> 01:24:12,770
we've got to is adding we add a new

1089
01:24:10,190 --> 01:24:14,750
County Attorney section on page 56 and

1090
01:24:12,770 --> 01:24:17,780
57 to the present local government

1091
01:24:14,750 --> 01:24:21,170
article in my amendment all it does is

1092
01:24:17,780 --> 01:24:23,480
renumber it and strike a section number

1093
01:24:21,170 --> 01:24:26,150
so that it'll properly fit in and my

1094

01:24:23,480 --> 01:24:28,550
amendment goes in on the lines 57 on

1095
01:24:26,150 --> 01:24:29,240
page 57 lines three and four move its

1096
01:24:28,550 --> 01:24:32,090
adoption

1097
01:24:29,240 --> 01:24:35,240
mr. Maddox Meuse adoption of committee

1098
01:24:32,090 --> 01:24:36,430
amendment number number four is there

1099
01:24:35,240 --> 01:24:41,560
objection to its adoption

1100
01:24:36,430 --> 01:24:41,560
sure here's none amendment is adopted

1101
01:28:01,959 --> 01:28:15,289
mathematics mathematics the chair laid

1102
01:28:11,629 --> 01:28:17,389
out committee amendment number four and

1103
01:28:15,289 --> 01:28:19,129
adopted committee in the house adopted

1104
01:28:17,389 --> 01:28:21,280
committee amendment number four you

1105
01:28:19,129 --> 01:28:23,629
explained another committee amendment

1106
01:28:21,280 --> 01:28:25,789
we'd like for you to explain the

1107
01:28:23,629 --> 01:28:28,129
amendment that was adopted in so the

1108
01:28:25,789 --> 01:28:29,510
house will know what it is and the event

1109
01:28:28,129 --> 01:28:44,659
that they might want to reconsider that

1110
01:28:29,510 --> 01:28:47,619
vote all right mr. Sullivan is going to

1111
01:28:44,659 --> 01:28:50,899
handle the committee amendments mr. an

1112
01:28:47,619 --> 01:28:54,050
amendment that was adopted the speaker

1113
01:28:50,899 --> 01:28:55,939
committee amendment number four is meant

1114
01:28:54,050 --> 01:29:00,010
section entitled stabilization of the

1115
01:28:55,939 --> 01:29:03,669
Supreme Court size in subsection 2 of

1116
01:29:00,010 --> 01:29:10,269
subsection B of section 2 of s jr. 11

1117
01:29:03,669 --> 01:29:10,269
this is on page 47 line

1118
01:29:13,689 --> 01:29:17,409
119 I believe

1119
01:29:27,159 --> 01:29:32,560
oh yeah this was that deal where there

1120
01:29:29,290 --> 01:29:35,590
was a there was a one-day hiatus we had

1121

01:29:32,560 --> 01:29:39,150
to change from August the 31st to

1122
01:29:35,590 --> 01:29:41,770
September first on when these

1123
01:29:39,150 --> 01:29:45,790
commissioners of the Court of Criminal

1124
01:29:41,770 --> 01:29:48,310
Appeals would become judges of the would

1125
01:29:45,790 --> 01:29:51,820
become commissioners of the Supreme

1126
01:29:48,310 --> 01:29:54,520
Court and so that that's all that part

1127
01:29:51,820 --> 01:30:06,730
of the amendment is about the next ones

1128
01:29:54,520 --> 01:30:08,340
online No page 47 line 23 oh yeah this

1129
01:30:06,730 --> 01:30:15,010
is the one where you change the words

1130
01:30:08,340 --> 01:30:19,270
prior to - as it existed on and this is

1131
01:30:15,010 --> 01:30:21,520
simply for clarification the very same

1132
01:30:19,270 --> 01:30:25,449
thing is true of the next amendment

1133
01:30:21,520 --> 01:30:31,270
which is on page 49 line 8 simply

1134
01:30:25,449 --> 01:30:34,060
changes prior to - as it existed on for

1135
01:30:31,270 --> 01:30:38,739
clarification this is committee

1136
01:30:34,060 --> 01:30:42,880
amendment number 4 and I would move that

1137
01:30:38,739 --> 01:30:45,280
be mr. Sullivan has explained committee

1138
01:30:42,880 --> 01:30:47,440
amendment number 4 if anyone in the

1139
01:30:45,280 --> 01:30:49,510
house is not satisfied with after having

1140
01:30:47,440 --> 01:30:51,820
adopted the amendment we can reconsider

1141
01:30:49,510 --> 01:30:54,100
it but I did feel that the house needed

1142
01:30:51,820 --> 01:30:58,239
that explanation since the amendment was

1143
01:30:54,100 --> 01:30:59,920
not explained properly the first time if

1144
01:30:58,239 --> 01:31:04,360
there's no objection then we'll move on

1145
01:30:59,920 --> 01:31:08,530
next committee members committee object

1146
01:31:04,360 --> 01:31:10,210
I'll all go to lunch and read this we're

1147
01:31:08,530 --> 01:31:13,020
getting close to that lunch time mr.

1148

01:31:10,210 --> 01:31:13,020

Letts Sherman

1149

01:31:16,550 --> 01:31:22,940

mr. speaker mr. doorkeeper message from

1150

01:31:20,489 --> 01:31:22,940

the Senate

1151

01:31:24,560 --> 01:31:29,280

met the messenger mr. speaker I'm

1152

01:31:27,570 --> 01:31:30,840

directed by the Senate to inform the

1153

01:31:29,280 --> 01:31:33,330

house that the Senate has passed the

1154

01:31:30,840 --> 01:31:35,580

following house concurrent resolution 1

1155

01:31:33,330 --> 01:31:37,380

to buy Hateley inviting dr. Charles

1156

01:31:35,580 --> 01:31:39,720

Moloch and dr. William are brought to

1157

01:31:37,380 --> 01:31:41,750

address the joint session the Senate has

1158

01:31:39,720 --> 01:31:45,840

adopted the conference committee on

1159

01:31:41,750 --> 01:31:48,920

report on House bill number 5 three by

1160

01:31:45,840 --> 01:31:51,300

the following vote 30 days and no nays

1161

01:31:48,920 --> 01:31:52,890

the Senate has granted the request of

1162
01:31:51,300 --> 01:31:54,600
the house for a conference committee to

1163
01:31:52,890 --> 01:31:58,230
adjust the differences between the two

1164
01:31:54,600 --> 01:31:59,520
houses on House bill number 6 7 9 the

1165
01:31:58,230 --> 01:32:01,350
following have been appointed on the

1166
01:31:59,520 --> 01:32:05,370
part of the Senate Senators Adams

1167
01:32:01,350 --> 01:32:07,590
McKnight Traeger damage and longoria the

1168
01:32:05,370 --> 01:32:11,820
suit has concurred in house amendments

1169
01:32:07,590 --> 01:32:20,130
to Senate bill 401 Senate bill 387 and

1170
01:32:11,820 --> 01:32:21,570
Senate bill 2:8 by voice vote following

1171
01:32:20,130 --> 01:32:27,239
committee amendment clerk will read the

1172
01:32:21,570 --> 01:32:30,570
amendment committee amendment 5 by Bynum

1173
01:32:27,239 --> 01:32:33,830
I'm in the section entitled County at

1174
01:32:30,570 --> 01:32:33,830
Sullivan to explain the amendment

1175

01:32:38,389 --> 01:32:43,829
alright this is the one that actually I

1176
01:32:41,130 --> 01:32:49,590
think mr. Maddux explained it while ago

1177
01:32:43,829 --> 01:32:52,860
but the this is the one so that changes

1178
01:32:49,590 --> 01:32:55,170
some references so that in case the

1179
01:32:52,860 --> 01:32:57,059
local government article did not pass we

1180
01:32:55,170 --> 01:33:00,210
would retain our County attorneys with

1181
01:32:57,059 --> 01:33:03,480
all of their constitutional authority

1182
01:33:00,210 --> 01:33:09,469
and it's that's purely and simply all it

1183
01:33:03,480 --> 01:33:12,239
does it's located on page 57 lines 11

1184
01:33:09,469 --> 01:33:16,340
line three and four I'm sorry mr.

1185
01:33:12,239 --> 01:33:19,409
speaker will the gentleman yield

1186
01:33:16,340 --> 01:33:23,219
gentleman yields mr. Denton mr. Sullivan

1187
01:33:19,409 --> 01:33:26,639
this is uh this is not gonna touch top

1188
01:33:23,219 --> 01:33:28,769
side or bottom the standardization that

1189
01:33:26,639 --> 01:33:31,050
we're trying to achieve under Article

1190
01:33:28,769 --> 01:33:33,989
five is it you know the only thing this

1191
01:33:31,050 --> 01:33:35,849
will do is see we've changed it around

1192
01:33:33,989 --> 01:33:39,690
just a little bit and if we fail to

1193
01:33:35,849 --> 01:33:42,510
adopt the local governments section then

1194
01:33:39,690 --> 01:33:44,429
the county attorney would still have the

1195
01:33:42,510 --> 01:33:47,130
same constitutional authority that's

1196
01:33:44,429 --> 01:33:51,030
what it amounts to us then well article

1197
01:33:47,130 --> 01:33:54,030
five we're trying to establish county or

1198
01:33:51,030 --> 01:33:56,309
district attorneys at which we'll be

1199
01:33:54,030 --> 01:33:58,409
hailing all the criminal docket as

1200
01:33:56,309 --> 01:34:00,780
opposed to having the criminal district

1201
01:33:58,409 --> 01:34:03,389
attorney and and the district attorney

1202

01:34:00,780 --> 01:34:06,380
which is a variance from County to

1203
01:34:03,389 --> 01:34:09,480
County now we're not changing

1204
01:34:06,380 --> 01:34:12,809
standardization and opening a particle

1205
01:34:09,480 --> 01:34:14,639
five is passed we're going to have

1206
01:34:12,809 --> 01:34:17,130
district attorney's is that correct yeah

1207
01:34:14,639 --> 01:34:19,050
we sure are the only problem is that in

1208
01:34:17,130 --> 01:34:21,480
there are new Constitution County

1209
01:34:19,050 --> 01:34:22,949
attorneys are dealt with in the local

1210
01:34:21,480 --> 01:34:27,030
government section if you'll recall from

1211
01:34:22,949 --> 01:34:29,760
the convention and so this is just a an

1212
01:34:27,030 --> 01:34:32,369
amendment to the transition schedule so

1213
01:34:29,760 --> 01:34:34,619
in case local governments wants to fail

1214
01:34:32,369 --> 01:34:37,170
when the people voted on it we would

1215
01:34:34,619 --> 01:34:39,480
still have constitutional authority to

1216
01:34:37,170 --> 01:34:43,349
continue our County attorneys but they

1217
01:34:39,480 --> 01:34:46,289
would continue under the article 5 the

1218
01:34:43,349 --> 01:34:47,600
way article 5 sets a month in the

1219
01:34:46,289 --> 01:34:50,210
Constitution

1220
01:34:47,600 --> 01:34:52,760
what if local government article passes

1221
01:34:50,210 --> 01:34:54,770
and the judicial article passes we don't

1222
01:34:52,760 --> 01:34:56,960
have any problem we've got district

1223
01:34:54,770 --> 01:34:58,670
attorneys we've got district attorneys

1224
01:34:56,960 --> 01:35:01,160
and we're going to have that Chinese

1225
01:34:58,670 --> 01:35:04,370
restaurant attorneys and if article 5

1226
01:35:01,160 --> 01:35:05,870
passes and this amendment goes on and

1227
01:35:04,370 --> 01:35:08,060
local government failed we're still

1228
01:35:05,870 --> 01:35:10,610
going to have district attorneys but

1229

01:35:08,060 --> 01:35:12,770
we'll have county attorneys also well

1230
01:35:10,610 --> 01:35:17,000
they will have them but in the sense

1231
01:35:12,770 --> 01:35:18,740
that article 5 speaks out them well they

1232
01:35:17,000 --> 01:35:21,950
still would they still have criminal and

1233
01:35:18,740 --> 01:35:23,780
civil jurisdiction is like they do now

1234
01:35:21,950 --> 01:35:28,220
in some counties I mean could you have

1235
01:35:23,780 --> 01:35:30,680
still have a criminal county attorney no

1236
01:35:28,220 --> 01:35:32,930
we would we would go to the district

1237
01:35:30,680 --> 01:35:34,700
attorney concept I believe under those

1238
01:35:32,930 --> 01:35:42,670
under that circumstances

1239
01:35:34,700 --> 01:35:45,170
thank you move adoption of the amendment

1240
01:35:42,670 --> 01:35:46,850
that's so moved adoption a committee

1241
01:35:45,170 --> 01:35:49,460
amendment number 5 is there objection to

1242
01:35:46,850 --> 01:35:52,630
its adoption chair hears none the

1243
01:35:49,460 --> 01:35:52,630
committee amendment is adopted

1244
01:35:57,450 --> 01:36:05,290
following floor amendment to article 5

1245
01:35:59,910 --> 01:36:09,160
clerk will read the amendment amendment

1246
01:36:05,290 --> 01:36:14,950
by Maloney I'm in this jr. 11 house

1247
01:36:09,160 --> 01:36:24,610
purse printing by mr. Maloney to explain

1248
01:36:14,950 --> 01:36:27,550
the amendment miss Maloney chair

1249
01:36:24,610 --> 01:36:28,210
recognizes mr. Maloney mr. speaker and

1250
01:36:27,550 --> 01:36:31,420
members

1251
01:36:28,210 --> 01:36:35,320
I have amendment to subsection B of

1252
01:36:31,420 --> 01:36:37,870
section 11 of article 5s on page 40 it

1253
01:36:35,320 --> 01:36:39,580
merely clarifies the language that the

1254
01:36:37,870 --> 01:36:42,960
district attorney or County attorney

1255
01:36:39,580 --> 01:36:45,280
does not have to represent the state in

1256

01:36:42,960 --> 01:36:48,160
municipal courts and justice of the

1257
01:36:45,280 --> 01:36:49,990
peace courts the other language was not

1258
01:36:48,160 --> 01:36:52,990
clear in that area this says that

1259
01:36:49,990 --> 01:36:55,600
district attorney shall represent the

1260
01:36:52,990 --> 01:36:58,660
state in those courts below the level of

1261
01:36:55,600 --> 01:37:00,850
Court of Appeals accepting the municipal

1262
01:36:58,660 --> 01:37:09,550
courts and Justice of the Peace courts

1263
01:37:00,850 --> 01:37:11,910
are just dumps leave copies are being

1264
01:37:09,550 --> 01:37:11,910
distributed

1265
01:37:14,869 --> 01:37:17,050
right

1266
01:37:25,230 --> 01:37:30,540
I remembers we're trying to get copies

1267
01:37:27,210 --> 01:37:31,550
distributed here that's bigger will the

1268
01:37:30,540 --> 01:37:34,050
gentleman yield

1269
01:37:31,550 --> 01:37:39,120
mr. Maloney would you yield to mr. grant

1270
01:37:34,050 --> 01:37:41,370
I think the gentleman yield in just a

1271
01:37:39,120 --> 01:37:43,530
minute miss grant would you yield to mr.

1272
01:37:41,370 --> 01:37:45,929
grant I'll yield gentleman yields miss

1273
01:37:43,530 --> 01:37:47,790
grant who will represent under your

1274
01:37:45,929 --> 01:37:51,719
Amendment I'm just trying to understand

1275
01:37:47,790 --> 01:37:52,980
who represents the state njp courts I

1276
01:37:51,719 --> 01:37:56,040
know in the city court you have your

1277
01:37:52,980 --> 01:37:57,840
municipal attorney but in a JP court who

1278
01:37:56,040 --> 01:37:59,910
who you have well the county attorney

1279
01:37:57,840 --> 01:38:04,940
your district attorney could but it it

1280
01:37:59,910 --> 01:38:04,940
simply is not mandatory listen okay

1281
01:38:05,449 --> 01:38:09,330
you're likely to recognize the

1282
01:38:07,679 --> 01:38:12,179
distinguished former member of this body

1283

01:38:09,330 --> 01:38:13,710
judge guy Haslett from Barger Tech is

1284
01:38:12,179 --> 01:38:16,460
back at the rear of the chamber yeah

1285
01:38:13,710 --> 01:38:16,460
it's good to have you with us

1286
01:38:36,050 --> 01:38:39,040
we're getting close

1287
01:38:43,210 --> 01:38:48,190
all right mr. Maloney are you gonna

1288
01:38:45,670 --> 01:38:49,900
explain the amendment feather or I'll

1289
01:38:48,190 --> 01:38:53,470
answer any questions uh

1290
01:38:49,900 --> 01:38:55,540
mrs. biggert met Tacoma one or the only

1291
01:38:53,470 --> 01:38:57,220
thing I wanted to suggest was before we

1292
01:38:55,540 --> 01:38:58,690
adopt the wind would get some companies

1293
01:38:57,220 --> 01:38:59,890
back here so we can see exactly where

1294
01:38:58,690 --> 01:39:03,330
they go I think it's a good amendment

1295
01:38:59,890 --> 01:39:07,530
but okay we haven't seen copies will be

1296
01:39:03,330 --> 01:39:07,530
copies are down front mr. Cohen

1297
01:39:24,770 --> 01:39:30,710
I'm it's bigger yes Mr Macdonald

1298
01:39:28,420 --> 01:39:32,390
gentleman yield if we hadn't yielded

1299
01:39:30,710 --> 01:39:35,620
damage no the gentleman still has the

1300
01:39:32,390 --> 01:39:41,060
floor he'll yield to you mr. McDonald

1301
01:39:35,620 --> 01:39:43,430
mr. Maloney was the Old MacDonald

1302
01:39:41,060 --> 01:39:46,370
let's run in I have some poop I think

1303
01:39:43,430 --> 01:39:47,600
from District Attorneys Association I

1304
01:39:46,370 --> 01:39:50,270
guess I don't have it with me

1305
01:39:47,600 --> 01:39:52,130
unfortunately you know what I'm talking

1306
01:39:50,270 --> 01:39:55,130
about where they requested some kind of

1307
01:39:52,130 --> 01:39:56,750
amendment to be sure that the district

1308
01:39:55,130 --> 01:39:59,989
attorney wouldn't be representing the

1309
01:39:56,750 --> 01:40:01,940
estate this is it is that it yes sir

1310

01:39:59,989 --> 01:40:03,950
you've added a little more to it in me I

1311
01:40:01,940 --> 01:40:05,870
don't remember the stuff back to Jay

1312
01:40:03,950 --> 01:40:08,000
Pico but that's all right well that's

1313
01:40:05,870 --> 01:40:09,560
right because obviously your city

1314
01:40:08,000 --> 01:40:11,900
attorney is going to put it in there but

1315
01:40:09,560 --> 01:40:13,969
the the other said that the state shall

1316
01:40:11,900 --> 01:40:16,190
represent the district attorney or

1317
01:40:13,969 --> 01:40:17,989
county attorney in criminal actions

1318
01:40:16,190 --> 01:40:19,700
which would include your municipal

1319
01:40:17,989 --> 01:40:21,980
courts your train tickets so you

1320
01:40:19,700 --> 01:40:24,080
improved on their suggestion but that

1321
01:40:21,980 --> 01:40:25,810
doesn't conquer eight their suggestion

1322
01:40:24,080 --> 01:40:27,830
correct thank you

1323
01:40:25,810 --> 01:40:29,870
all right the question is on the

1324
01:40:27,830 --> 01:40:32,989
adoption of the amendment the amendment

1325
01:40:29,870 --> 01:40:34,790
is acceptable to the authors it requires

1326
01:40:32,989 --> 01:40:36,320
a two-thirds vote all those in favor of

1327
01:40:34,790 --> 01:40:39,650
the adoption of the amendment or a vote

1328
01:40:36,320 --> 01:40:42,370
aye all those opposed will vote no mr.

1329
01:40:39,650 --> 01:40:42,370
basian vote

1330
01:40:52,080 --> 01:40:55,650
all members voted

1331
01:40:59,300 --> 01:41:05,900
so mr verloc voting act all members

1332
01:41:01,880 --> 01:41:12,740
voted it's division boat so much de

1333
01:41:05,900 --> 01:41:16,690
Blanc voting I show mr. Van Hollen

1334
01:41:12,740 --> 01:41:16,690
voting at Lake

1335
01:41:36,899 --> 01:41:40,399
so mr. neighbours voting aye

1336
01:41:46,859 --> 01:41:52,699
now being 101 eyes 15 nose the amendment

1337

01:41:50,459 --> 01:41:52,699
is adopted

1338
01:42:01,100 --> 01:42:03,940
that's a grant

1339
01:44:18,810 --> 01:44:29,070
following amendment clerk will read the

1340
01:44:20,880 --> 01:44:31,980
amendment amendment by Grant amend s jr.

1341
01:44:29,070 --> 01:44:34,590
11 section mr. Graham to explain them

1342
01:44:31,980 --> 01:44:36,870
and mr. speaker members this is on page

1343
01:44:34,590 --> 01:44:39,240
55 and this is one of the conforming

1344
01:44:36,870 --> 01:44:44,820
amendments and what we've done in

1345
01:44:39,240 --> 01:44:47,400
article 5 is to keep the 4jp precincts

1346
01:44:44,820 --> 01:44:50,190
but nevertheless we don't require there

1347
01:44:47,400 --> 01:44:51,750
to be a for JPS anymore this is optional

1348
01:44:50,190 --> 01:44:54,300
with the County Commissioners court in

1349
01:44:51,750 --> 01:44:57,270
other words the reason we kept the

1350
01:44:54,300 --> 01:44:59,880
Jaypee precincts is to conform with the

1351
01:44:57,270 --> 01:45:02,550
Local Option laws on liquor and we did

1352
01:44:59,880 --> 01:45:05,700
want to mess those lines up so in effect

1353
01:45:02,550 --> 01:45:08,010
that JP could represent two precincts

1354
01:45:05,700 --> 01:45:09,840
three precincts or just one or whatever

1355
01:45:08,010 --> 01:45:11,610
the Commissioner's Court decided now

1356
01:45:09,840 --> 01:45:13,830
they what we're dealing with is a

1357
01:45:11,610 --> 01:45:16,830
constables and the tradition in Texas

1358
01:45:13,830 --> 01:45:19,980
has been had to have mandate only one

1359
01:45:16,830 --> 01:45:22,290
constable / JP Court so I'm changing the

1360
01:45:19,980 --> 01:45:24,990
word where I said just as precinct to

1361
01:45:22,290 --> 01:45:27,840
say Justice Court so we're not mandating

1362
01:45:24,990 --> 01:45:30,540
a cost for every precinct but for every

1363
01:45:27,840 --> 01:45:33,600
court however many the commissioners set

1364

01:45:30,540 --> 01:45:37,050
up mr. speaker at Salem argue gentleman

1365
01:45:33,600 --> 01:45:41,040
yields well mr. grant then according to

1366
01:45:37,050 --> 01:45:43,800
this we could conceivably reduce the or

1367
01:45:41,040 --> 01:45:45,960
eliminate JP courts and constables in

1368
01:45:43,800 --> 01:45:48,150
Texas that write the testimony before

1369
01:45:45,960 --> 01:45:50,430
our committee was that a number of

1370
01:45:48,150 --> 01:45:52,290
counties do not even have the required

1371
01:45:50,430 --> 01:45:55,050
number of minimum before because they're

1372
01:45:52,290 --> 01:45:57,120
small population we we do set in here I

1373
01:45:55,050 --> 01:45:59,090
believe a minimum of war but my

1374
01:45:57,120 --> 01:46:01,140
amendment does a touch how many JP

1375
01:45:59,090 --> 01:46:03,510
precincts our courts you're going to

1376
01:46:01,140 --> 01:46:05,880
have all it does is say that you have to

1377
01:46:03,510 --> 01:46:07,260
have one constable // JP court that's

1378
01:46:05,880 --> 01:46:10,230
all my amendment does you change the

1379
01:46:07,260 --> 01:46:12,330
word precinct to court and just ties

1380
01:46:10,230 --> 01:46:14,490
those two together because normally they

1381
01:46:12,330 --> 01:46:17,700
do go together if you need a JP you also

1382
01:46:14,490 --> 01:46:19,590
need a constable well is it is yours a

1383
01:46:17,700 --> 01:46:21,690
floor amendment or a committee amendment

1384
01:46:19,590 --> 01:46:24,270
mine is a floor amendment and that would

1385
01:46:21,690 --> 01:46:25,770
require two-thirds vote that's right and

1386
01:46:24,270 --> 01:46:27,960
if you like there'll be more cost for

1387
01:46:25,770 --> 01:46:28,550
Less constables and there are JPS well I

1388
01:46:27,960 --> 01:46:33,080
suppose you

1389
01:46:28,550 --> 01:46:36,920
be opposed to this mr. bit of spin with

1390
01:46:33,080 --> 01:46:41,600
a gentleman yield mr. Vail yes mr. grant

1391

01:46:36,920 --> 01:46:45,050
in in Bell County we have two justice

1392
01:46:41,600 --> 01:46:48,380
courts for one precinct of downtown

1393
01:46:45,050 --> 01:46:52,010
precinct and we have only one constable

1394
01:46:48,380 --> 01:46:54,320
that serves both courts then well the

1395
01:46:52,010 --> 01:46:56,570
effector your amendment is to make it so

1396
01:46:54,320 --> 01:46:59,570
that we can have so that we have another

1397
01:46:56,570 --> 01:47:01,790
constable for those courts you have we

1398
01:46:59,570 --> 01:47:04,280
have priests in one place one and

1399
01:47:01,790 --> 01:47:06,170
priests in warm place to two courts if

1400
01:47:04,280 --> 01:47:08,690
that's two courts that would be correct

1401
01:47:06,170 --> 01:47:10,880
if it's just one court with two JP's

1402
01:47:08,690 --> 01:47:13,010
which is way we try to set up article 5

1403
01:47:10,880 --> 01:47:15,200
the Lord's Article five we may have one

1404
01:47:13,010 --> 01:47:17,690
court that be by Court of Civil Appeals

1405
01:47:15,200 --> 01:47:21,230
may have three or five judges and we're

1406
01:47:17,690 --> 01:47:23,240
trying to set up trial courts the same

1407
01:47:21,230 --> 01:47:25,220
way that a court can have more than one

1408
01:47:23,240 --> 01:47:27,500
judge a judge and a court are not

1409
01:47:25,220 --> 01:47:30,140
synonymous so probably you just have one

1410
01:47:27,500 --> 01:47:33,800
JP court within that precinct with two

1411
01:47:30,140 --> 01:47:36,080
JP's we have two we have two different

1412
01:47:33,800 --> 01:47:37,820
two different judges two different

1413
01:47:36,080 --> 01:47:39,470
courts and they run at different yeah

1414
01:47:37,820 --> 01:47:41,690
but if you that's right but if you read

1415
01:47:39,470 --> 01:47:44,870
article five you can have more than one

1416
01:47:41,690 --> 01:47:47,060
judge on a given court and you could

1417
01:47:44,870 --> 01:47:50,150
have two JPS presiding over the same

1418

01:47:47,060 --> 01:47:52,040
court it could all be precinct 5 section

1419
01:47:50,150 --> 01:47:55,160
wanted to write but with that in mind

1420
01:47:52,040 --> 01:47:58,040
would we beginning one more constable or

1421
01:47:55,160 --> 01:47:59,960
we have one constable serving both of

1422
01:47:58,040 --> 01:48:02,240
those that's what I'm interested in

1423
01:47:59,960 --> 01:48:04,190
finding out well if you go back to

1424
01:48:02,240 --> 01:48:06,530
article 5 if you interpret your court to

1425
01:48:04,190 --> 01:48:08,060
be just one JP court serve a two judges

1426
01:48:06,530 --> 01:48:10,370
you say a court and judge is not

1427
01:48:08,060 --> 01:48:13,370
synonymous then in that case you'd only

1428
01:48:10,370 --> 01:48:15,530
need one constable yeah and that's why I

1429
01:48:13,370 --> 01:48:18,290
can screw article by and I don't know

1430
01:48:15,530 --> 01:48:19,910
how you construe it but if you agree

1431
01:48:18,290 --> 01:48:22,280
with that and it's just one court then

1432
01:48:19,910 --> 01:48:23,750
you just need one contractor I'd like to

1433
01:48:22,280 --> 01:48:24,920
know how you how you construing it

1434
01:48:23,750 --> 01:48:26,750
because you're the one offering this

1435
01:48:24,920 --> 01:48:30,410
amendment and how this this section

1436
01:48:26,750 --> 01:48:32,030
affects us all right Medlen says if you

1437
01:48:30,410 --> 01:48:33,730
lend to have one cost of all forever

1438
01:48:32,030 --> 01:48:35,440
court if you have to

1439
01:48:33,730 --> 01:48:38,260
quartz and those two courts continue to

1440
01:48:35,440 --> 01:48:41,050
exist and that would be up to the

1441
01:48:38,260 --> 01:48:43,720
Commissioner's Court if they continue to

1442
01:48:41,050 --> 01:48:45,910
exist as as two courts than you need two

1443
01:48:43,720 --> 01:48:48,340
constables if they only one door serve

1444
01:48:45,910 --> 01:48:49,840
the two judges then you would not need

1445

01:48:48,340 --> 01:48:51,730
them and your commissioners wouldn't

1446
01:48:49,840 --> 01:48:55,360
make that reaction we have two different

1447
01:48:51,730 --> 01:48:57,160
courtrooms two different separate

1448
01:48:55,360 --> 01:48:59,410
facilities two different clerks

1449
01:48:57,160 --> 01:49:01,120
everything separate and it sounds like

1450
01:48:59,410 --> 01:49:02,320
you would probably end up with two but

1451
01:49:01,120 --> 01:49:04,360
on the other hand and all these rural

1452
01:49:02,320 --> 01:49:08,830
areas we might end up with one JP and

1453
01:49:04,360 --> 01:49:10,540
three constables for that JP but it

1454
01:49:08,830 --> 01:49:12,070
would seem to me that then we're maybe

1455
01:49:10,540 --> 01:49:13,690
if your submission to your song meant

1456
01:49:12,070 --> 01:49:18,870
having two courts each one to be served

1457
01:49:13,690 --> 01:49:21,750
by JP and that's all I can answer mr.

1458
01:49:18,870 --> 01:49:24,760
master caster parliamentary inquiry

1459
01:49:21,750 --> 01:49:31,320
state you inquire mr. Kaster is this

1460
01:49:24,760 --> 01:49:31,320
amendment to article 9 or to article 5

1461
01:49:31,770 --> 01:49:39,400
it is a conforming amendment to section

1462
01:49:34,510 --> 01:49:45,720
2 the STAAR 11 what page does this

1463
01:49:39,400 --> 01:49:45,720
appear on an SJ 2 our number 11 page 55

1464
01:49:49,449 --> 01:49:55,480
is this too the transition schedule

1465
01:49:52,120 --> 01:49:56,890
though is the conforming amendment is

1466
01:49:55,480 --> 01:49:58,810
your amendment to the transition

1467
01:49:56,890 --> 01:50:02,320
schedule no it's to a conforming

1468
01:49:58,810 --> 01:50:05,010
amendment what do you mean it's an

1469
01:50:02,320 --> 01:50:05,010
amendment to an amendment

1470
01:50:11,479 --> 01:50:15,909
mr. grant sends up an amendment the

1471
01:50:13,579 --> 01:50:19,639
amendment is acceptable to the authors

1472

01:50:15,909 --> 01:50:21,530
is there objection to its adoption there

1473
01:50:19,639 --> 01:50:23,209
is objection all those in favor of its

1474
01:50:21,530 --> 01:50:34,729
adoption will vote aye all those opposed

1475
01:50:23,209 --> 01:50:40,809
will vote no to division vote so much'

1476
01:50:34,729 --> 01:50:40,809
grant voting aye the whole members voted

1477
01:51:21,749 --> 01:51:29,729
they're being 76012 knows the amendment

1478
01:51:25,019 --> 01:51:32,610
is adopted mr. speaker it was a question

1479
01:51:29,729 --> 01:51:33,840
of the chair could you advise us the

1480
01:51:32,610 --> 01:51:36,630
house when something's going to be done

1481
01:51:33,840 --> 01:51:38,639
about the flying gavel dessert we've

1482
01:51:36,630 --> 01:51:41,190
tried some new glue on this one we're

1483
01:51:38,639 --> 01:51:42,690
using right now we have pegs in some of

1484
01:51:41,190 --> 01:51:45,329
the rest of them we hope we're trying to

1485
01:51:42,690 --> 01:51:46,469
find a method to fix it mr. Watson could

1486
01:51:45,329 --> 01:51:49,639
we have a silent moment of meditation

1487
01:51:46,469 --> 01:51:51,539
until it dries well you may need it

1488
01:51:49,639 --> 01:51:53,719
following amendment the clerk will read

1489
01:51:51,539 --> 01:51:53,719
the amendment

1490
01:51:54,139 --> 01:51:59,670
amendment by grant amend SJ or 11

1491
01:51:57,869 --> 01:52:03,469
section 2 mr. grant

1492
01:51:59,670 --> 01:52:03,469
mr. grant to explain the amendment

1493
01:52:09,980 --> 01:52:15,960
mr. speaker members this is on page 46

1494
01:52:12,930 --> 01:52:18,270
line one and all it does is add an L y

1495
01:52:15,960 --> 01:52:20,130
to make this grammatically correct you

1496
01:52:18,270 --> 01:52:22,950
need an adverb modifying the adjective

1497
01:52:20,130 --> 01:52:25,500
is B specially designated probate courts

1498
01:52:22,950 --> 01:52:30,990
instead of special designated probate

1499

01:52:25,500 --> 01:52:33,960
court that is acceptable to daughter mr.

1500
01:52:30,990 --> 01:52:35,640
speaker mr. grant sends up an amendment

1501
01:52:33,960 --> 01:52:37,530
the amendment is acceptable to the

1502
01:52:35,640 --> 01:52:40,590
authors is there objection to this

1503
01:52:37,530 --> 01:52:43,130
adoption chair here none the amendment

1504
01:52:40,590 --> 01:52:43,130
is adopted

1505
01:54:02,309 --> 01:54:08,820
following amendment a clerk will read

1506
01:54:03,809 --> 01:54:12,059
the amendment amendment by grant I'm in

1507
01:54:08,820 --> 01:54:14,190
said grant to explain his amendment

1508
01:54:12,059 --> 01:54:17,280
let's speaker members this is old page

1509
01:54:14,190 --> 01:54:19,139
56 line 24 and 25 there's been a

1510
01:54:17,280 --> 01:54:20,670
clerical error there what we're really

1511
01:54:19,139 --> 01:54:22,500
doing is adding to the transition

1512
01:54:20,670 --> 01:54:24,570
schedule and not an article 9 of the

1513
01:54:22,500 --> 01:54:27,630
Constitution this is preserving the

1514
01:54:24,570 --> 01:54:29,719
County Prosecuting Attorney's but it

1515
01:54:27,630 --> 01:54:32,340
should be for the transition scared you

1516
01:54:29,719 --> 01:54:34,320
matter it is acceptable to daughter

1517
01:54:32,340 --> 01:54:36,030
after grant sends up an amendment that

1518
01:54:34,320 --> 01:54:38,639
is acceptable to the others are there is

1519
01:54:36,030 --> 01:54:42,320
there objection to its adoption chair

1520
01:54:38,639 --> 01:54:42,320
here is none the amendment is adopted

1521
01:56:12,660 --> 01:56:19,710
following amendment the clerk iridium

1522
01:56:14,460 --> 01:56:23,370
ever amendment by Grant amend sjr 11

1523
01:56:19,710 --> 01:56:25,680
grant to explain his amendment mr.

1524
01:56:23,370 --> 01:56:27,660
speaker members this is on page 38 lines

1525
01:56:25,680 --> 01:56:29,910
two through five where we're talking

1526

01:56:27,660 --> 01:56:31,980
about what is a civil judicial council

1527
01:56:29,910 --> 01:56:33,510
presently we have four members from the

1528
01:56:31,980 --> 01:56:36,840
Texas Legislature serving on that

1529
01:56:33,510 --> 01:56:39,350
council under a an Attorney General's

1530
01:56:36,840 --> 01:56:42,390
opinion which I have here November 18

1531
01:56:39,350 --> 01:56:44,970
1959 it is not possible on the

1532
01:56:42,390 --> 01:56:47,970
separation of powers doctrine to have a

1533
01:56:44,970 --> 01:56:50,100
commission made up of two separate

1534
01:56:47,970 --> 01:56:52,020
branches of government so if you want to

1535
01:56:50,100 --> 01:56:54,210
keep you the legislatures on there and I

1536
01:56:52,020 --> 01:56:56,100
think there the convention this body was

1537
01:56:54,210 --> 01:56:57,840
very strong in in having the

1538
01:56:56,100 --> 01:57:01,230
legislatures on there making part of

1539
01:56:57,840 --> 01:57:03,870
that court policy then we need to have

1540
01:57:01,230 --> 01:57:06,060
amendment to say that regardless what

1541
01:57:03,870 --> 01:57:09,360
article 2 which is separation of powers

1542
01:57:06,060 --> 01:57:11,190
this particular body can have both

1543
01:57:09,360 --> 01:57:15,930
legislatures and members of the

1544
01:57:11,190 --> 01:57:17,280
judiciary all right mr. grant sends up

1545
01:57:15,930 --> 01:57:18,720
an amendment it is acceptable to the

1546
01:57:17,280 --> 01:57:19,940
authors as their objection to its

1547
01:57:18,720 --> 01:57:24,530
adoption

1548
01:57:19,940 --> 01:57:24,530
Jerry r9 the amendment is adopted

1549
01:57:33,570 --> 01:57:39,450
the following amendment the clerk will

1550
01:57:35,280 --> 01:57:44,250
read the amendment amendment by Vick

1551
01:57:39,450 --> 01:57:47,790
amend sjr 11 page 50 line 16 by striking

1552
01:57:44,250 --> 01:57:49,590
all on line 16 through 20 and inserting

1553

01:57:47,790 --> 01:58:00,390
the following at the victor explain his

1554
01:57:49,590 --> 01:58:02,220
amendment mr. speaker members what my

1555
01:58:00,390 --> 01:58:05,160
little amendment would seek to do is to

1556
01:58:02,220 --> 01:58:10,110
change in the transition schedule on

1557
01:58:05,160 --> 01:58:14,120
lock on page 50 line 15 through 20 under

1558
01:58:10,110 --> 01:58:15,170
the member of board apartment rolls -

1559
01:58:14,120 --> 01:58:19,470
[Music]

1560
01:58:15,170 --> 01:58:23,760
from the Attorney General appointing in

1561
01:58:19,470 --> 01:58:26,580
the interim the board member to the

1562
01:58:23,760 --> 01:58:29,550
Chief Justice of the Supreme Court now

1563
01:58:26,580 --> 01:58:32,370
the reason for this is we just passed an

1564
01:58:29,550 --> 01:58:34,320
executive article that the appointment

1565
01:58:32,370 --> 01:58:36,360
to the three member board one would be

1566
01:58:34,320 --> 01:58:38,340
by the governor one would be by the

1567
01:58:36,360 --> 01:58:40,160
Attorney General one would be by the

1568
01:58:38,340 --> 01:58:43,440
Chief Justice of the Supreme Court

1569
01:58:40,160 --> 01:58:45,750
however the problem will arise if we

1570
01:58:43,440 --> 01:58:48,390
allow the Attorney General to appoint as

1571
01:58:45,750 --> 01:58:49,980
many as two of these board members what

1572
01:58:48,390 --> 01:58:52,760
I consider to be a real conflict of

1573
01:58:49,980 --> 01:58:56,370
interest because the Attorney General

1574
01:58:52,760 --> 01:58:59,490
represents the the board our will

1575
01:58:56,370 --> 01:59:02,100
represent the state before the board on

1576
01:58:59,490 --> 01:59:04,500
any matter where a convict our person

1577
01:59:02,100 --> 01:59:06,260
incarcerated our person seeking some

1578
01:59:04,500 --> 01:59:10,380
relief from the Board of Pardons roles

1579
01:59:06,260 --> 01:59:12,750
would be appearing before the board I

1580

01:59:10,380 --> 01:59:15,000
wonder if we wouldn't have a conflict of

1581
01:59:12,750 --> 01:59:17,010
interest if the Attorney General had

1582
01:59:15,000 --> 01:59:19,200
appointed two of those three members and

1583
01:59:17,010 --> 01:59:20,880
the Attorney General was one of the

1584
01:59:19,200 --> 01:59:24,300
lawyers that was appearing before that

1585
01:59:20,880 --> 01:59:30,270
board asking for his side of the story

1586
01:59:24,300 --> 01:59:32,010
so I'm asking you to insert simply that

1587
01:59:30,270 --> 01:59:33,780
the Chief Justice of the Supreme Court

1588
01:59:32,010 --> 01:59:36,360
would make the appointment rather than

1589
01:59:33,780 --> 01:59:38,370
the Attorney General so that if the

1590
01:59:36,360 --> 01:59:40,020
problem does come up the Attorney

1591
01:59:38,370 --> 01:59:41,470
General would not be the one appointing

1592
01:59:40,020 --> 01:59:43,570
two of the three members it would be

1593
01:59:41,470 --> 01:59:45,280
Supreme the Justice of the Supreme Court

1594
01:59:43,570 --> 01:59:49,300
appointing two of the three members

1595
01:59:45,280 --> 01:59:51,430
rather than having a weighted board in

1596
01:59:49,300 --> 01:59:53,290
favor of a lawyer that was appearing

1597
01:59:51,430 --> 01:59:55,510
before that board so I'd ask you to vote

1598
01:59:53,290 --> 01:59:58,420
with this very simple amendment mr.

1599
01:59:55,510 --> 01:59:59,260
speaker Jim O'Neill gentleman yield of

1600
01:59:58,420 --> 02:00:01,360
Florence Bach

1601
01:59:59,260 --> 02:00:05,100
no gentleman will yield he's back on the

1602
02:00:01,360 --> 02:00:10,570
floor mr. Vick under your Amendment then

1603
02:00:05,100 --> 02:00:12,460
wouldn't the board be stacked by the

1604
02:00:10,570 --> 02:00:13,870
Chief Justice it's going to be stacked

1605
02:00:12,460 --> 02:00:17,410
by the Attorney General who would be a

1606
02:00:13,870 --> 02:00:19,810
lawyer appearing before that board in an

1607

02:00:17,410 --> 02:00:21,490
adversary proceeding this is what I'm

1608
02:00:19,810 --> 02:00:24,030
concerned about it would be like me if I

1609
02:00:21,490 --> 02:00:26,500
was representing a defendant or a

1610
02:00:24,030 --> 02:00:28,810
convict or a petitioner before that

1611
02:00:26,500 --> 02:00:30,760
board having appointed two of those

1612
02:00:28,810 --> 02:00:32,080
three members and I think that if we're

1613
02:00:30,760 --> 02:00:34,540
going to have to stack it in the

1614
02:00:32,080 --> 02:00:36,370
transition let's allow an interested

1615
02:00:34,540 --> 02:00:38,140
third party the Chief Justice of the

1616
02:00:36,370 --> 02:00:41,020
Supreme Court to make the appointment

1617
02:00:38,140 --> 02:00:42,130
rather than the Attorney General are the

1618
02:00:41,020 --> 02:00:44,340
lawyer that would be appearing before

1619
02:00:42,130 --> 02:00:47,980
that board

1620
02:00:44,340 --> 02:00:52,030
if Sullivan to oppose Emmett the speaker

1621
02:00:47,980 --> 02:00:54,970
members right now these appointments are

1622
02:00:52,030 --> 02:00:57,340
made by the governor the Chief Justice

1623
02:00:54,970 --> 02:01:01,150
of the Court of Criminal Appeals and the

1624
02:00:57,340 --> 02:01:03,880
Chief Justice of the Supreme Court when

1625
02:01:01,150 --> 02:01:06,400
we do away with the chief judge of the

1626
02:01:03,880 --> 02:01:08,290
Court of Criminal Appeals if we don't

1627
02:01:06,400 --> 02:01:12,180
leave this with the Attorney General

1628
02:01:08,290 --> 02:01:14,830
doing the appointee and this and whoever

1629
02:01:12,180 --> 02:01:17,590
was put on there by the chief judge of

1630
02:01:14,830 --> 02:01:20,410
the Court of Criminal Appeals dies or

1631
02:01:17,590 --> 02:01:24,010
get there's a vacancy there then you're

1632
02:01:20,410 --> 02:01:25,570
going to have the Chief Justice of the

1633
02:01:24,010 --> 02:01:28,180
Supreme Court appointing two of the

1634

02:01:25,570 --> 02:01:30,940
members this leaves it with three

1635
02:01:28,180 --> 02:01:33,730
different people appointing to that

1636
02:01:30,940 --> 02:01:35,710
board because we're we're eliminating

1637
02:01:33,730 --> 02:01:37,240
one of the people that used to do the

1638
02:01:35,710 --> 02:01:39,610
appointing and I think well leave it

1639
02:01:37,240 --> 02:01:41,170
just like like it is here now

1640
02:01:39,610 --> 02:01:43,360
or oppose the amendment mr. speaker

1641
02:01:41,170 --> 02:01:45,850
gentleman yield gentleman yields meant

1642
02:01:43,360 --> 02:01:47,350
about miss Sullivan and the net effect

1643
02:01:45,850 --> 02:01:50,469
of this amendment would be then that it

1644
02:01:47,350 --> 02:01:53,290
if there was a vacancy of two of the

1645
02:01:50,469 --> 02:01:56,440
members the Chief Justice the Chief

1646
02:01:53,290 --> 02:01:58,449
Justice could appoint all of the members

1647
02:01:56,440 --> 02:02:00,190
they never know he might end up haunt

1648
02:01:58,449 --> 02:02:01,540
them all and we need to leave it like

1649
02:02:00,190 --> 02:02:03,159
we've got it here I don't think mr.

1650
02:02:01,540 --> 02:02:04,750
Baker I think that I think we discussed

1651
02:02:03,159 --> 02:02:07,150
this during the convention and this is

1652
02:02:04,750 --> 02:02:08,650
what we worked out seems like to me it

1653
02:02:07,150 --> 02:02:21,159
was all right then it should be all

1654
02:02:08,650 --> 02:02:30,219
right now all right mr. Vick close on

1655
02:02:21,159 --> 02:02:31,719
his amendment mr. speaker members mr.

1656
02:02:30,219 --> 02:02:33,550
Sullivan evidently doesn't quite

1657
02:02:31,719 --> 02:02:37,179
understand what the problem is the

1658
02:02:33,550 --> 02:02:38,949
problem is this well let me approach it

1659
02:02:37,179 --> 02:02:40,869
from this way he suggests that my

1660
02:02:38,949 --> 02:02:43,389
amendment would cause the board to be

1661

02:02:40,869 --> 02:02:46,630
stacked by the Chief Justice of the

1662
02:02:43,389 --> 02:02:49,630
Supreme Court I submit to you that the

1663
02:02:46,630 --> 02:02:52,570
way it is in the draft it will be

1664
02:02:49,630 --> 02:02:54,670
stacked by the Attorney General and it

1665
02:02:52,570 --> 02:02:56,440
is the Attorney General who is the

1666
02:02:54,670 --> 02:02:59,110
lawyer that will appear before the board

1667
02:02:56,440 --> 02:03:02,139
so I ask you to reason with me amendment

1668
02:02:59,110 --> 02:03:04,480
I'm in a minute and if you're going to

1669
02:03:02,139 --> 02:03:07,330
have to have a stack you know if we're

1670
02:03:04,480 --> 02:03:09,639
going to under the executive article

1671
02:03:07,330 --> 02:03:13,300
we've already passed have the Attorney

1672
02:03:09,639 --> 02:03:15,489
General the governor and the Chief

1673
02:03:13,300 --> 02:03:18,699
Justice of the Supreme Court doing the

1674
02:03:15,489 --> 02:03:20,889
appointing and if in the interim are

1675
02:03:18,699 --> 02:03:24,580
doing the transition one of the

1676
02:03:20,889 --> 02:03:28,300
vacancies opens up we have the lawyer

1677
02:03:24,580 --> 02:03:31,719
for the state making that appointment in

1678
02:03:28,300 --> 02:03:33,940
making the stack is that not unfair to

1679
02:03:31,719 --> 02:03:36,070
the petitioner before the board apart in

1680
02:03:33,940 --> 02:03:38,440
throws I'm asking you if we're going to

1681
02:03:36,070 --> 02:03:41,650
have to stack it with my amendment I'm

1682
02:03:38,440 --> 02:03:43,840
asking you simply to stack it so that we

1683
02:03:41,650 --> 02:03:45,670
are allow someone to stack it that is a

1684
02:03:43,840 --> 02:03:46,960
non interested third party and that's

1685
02:03:45,670 --> 02:03:49,609
the Chief Justice of the Supreme Court

1686
02:03:46,960 --> 02:03:51,280
you'll have to agree with me that

1687
02:03:49,609 --> 02:03:53,929
that appears before their Lord

1688

02:03:51,280 --> 02:03:56,300
representing the state are representing

1689
02:03:53,929 --> 02:03:57,949
the defendant whoever would certainly be

1690
02:03:56,300 --> 02:03:59,329
more interested than the Chief Justice

1691
02:03:57,949 --> 02:04:01,939
who has nothing to do with the board

1692
02:03:59,329 --> 02:04:03,439
apart and Paroles so if there's going to

1693
02:04:01,939 --> 02:04:05,780
have to be one of these three people

1694
02:04:03,439 --> 02:04:07,669
making the appointment it seems more

1695
02:04:05,780 --> 02:04:09,949
logical to me that it should be either

1696
02:04:07,669 --> 02:04:12,530
the Chief Justice of the Supreme Court

1697
02:04:09,949 --> 02:04:14,539
or the governor and in for the purposes

1698
02:04:12,530 --> 02:04:17,089
of my amendment I chose the Chief

1699
02:04:14,539 --> 02:04:20,179
Justice of the Supreme Court so I think

1700
02:04:17,089 --> 02:04:22,099
that it should be very clear to you that

1701
02:04:20,179 --> 02:04:24,379
in the transition we should avoid a

1702
02:04:22,099 --> 02:04:25,639
situation where we'd have a conflict of

1703
02:04:24,379 --> 02:04:27,919
interest with the Attorney General

1704
02:04:25,639 --> 02:04:31,609
having two of the three members been

1705
02:04:27,919 --> 02:04:34,820
appointed by him and having at at least

1706
02:04:31,609 --> 02:04:36,760
some kind of a commitment to him mr.

1707
02:04:34,820 --> 02:04:43,760
speaker will the gentleman yield

1708
02:04:36,760 --> 02:04:46,070
gentleman yield matteo mr. Veeck I hope

1709
02:04:43,760 --> 02:04:48,979
you I hope you misunderstand what this

1710
02:04:46,070 --> 02:04:50,989
area of the article 5 goes to we're

1711
02:04:48,979 --> 02:04:53,539
dealing you understand that the section

1712
02:04:50,989 --> 02:04:56,539
you're trying to amend deals only with

1713
02:04:53,539 --> 02:04:58,939
the transition period or whatever yes I

1714
02:04:56,539 --> 02:05:01,459
am aware that now during the transition

1715

02:04:58,939 --> 02:05:03,949
period the three members would be

1716
02:05:01,459 --> 02:05:06,499
appointed one by the Chief Justice of

1717
02:05:03,949 --> 02:05:09,709
Supreme Court one by the governor and

1718
02:05:06,499 --> 02:05:11,839
one by the presiding judge of the Court

1719
02:05:09,709 --> 02:05:14,780
of Criminal field during the transition

1720
02:05:11,839 --> 02:05:17,389
of anointment if we abolish C if we

1721
02:05:14,780 --> 02:05:19,729
abolish the chief presiding judge of the

1722
02:05:17,389 --> 02:05:22,099
Court of Criminal Appeals then there's

1723
02:05:19,729 --> 02:05:24,019
no one to fill that vacancy if it should

1724
02:05:22,099 --> 02:05:26,119
become vacant during the transition

1725
02:05:24,019 --> 02:05:28,189
period so that you would still have

1726
02:05:26,119 --> 02:05:29,809
during that transition period one

1727
02:05:28,189 --> 02:05:31,969
appointed by the governor and one

1728
02:05:29,809 --> 02:05:33,619
appointed by the Chief Justice now if

1729
02:05:31,969 --> 02:05:35,479
your amendment goes on it means the

1730
02:05:33,619 --> 02:05:37,429
Chief Justice during that transition

1731
02:05:35,479 --> 02:05:39,649
period might have an opportunity to name

1732
02:05:37,429 --> 02:05:41,570
a second member of that so that he would

1733
02:05:39,649 --> 02:05:43,639
be naming two and the governor only one

1734
02:05:41,570 --> 02:05:45,619
the reason for the Attorney General

1735
02:05:43,639 --> 02:05:46,999
during this transition period was to be

1736
02:05:45,619 --> 02:05:48,919
sure that there were three different

1737
02:05:46,999 --> 02:05:50,839
appointing authorities during the

1738
02:05:48,919 --> 02:05:54,409
transition period didn't that do you

1739
02:05:50,839 --> 02:05:56,269
understand now after the transition

1740
02:05:54,409 --> 02:05:58,429
period you have no problem because the

1741
02:05:56,269 --> 02:06:00,109
governor appoints one chief justice

1742

02:05:58,429 --> 02:06:00,940
appoints one and the Attorney General

1743
02:06:00,109 --> 02:06:04,000
points

1744
02:06:00,940 --> 02:06:06,400
after the transition period mr. Hill you

1745
02:06:04,000 --> 02:06:08,949
speaking to exactly what my concern is

1746
02:06:06,400 --> 02:06:10,480
if during the transition period the

1747
02:06:08,949 --> 02:06:12,640
Attorney General makes an appointment

1748
02:06:10,480 --> 02:06:14,230
and then while that board member is

1749
02:06:12,640 --> 02:06:15,760
still on the board under the new

1750
02:06:14,230 --> 02:06:17,230
constitution the Attorney General makes

1751
02:06:15,760 --> 02:06:19,540
a second appointment he has appointed

1752
02:06:17,230 --> 02:06:22,270
two of the three members are conceivably

1753
02:06:19,540 --> 02:06:24,969
he could appoint all three that is my

1754
02:06:22,270 --> 02:06:26,710
concern he could conceivably appoint all

1755
02:06:24,969 --> 02:06:28,900
three of them there's no way

1756
02:06:26,710 --> 02:06:31,090
yes sir if two board members retired

1757
02:06:28,900 --> 02:06:33,610
during the period then he could appoint

1758
02:06:31,090 --> 02:06:36,040
one during that period oh because any

1759
02:06:33,610 --> 02:06:37,660
other any of the other two retired the

1760
02:06:36,040 --> 02:06:39,489
governor would appoint one and the Chief

1761
02:06:37,660 --> 02:06:40,210
Justice would appoint one on any of the

1762
02:06:39,489 --> 02:06:42,250
other two

1763
02:06:40,210 --> 02:06:43,960
you're only speaking to one of the of

1764
02:06:42,250 --> 02:06:46,630
the three appointments in this

1765
02:06:43,960 --> 02:06:50,489
transition period mr. Hale let me ask

1766
02:06:46,630 --> 02:06:53,170
you this if one of the members retires

1767
02:06:50,489 --> 02:06:54,310
during the transition period the

1768
02:06:53,170 --> 02:06:55,930
Attorney General would make that

1769

02:06:54,310 --> 02:06:57,670
appointment what do you not know the

1770
02:06:55,930 --> 02:06:59,290
either the governor or the Chief Justice

1771
02:06:57,670 --> 02:07:00,520
would make that appointment unless it

1772
02:06:59,290 --> 02:07:02,140
happened to be the one that was

1773
02:07:00,520 --> 02:07:03,940
appointed by the presiding judge the

1774
02:07:02,140 --> 02:07:05,590
court of criminal appeals and since

1775
02:07:03,940 --> 02:07:07,270
we're abolishing that position there's

1776
02:07:05,590 --> 02:07:09,640
no one to fill that vacancy and that's

1777
02:07:07,270 --> 02:07:12,010
why we named the Attorney General but is

1778
02:07:09,640 --> 02:07:13,270
it not true that the Attorney General if

1779
02:07:12,010 --> 02:07:14,739
he made an appointment during the

1780
02:07:13,270 --> 02:07:16,780
transition period would have an

1781
02:07:14,739 --> 02:07:18,910
opportunity to appoint a third member

1782
02:07:16,780 --> 02:07:20,920
not only that member but also another

1783
02:07:18,910 --> 02:07:22,600
member during the when the new

1784
02:07:20,920 --> 02:07:25,090
Constitution was in effect there's no

1785
02:07:22,600 --> 02:07:27,520
way because if you figure it there's

1786
02:07:25,090 --> 02:07:28,989
three different spots one of them is

1787
02:07:27,520 --> 02:07:31,660
always going to be filled by the

1788
02:07:28,989 --> 02:07:34,000
governor one's going to always be filled

1789
02:07:31,660 --> 02:07:36,280
by the Chief Justice now we're talking

1790
02:07:34,000 --> 02:07:38,800
about the third one and the third one is

1791
02:07:36,280 --> 02:07:40,000
the only question is is a presiding

1792
02:07:38,800 --> 02:07:41,920
judge of the Court of Criminal Appeals

1793
02:07:40,000 --> 02:07:43,360
going to point this third one or is the

1794
02:07:41,920 --> 02:07:45,640
Attorney General gonna point this third

1795
02:07:43,360 --> 02:07:47,830
one now today the presiding judge

1796

02:07:45,640 --> 02:07:49,420
appoints him during the transition

1797
02:07:47,830 --> 02:07:51,340
period it would be the Attorney General

1798
02:07:49,420 --> 02:07:52,630
and after the new Constitution goes in

1799
02:07:51,340 --> 02:07:54,070
it'd be the Attorney General so they'd

1800
02:07:52,630 --> 02:07:56,699
never be anyway the Attorney General

1801
02:07:54,070 --> 02:07:56,699
could appoint two

1802
02:07:59,389 --> 02:08:07,400
mr. vixx the following amendment to the

1803
02:08:02,909 --> 02:08:07,400
amendment clerk will read the amendment

1804
02:08:10,100 --> 02:08:16,530
amendment by bar amend sjr 11 page 52

1805
02:08:14,760 --> 02:08:19,170
Bob to explain the amendment of the

1806
02:08:16,530 --> 02:08:21,600
amendment Thank You mr. speaker members

1807
02:08:19,170 --> 02:08:23,909
I think we're equivalent over pennies

1808
02:08:21,600 --> 02:08:26,400
and nickels right now but in order to

1809
02:08:23,909 --> 02:08:28,739
ensure that this board shall not be

1810
02:08:26,400 --> 02:08:31,050
stacked in the transition period this

1811
02:08:28,739 --> 02:08:33,989
this is a complete substitute all it

1812
02:08:31,050 --> 02:08:36,360
simply says is that any vacancies shall

1813
02:08:33,989 --> 02:08:38,760
be filled on a rotating basis by the

1814
02:08:36,360 --> 02:08:42,110
chief justice the Attorney General and

1815
02:08:38,760 --> 02:08:44,310
the governor respectively move adoption

1816
02:08:42,110 --> 02:08:46,020
mr. Sullivan to oppose the amendment

1817
02:08:44,310 --> 02:08:47,639
they mentor mr. Hale to oppose the

1818
02:08:46,020 --> 02:08:49,710
amendment the amendment mr. speaker

1819
02:08:47,639 --> 02:08:51,600
members of the house there this

1820
02:08:49,710 --> 02:08:54,540
amendment would really do violence to

1821
02:08:51,600 --> 02:08:56,790
this entire procedure I tried to explain

1822
02:08:54,540 --> 02:08:58,800
from the back Mike and let me explain to

1823

02:08:56,790 --> 02:09:00,239
you again what we're doing there are

1824
02:08:58,800 --> 02:09:03,120
three members of the Board of Pardons

1825
02:09:00,239 --> 02:09:05,429
and Paroles one's named by the governor

1826
02:09:03,120 --> 02:09:07,350
that's true today it'll be true under

1827
02:09:05,429 --> 02:09:09,810
the transition schedule it'll be true

1828
02:09:07,350 --> 02:09:12,210
out of the new constitution one members

1829
02:09:09,810 --> 02:09:14,670
name by the Chief Justice the Supreme

1830
02:09:12,210 --> 02:09:16,800
Court that's true today be true on the

1831
02:09:14,670 --> 02:09:18,870
transition schedule it'll be true out of

1832
02:09:16,800 --> 02:09:20,400
the new constitution now the only thing

1833
02:09:18,870 --> 02:09:23,130
we're dealing with is the third member

1834
02:09:20,400 --> 02:09:25,710
of this board at the present time he's

1835
02:09:23,130 --> 02:09:27,480
appointed by the presiding judge on the

1836
02:09:25,710 --> 02:09:29,639
new constitution he would be appointed

1837
02:09:27,480 --> 02:09:31,350
by the Attorney General now what happens

1838
02:09:29,639 --> 02:09:32,969
in between that time during the

1839
02:09:31,350 --> 02:09:35,130
transition period that's all we're

1840
02:09:32,969 --> 02:09:38,489
speaking to on one position during the

1841
02:09:35,130 --> 02:09:41,909
transition period under the under the

1842
02:09:38,489 --> 02:09:44,010
present state of sjr 11 we gave that to

1843
02:09:41,909 --> 02:09:45,600
the Attorney General because he's

1844
02:09:44,010 --> 02:09:47,310
ultimately going to be the one to fill

1845
02:09:45,600 --> 02:09:49,620
that job on the new constitution

1846
02:09:47,310 --> 02:09:51,540
mr. Vic's amendment would give it to the

1847
02:09:49,620 --> 02:09:53,370
Chief Justice which means that the chief

1848
02:09:51,540 --> 02:09:55,020
justice would be naming to during that

1849
02:09:53,370 --> 02:09:57,540
transition period and we thought that

1850

02:09:55,020 --> 02:09:59,850
was undesirable this amendment would

1851
02:09:57,540 --> 02:10:01,710
cause up middle under-rotate which means

1852
02:09:59,850 --> 02:10:03,840
one of those others would be having two

1853
02:10:01,710 --> 02:10:07,959
appointments and I think that would be

1854
02:10:03,840 --> 02:10:09,729
by it the way the SGR 11 is drawn now

1855
02:10:07,959 --> 02:10:12,010
is the only way you can have it and

1856
02:10:09,729 --> 02:10:13,959
ensure that each of those three members

1857
02:10:12,010 --> 02:10:15,880
of that board are appointed by a

1858
02:10:13,959 --> 02:10:22,689
different person for that reason I move

1859
02:10:15,880 --> 02:10:26,320
to table the amendment that's about to

1860
02:10:22,689 --> 02:10:28,780
close on his amendment mr bÃ¶ck withdraws

1861
02:10:26,320 --> 02:10:31,420
his amendment question then is on the

1862
02:10:28,780 --> 02:10:33,099
amendment only vic amendment all those

1863
02:10:31,420 --> 02:10:34,989
in favor of the adoption know that their

1864
02:10:33,099 --> 02:10:39,150
commitment or vote aye all those opposed

1865
02:10:34,989 --> 02:10:39,150
will vote no it's division vote members

1866
02:10:43,590 --> 02:10:49,709
so meant to Heatley voting I involve

1867
02:10:46,959 --> 02:10:49,709
members voted

1868
02:10:59,140 --> 02:11:08,160
yeah kill my time I'm going No

1869
02:11:13,430 --> 02:11:21,740
how much silver is delgo voting no

1870
02:11:18,960 --> 02:11:21,740
instead of yes

1871
02:11:29,380 --> 02:11:32,730
we're gonna lay out and then go

1872
02:11:36,170 --> 02:11:46,470
well the clerk up where it was on the

1873
02:11:45,150 --> 02:11:48,650
amendment nobody made the motion to

1874
02:11:46,470 --> 02:11:48,650
table

1875
02:11:57,390 --> 02:12:03,960
members let the query let the chair make

1876
02:12:00,780 --> 02:12:07,740
an inquiry of the membership the board

1877

02:12:03,960 --> 02:12:09,720
showed a motion to table the chair

1878
02:12:07,740 --> 02:12:12,660
stated that the motion was straight-up

1879
02:12:09,720 --> 02:12:14,760
vote on the amendment there's a house

1880
02:12:12,660 --> 02:12:17,270
understand that the vote was on the

1881
02:12:14,760 --> 02:12:17,270
amendment

1882
02:12:20,990 --> 02:12:25,290
all right let's let's just vote again

1883
02:12:23,610 --> 02:12:27,690
since the board showed different than

1884
02:12:25,290 --> 02:12:29,610
what the chair called it let's track the

1885
02:12:27,690 --> 02:12:32,040
vote and the vote is a division vote

1886
02:12:29,610 --> 02:12:33,810
directly only a Bic amendment all those

1887
02:12:32,040 --> 02:12:36,860
in favor of the victim on fitmin will

1888
02:12:33,810 --> 02:12:45,720
vote aye all those opposed will vote no

1889
02:12:36,860 --> 02:12:49,580
coming to eat me voting I strike the

1890
02:12:45,720 --> 02:12:49,580
board the amendment failed of adoption

1891
02:12:50,360 --> 02:12:53,670
excuse me mr. Leland I'm because of

1892
02:12:52,530 --> 02:12:55,530
important business on a motion to

1893
02:12:53,670 --> 02:12:59,820
representative Reyes is there objection

1894
02:12:55,530 --> 02:13:02,630
sure here's nothing following amendment

1895
02:12:59,820 --> 02:13:02,630
the clerk will read the amendment

1896
02:13:04,490 --> 02:13:10,050
amendment by Heatley amend sjr 11 by

1897
02:13:07,950 --> 02:13:11,670
striking all of section 2 of the

1898
02:13:10,050 --> 02:13:15,180
resolution and read not bring the

1899
02:13:11,670 --> 02:13:17,910
subsequent sections here recognize mr.

1900
02:13:15,180 --> 02:13:19,770
Haney for emotion

1901
02:13:17,910 --> 02:13:21,810
I just have a little corrective

1902
02:13:19,770 --> 02:13:28,710
amendment but we'll take it up after

1903
02:13:21,810 --> 02:13:32,190
lunch if you recess till 145 145 would

1904

02:13:28,710 --> 02:13:34,220
be good enough 145 meditate is there

1905
02:13:32,190 --> 02:13:42,090
objection to the motion over-resected

1906
02:13:34,220 --> 02:13:44,610
145 to let's go to Baker as chairman I

1907
02:13:42,090 --> 02:13:48,050
move we recess till 2 o'clock let's just

1908
02:13:44,610 --> 02:13:48,050
try it I withdraw my motion

1909
02:13:51,280 --> 02:13:55,120
all right the motion is to recess until

1910
02:13:53,530 --> 02:13:56,740
2:00 o'clock members we have some

1911
02:13:55,120 --> 02:13:58,330
committees that would like to meet this

1912
02:13:56,740 --> 02:13:59,310
Abner we're going to work on the floor

1913
02:13:58,330 --> 02:14:01,780
this afternoon

1914
02:13:59,310 --> 02:14:04,450
you have your choice you can come in at

1915
02:14:01,780 --> 02:14:05,860
2:00 o'clock as a motion is or we'll try

1916
02:14:04,450 --> 02:14:07,990
something else but the motion is to

1917
02:14:05,860 --> 02:14:09,540
recess till 2:00 o'clock all those in

1918
02:14:07,990 --> 02:14:11,460
favor the motion to recess two o'clock

1919
02:14:09,540 --> 02:14:17,230
we'll say aye

1920
02:14:11,460 --> 02:14:19,290
all opposed no house fails to recess for

1921
02:14:17,230 --> 02:14:19,290
lunch

1922
02:14:30,130 --> 02:14:37,390
all right chair recognizes mr. Heatley

1923
02:14:34,370 --> 02:14:37,390
to explain his amendment

1924
02:14:49,660 --> 02:14:53,310
you tell what it is mister

1925
02:14:58,749 --> 02:15:04,840
well I listen breaker miss Hale

1926
02:15:02,610 --> 02:15:07,539
parliamentary inquiry state to inquire

1927
02:15:04,840 --> 02:15:10,150
Matteo to the house did the rules of the

1928
02:15:07,539 --> 02:15:12,219
house provided on one-page amendments

1929
02:15:10,150 --> 02:15:13,929
that are offered from the floor that the

1930
02:15:12,219 --> 02:15:16,179
sponsor of that amendment must in

1931

02:15:13,929 --> 02:15:18,489
addition to the five copies he gives to

1932
02:15:16,179 --> 02:15:21,489
the chair give 15 copies to the chief

1933
02:15:18,489 --> 02:15:23,889
clerk for distribution I believe that is

1934
02:15:21,489 --> 02:15:25,780
correct Mr on one-page amendment I think

1935
02:15:23,889 --> 02:15:27,070
a lot of the confusion we've had this

1936
02:15:25,780 --> 02:15:28,690
morning is the fact that the members

1937
02:15:27,070 --> 02:15:30,579
haven't been complying with that I

1938
02:15:28,690 --> 02:15:32,440
simply want to give notice I shall raise

1939
02:15:30,579 --> 02:15:33,940
a point of order on future amendments if

1940
02:15:32,440 --> 02:15:35,229
they don't comply with that because it

1941
02:15:33,940 --> 02:15:37,559
will speed up the work that they'll get

1942
02:15:35,229 --> 02:15:39,789
those copies before they offer mr. Hale

1943
02:15:37,559 --> 02:15:41,619
the rent that Mister moment I believe

1944
02:15:39,789 --> 02:15:43,960
it's on one-page amendments they did not

1945
02:15:41,619 --> 02:15:45,699
have to its own motor Beijing amendments

1946
02:15:43,960 --> 02:15:47,590
that they do have to have the file of 15

1947
02:15:45,699 --> 02:15:49,749
copies on the 15 they've got to give a

1948
02:15:47,590 --> 02:15:51,340
copy on the one-page amendments to the

1949
02:15:49,749 --> 02:15:54,460
sponsors down here and they have me men

1950
02:15:51,340 --> 02:15:57,210
on that mr. speaker all right mr. Healy

1951
02:15:54,460 --> 02:15:57,210
to explain his amendment

1952
02:16:01,500 --> 02:16:08,820
misfigured members hard without lots of

1953
02:16:05,010 --> 02:16:14,400
amendments to article 2 known as the

1954
02:16:08,820 --> 02:16:17,390
judiciary section of this article and in

1955
02:16:14,400 --> 02:16:20,640
order that everybody will be satisfied I

1956
02:16:17,390 --> 02:16:23,040
think it'd be very easy just to strike

1957
02:16:20,640 --> 02:16:25,980
that article and keep the judicial

1958

02:16:23,040 --> 02:16:29,100
section that that we have today as it

1959
02:16:25,980 --> 02:16:31,460
operates in the state of Texas I dare

1960
02:16:29,100 --> 02:16:34,020
say that any of you have gotten any

1961
02:16:31,460 --> 02:16:37,830
correspondence phone calls telegrams or

1962
02:16:34,020 --> 02:16:41,820
otherwise asking you to redo the

1963
02:16:37,830 --> 02:16:44,310
judiciary in your area how many people

1964
02:16:41,820 --> 02:16:46,950
are dissatisfied with the courts in

1965
02:16:44,310 --> 02:16:53,460
which you've in your local area in which

1966
02:16:46,950 --> 02:16:58,679
you live under they must have convicted

1967
02:16:53,460 --> 02:17:06,420
them but this is the speaker will

1968
02:16:58,679 --> 02:17:08,880
remember you mr. P humming yells mr.

1969
02:17:06,420 --> 02:17:12,480
Heatley you're talking about Article two

1970
02:17:08,880 --> 02:17:15,350
which is separation of powers now I'm

1971
02:17:12,480 --> 02:17:21,960
talking about section two section two

1972
02:17:15,350 --> 02:17:25,679
which begins where an n square that's

1973
02:17:21,960 --> 02:17:28,050
German for your information I can't nor

1974
02:17:25,679 --> 02:17:31,920
can anybody else tell you where it is

1975
02:17:28,050 --> 02:17:33,840
but it is the judicial section well mr.

1976
02:17:31,920 --> 02:17:36,719
Heatley I don't see how we can argue it

1977
02:17:33,840 --> 02:17:42,300
if we don't know if even you don't know

1978
02:17:36,719 --> 02:17:44,790
where it is or what it is it it takes us

1979
02:17:42,300 --> 02:17:47,640
back to the judicial judicial section

1980
02:17:44,790 --> 02:17:50,429
that we have today we would our brain on

1981
02:17:47,640 --> 02:17:52,770
article 5 of the present Constitution if

1982
02:17:50,429 --> 02:17:55,260
this amendment wasn't was adopted

1983
02:17:52,770 --> 02:17:57,390
however I admit that we're discriminated

1984
02:17:55,260 --> 02:17:59,219
against here because we've got to get

1985

02:17:57,390 --> 02:18:01,590
two-thirds vote however the committee

1986
02:17:59,219 --> 02:18:04,020
who ona had to get a majority vote now

1987
02:18:01,590 --> 02:18:06,690
this is the same article it that we

1988
02:18:04,020 --> 02:18:08,219
argued over so much last year and

1989
02:18:06,690 --> 02:18:11,760
there's a lot of other

1990
02:18:08,219 --> 02:18:13,710
amendments to the judicial section and

1991
02:18:11,760 --> 02:18:16,849
if we want to leave things like they are

1992
02:18:13,710 --> 02:18:19,590
and you think that you're getting

1993
02:18:16,849 --> 02:18:21,540
justice has been performed in your area

1994
02:18:19,590 --> 02:18:24,059
then let's just strike this out and

1995
02:18:21,540 --> 02:18:26,519
leave it like it is I don't think that's

1996
02:18:24,059 --> 02:18:28,889
in a human cry by any of the judiciary

1997
02:18:26,519 --> 02:18:31,710
saying except if you're in the appellate

1998
02:18:28,889 --> 02:18:35,029
sections that are wanting to change the

1999
02:18:31,710 --> 02:18:35,029
judicial section at all

2000
02:18:47,170 --> 02:18:50,970
let me find my heart at word

2001
02:18:54,299 --> 02:18:59,939
mr. speaker has mr. Heatley yield of the

2002
02:18:57,059 --> 02:19:06,959
floor no not at this point mr. Sherman

2003
02:18:59,939 --> 02:19:12,479
oh sure like he'd find the SGR living my

2004
02:19:06,959 --> 02:19:13,369
family junior 56 but SGR 11 a mr.

2005
02:19:12,479 --> 02:19:16,649
speaker

2006
02:19:13,369 --> 02:19:19,619
will mr. Heatley yield for a friendly

2007
02:19:16,649 --> 02:19:24,959
explanation yes sir it's on page 35 of

2008
02:19:19,619 --> 02:19:28,199
sjr 11 bill section 2 this is an

2009
02:19:24,959 --> 02:19:30,359
uncoated section there are all kinds of

2010
02:19:28,199 --> 02:19:32,759
section twos and quotation marks the one

2011
02:19:30,359 --> 02:19:38,729
you're referring to starts at the top of

2012

02:19:32,759 --> 02:19:42,269
page 35 on sjr 11 yes sir right and it's

2013
02:19:38,729 --> 02:19:48,720
article 5 the judiciary absolutely yes

2014
02:19:42,269 --> 02:19:51,270
now let's go from there all right well

2015
02:19:48,720 --> 02:19:54,689
that's now that is the section and

2016
02:19:51,270 --> 02:19:58,709
portion of this this SCR 11 that I

2017
02:19:54,689 --> 02:20:01,020
wanted to strike and remember because I

2018
02:19:58,709 --> 02:20:04,229
feel that the judiciary in the state of

2019
02:20:01,020 --> 02:20:07,409
Texas is second to none I have heard no

2020
02:20:04,229 --> 02:20:11,039
criticism whatsoever and I think that

2021
02:20:07,409 --> 02:20:13,909
many of you who practice law and and

2022
02:20:11,039 --> 02:20:17,509
laypeople as well who serve on juries

2023
02:20:13,909 --> 02:20:20,189
certainly I can't understand what

2024
02:20:17,509 --> 02:20:24,140
criticism you've got of the present

2025
02:20:20,189 --> 02:20:24,140
judicial system in Texas

2026
02:20:28,470 --> 02:20:35,101
miss biggest mr. Canada in addition to

2027
02:20:31,500 --> 02:20:38,220
this he'll mistake me yes German yield

2028
02:20:35,101 --> 02:20:39,870
miss captain miss Haley you want to be

2029
02:20:38,220 --> 02:20:41,910
honest though don't you you're against

2030
02:20:39,870 --> 02:20:43,590
any type of change in the present

2031
02:20:41,910 --> 02:20:45,290
Constitution not only Article five but

2032
02:20:43,590 --> 02:20:48,960
every other article isn't that right

2033
02:20:45,290 --> 02:20:51,450
according to my record and according to

2034
02:20:48,960 --> 02:20:54,000
the speaker's record we're both for the

2035
02:20:51,450 --> 02:20:58,490
no change in this constitution on the

2036
02:20:54,000 --> 02:20:58,490
judiciary and he's gonna boat with me

2037
02:21:01,851 --> 02:21:10,920
now the present the in this also if you

2038
02:21:07,590 --> 02:21:13,170
if you look into the one that we have it

2039

02:21:10,920 --> 02:21:17,780
makes a number of changes including one

2040
02:21:13,170 --> 02:21:21,590
which I know that that you you are

2041
02:21:17,780 --> 02:21:24,420
certainly of opposed to and that is

2042
02:21:21,590 --> 02:21:26,400
subject to the guarantee of the bill of

2043
02:21:24,420 --> 02:21:29,700
rights of this constitution the state

2044
02:21:26,400 --> 02:21:32,190
may appeal in a criminal case only from

2045
02:21:29,700 --> 02:21:36,630
a trial court ruling that a laws on

2046
02:21:32,190 --> 02:21:42,240
Constitution then in addition to that it

2047
02:21:36,630 --> 02:21:45,840
says our this is on page 41 or from a

2048
02:21:42,240 --> 02:21:47,760
court of appeals decision to the Supreme

2049
02:21:45,840 --> 02:21:49,860
Court which appeal is that the

2050
02:21:47,760 --> 02:21:52,561
discretion of the Supreme Court unless

2051
02:21:49,860 --> 02:21:56,490
otherwise provided by law then if you

2052
02:21:52,561 --> 02:22:01,200
appeal if the defendant appeals and it

2053
02:21:56,490 --> 02:22:03,090
is reversed then this the state may sign

2054
02:22:01,200 --> 02:22:05,760
any error they want to and they can

2055
02:22:03,090 --> 02:22:08,190
continue the appeal and you have you're

2056
02:22:05,760 --> 02:22:11,400
locked in irrespective of what the

2057
02:22:08,190 --> 02:22:16,040
question was that were reversed it so I

2058
02:22:11,400 --> 02:22:19,141
don't think that anyone wants any such

2059
02:22:16,040 --> 02:22:22,021
situation is that as far as the

2060
02:22:19,141 --> 02:22:25,170
administration is concerned and having

2061
02:22:22,021 --> 02:22:27,480
an administrative I don't believe that

2062
02:22:25,170 --> 02:22:31,340
there is a district judge in the state

2063
02:22:27,480 --> 02:22:33,780
of Texas it won't be put under the an

2064
02:22:31,340 --> 02:22:36,570
administrator and be told exactly what

2065
02:22:33,780 --> 02:22:37,021
he can do and what he cannot do all

2066

02:22:36,570 --> 02:22:40,110
right

2067
02:22:37,021 --> 02:22:43,471
courts our trial courts have done

2068
02:22:40,110 --> 02:22:46,141
by administration of justice without an

2069
02:22:43,471 --> 02:22:49,881
administrator to tell them and I don't

2070
02:22:46,141 --> 02:22:52,950
think we should turn them over to the

2071
02:22:49,881 --> 02:22:53,790
Supreme Court Chief Justice to be told

2072
02:22:52,950 --> 02:22:56,250
what to do

2073
02:22:53,790 --> 02:22:59,040
they are elected by the people just like

2074
02:22:56,250 --> 02:23:01,500
the Supreme Court is and they feel that

2075
02:22:59,040 --> 02:23:09,030
they're independent and as to that

2076
02:23:01,500 --> 02:23:11,551
matter the the enjoining the Supreme

2077
02:23:09,030 --> 02:23:13,370
Court in putting the Supreme Court in

2078
02:23:11,551 --> 02:23:17,671
the Court of Criminal Appeals together

2079
02:23:13,370 --> 02:23:22,230
you have just created a tremendous Court

2080
02:23:17,671 --> 02:23:25,471
not only in size but in power and we

2081
02:23:22,230 --> 02:23:28,500
have lo these many years had to had our

2082
02:23:25,471 --> 02:23:30,931
separate courts and certainly they have

2083
02:23:28,500 --> 02:23:34,410
administered justice well I've not heard

2084
02:23:30,931 --> 02:23:37,021
nor have I seen anything in writing or

2085
02:23:34,410 --> 02:23:39,480
otherwise that criticized the decisions

2086
02:23:37,021 --> 02:23:41,940
and the operations of both of these

2087
02:23:39,480 --> 02:23:45,150
courts to give the Court of Civil

2088
02:23:41,940 --> 02:23:48,811
Appeals the both criminal and civil

2089
02:23:45,150 --> 02:23:51,330
authority yes some of the courts they

2090
02:23:48,811 --> 02:23:53,851
wanted no some of the courts don't want

2091
02:23:51,330 --> 02:23:57,511
I would I'd certainly think that we

2092
02:23:53,851 --> 02:23:59,011
ought to create additional courts for

2093

02:23:57,511 --> 02:24:02,311
the intermediate courts of Criminal

2094
02:23:59,011 --> 02:24:06,650
Appeals and not labor our Board of Civil

2095
02:24:02,311 --> 02:24:06,650
Appeals with with this additional burden

2096
02:24:07,431 --> 02:24:15,511
the the point out that I make is that

2097
02:24:12,391 --> 02:24:18,511
the judiciary in Texas if you vote with

2098
02:24:15,511 --> 02:24:20,671
me you approve the judiciary in Texas

2099
02:24:18,511 --> 02:24:27,990
and I think that all of you have

2100
02:24:20,671 --> 02:24:30,990
confidence faith and certainly have have

2101
02:24:27,990 --> 02:24:33,561
a feeling that your judicial section and

2102
02:24:30,990 --> 02:24:37,921
your judiciary in your location is

2103
02:24:33,561 --> 02:24:41,370
competent capable just fair and I trust

2104
02:24:37,921 --> 02:24:42,210
your vote for this amendment will move

2105
02:24:41,370 --> 02:24:45,391
its adoption

2106
02:24:42,210 --> 02:24:47,180
mr. spirit element mr. speaker

2107
02:24:45,391 --> 02:24:49,220
well my purpose Monsieur

2108
02:24:47,180 --> 02:24:50,989
parliamentary inquiry state you inquire

2109
02:24:49,220 --> 02:24:53,140
meant there's what is just transpired

2110
02:24:50,989 --> 02:24:55,370
that little speech consists of

2111
02:24:53,140 --> 02:24:58,699
transaction of business under the rules

2112
02:24:55,370 --> 02:25:02,000
of the house no less we haven't taken

2113
02:24:58,699 --> 02:25:03,830
any action mr. chairman there's a it

2114
02:25:02,000 --> 02:25:04,850
constitutes some action but we're not

2115
02:25:03,830 --> 02:25:07,250
going to recognize you for that motion

2116
02:25:04,850 --> 02:25:09,050
right at this time mr. chairman you let

2117
02:25:07,250 --> 02:25:11,090
me know will let you know who I am

2118
02:25:09,050 --> 02:25:14,120
sherry recognized mr. Sullivan speak

2119
02:25:11,090 --> 02:25:16,489
against the amendment a speaker in our

2120

02:25:14,120 --> 02:25:18,739
committee hearing we had several of the

2121
02:25:16,489 --> 02:25:20,630
judges of both the Supreme Court Court

2122
02:25:18,739 --> 02:25:22,640
of Criminal Appeals of the forests all

2123
02:25:20,630 --> 02:25:25,279
of them agreed with this article the

2124
02:25:22,640 --> 02:25:26,810
county judges are happy with the article

2125
02:25:25,279 --> 02:25:30,020
the county and district attorneys are

2126
02:25:26,810 --> 02:25:31,460
now happy with the article the justices

2127
02:25:30,020 --> 02:25:33,739
of the Peace are happy I don't know

2128
02:25:31,460 --> 02:25:36,949
anyone's unhappy except mr. Heatley and

2129
02:25:33,739 --> 02:25:39,260
I urge you to vote no on his amendment

2130
02:25:36,949 --> 02:25:44,120
that's Hateley to close on his amendment

2131
02:25:39,260 --> 02:25:46,699
I beg to differ if you will note he mr.

2132
02:25:44,120 --> 02:25:48,109
Sullivan only alluded to the the Supreme

2133
02:25:46,699 --> 02:25:50,779
Court and the Court of Criminal Appeals

2134
02:25:48,109 --> 02:25:52,640
so they're the ones that appeared there

2135
02:25:50,779 --> 02:25:54,859
they're the ones that's going to have to

2136
02:25:52,640 --> 02:25:56,600
have the big court they're the one

2137
02:25:54,859 --> 02:25:58,279
that's going to minister to everybody

2138
02:25:56,600 --> 02:26:00,680
else certainly they're going to have all

2139
02:25:58,279 --> 02:26:02,449
the power to tell your trial courts what

2140
02:26:00,680 --> 02:26:05,029
to do whether they want to or not and

2141
02:26:02,449 --> 02:26:06,859
it's only them that appeared before the

2142
02:26:05,029 --> 02:26:12,529
committee he didn't mention any trial

2143
02:26:06,859 --> 02:26:15,109
court now moved tables I move your vote

2144
02:26:12,529 --> 02:26:16,189
I'll on this on this motion please mr.

2145
02:26:15,109 --> 02:26:19,010
picker will the gentleman yield her

2146
02:26:16,189 --> 02:26:22,250
question gentleman yields mr. Vail

2147

02:26:19,010 --> 02:26:24,859
mr. Hedley are you are you telling us

2148
02:26:22,250 --> 02:26:26,779
that some of this judges that our state

2149
02:26:24,859 --> 02:26:29,569
employees actually appeared before a

2150
02:26:26,779 --> 02:26:32,210
committee and spoke in favor of

2151
02:26:29,569 --> 02:26:33,380
legislation oh I know what mr. Sullivan

2152
02:26:32,210 --> 02:26:35,330
said that the Court of Criminal Appeals

2153
02:26:33,380 --> 02:26:37,880
of Supreme Court I thought I thought

2154
02:26:35,330 --> 02:26:41,930
that that was prohibited and I did too

2155
02:26:37,880 --> 02:26:43,130
on there anything true as he descended

2156
02:26:41,930 --> 02:26:44,810
up an amendment to questions only

2157
02:26:43,130 --> 02:26:46,460
adoption amendment all those in favor

2158
02:26:44,810 --> 02:26:46,931
that option amendment will set will vote

2159
02:26:46,460 --> 02:26:51,421
aye

2160
02:26:46,931 --> 02:26:51,421
suppose a vote no division vote

2161
02:26:58,200 --> 02:27:11,360
have all members voted so answer what is

2162
02:27:07,320 --> 02:27:11,360
nothing no all members voting

2163
02:27:43,680 --> 02:27:49,380
there being 25 eyes 91 nose the

2164
02:27:47,459 --> 02:27:52,319
amendment fails of adoption

2165
02:27:49,380 --> 02:27:54,539
mr. moves that the house stands recessed

2166
02:27:52,319 --> 02:27:56,430
until 1:45 is there objection

2167
02:27:54,539 --> 02:28:01,140
hear hear if none in the house has

2168
02:27:56,430 --> 02:28:04,260
recessed into 1:45 house will come

2169
02:28:01,140 --> 02:28:06,180
daughter falling bills and resolutions

2170
02:28:04,260 --> 02:28:09,240
on first reading reverence committee the

2171
02:28:06,180 --> 02:28:12,309
clerk will read the resolutions bills

2172
02:28:09,240 --> 02:28:12,309
[Music]

2173
02:28:19,830 --> 02:28:27,990
bitch speaker that's nickels where do

2174

02:28:23,971 --> 02:28:30,391
you file the grievance is that well it's

2175
02:28:27,990 --> 02:28:32,580
probably several places mr. Nicholson I

2176
02:28:30,391 --> 02:28:34,501
have agreements when we were working on

2177
02:28:32,580 --> 02:28:37,370
a constitution convention last year we

2178
02:28:34,501 --> 02:28:39,391
were on there different job

2179
02:28:37,370 --> 02:28:41,700
classification and we are this time ago

2180
02:28:39,391 --> 02:28:42,751
we were making a lot more money that's

2181
02:28:41,700 --> 02:28:45,150
the reason we're trying to rush through

2182
02:28:42,751 --> 02:28:52,011
today so it won't we won't be losing so

2183
02:28:45,150 --> 02:28:54,360
much okay thank you SCR 31 by Andujar

2184
02:28:52,011 --> 02:28:56,221
urging the United States Railway

2185
02:28:54,360 --> 02:28:58,801
Association to reconsider its decision

2186
02:28:56,221 --> 02:29:00,931
denying loan funds to support the

2187
02:28:58,801 --> 02:29:03,660
operating and capital needs of the Rock

2188
02:29:00,931 --> 02:29:06,110
Island Railroad referred to the

2189
02:29:03,660 --> 02:29:09,360
Committee on transportation

2190
02:29:06,110 --> 02:29:11,131
Senate bill 29 by Harrington relating to

2191
02:29:09,360 --> 02:29:13,200
the authority of the Parks and Wildlife

2192
02:29:11,131 --> 02:29:15,601
Commission to authorize recreational

2193
02:29:13,200 --> 02:29:17,730
hunting at sea rim State Park and

2194
02:29:15,601 --> 02:29:20,091
declaring an emergency referred to the

2195
02:29:17,730 --> 02:29:24,780
Committee on Environmental Affairs

2196
02:29:20,091 --> 02:29:27,001
Senate bill 180 my gammit an act

2197
02:29:24,780 --> 02:29:28,641
relating to the creation certification

2198
02:29:27,001 --> 02:29:31,461
and operation of health maintenance

2199
02:29:28,641 --> 02:29:33,660
organizations as defined in this act

2200
02:29:31,461 --> 02:29:35,221
providing a penalty and declaring an

2201

02:29:33,660 --> 02:29:36,860
emergency referred to the Committee on

2202
02:29:35,221 --> 02:29:41,011
health and welfare

2203
02:29:36,860 --> 02:29:46,230
Senate bill 789 by more an act amending

2204
02:29:41,011 --> 02:29:47,851
section 85 0.01 subchapter a texas

2205
02:29:46,230 --> 02:29:49,440
education code and declaring an

2206
02:29:47,851 --> 02:29:51,830
emergency referred to the Committee on

2207
02:29:49,440 --> 02:29:51,830
Higher Education

2208
02:29:53,601 --> 02:29:59,040
Senate bill 845 by hands relating to the

2209
02:29:57,421 --> 02:30:01,290
exemption of certain products of

2210
02:29:59,040 --> 02:30:03,091
agricultural commodities from assessment

2211
02:30:01,290 --> 02:30:05,311
on their product sales and declaring in

2212
02:30:03,091 --> 02:30:08,660
Toomer an emergency referred to the

2213
02:30:05,311 --> 02:30:08,660
Committee on agriculture and livestock

2214
02:30:10,011 --> 02:30:13,740
excused representative on dollar because

2215
02:30:12,360 --> 02:30:15,360
of an important business on a motion of

2216
02:30:13,740 --> 02:30:18,410
representative Wilson is there objection

2217
02:30:15,360 --> 02:30:18,410
chair hears none

2218
02:31:34,351 --> 02:31:37,460
thank you

2219
02:32:44,130 --> 02:32:47,601
that's Heatley on the floor the house

2220
02:33:05,010 --> 02:33:09,530
you may have you may had a folks here

2221
02:33:07,170 --> 02:33:09,530
you want

2222
02:35:24,700 --> 02:35:33,431
the following amendment the clerk will

2223
02:35:26,351 --> 02:35:37,240
read the amendment amendment by Heatley

2224
02:35:33,431 --> 02:35:39,070
amend s jr. 11 by striking section 2 of

2225
02:35:37,240 --> 02:35:42,610
the resolution and substituting the

2226
02:35:39,070 --> 02:35:44,980
following section 2 that the following

2227
02:35:42,610 --> 02:35:47,521
subsections of this section propose an

2228

02:35:44,980 --> 02:35:49,501
amendment revising the judiciary

2229
02:35:47,521 --> 02:35:52,240
provisions of the Texas Constitution

2230
02:35:49,501 --> 02:35:54,910
this amendment is to be submitted to the

2231
02:35:52,240 --> 02:35:56,561
qualified electors at an election held

2232
02:35:54,910 --> 02:36:00,971
on the first Tuesday after the first

2233
02:35:56,561 --> 02:36:03,070
Monday in November 1975 this amendment

2234
02:36:00,971 --> 02:36:05,740
is to be submitted as proposition number

2235
02:36:03,070 --> 02:36:08,261
2 on the ballot if that designation is

2236
02:36:05,740 --> 02:36:10,450
permitted by law otherwise this

2237
02:36:08,261 --> 02:36:13,110
amendment is to be that's the Heatley to

2238
02:36:10,450 --> 02:36:13,110
explain his amendment

2239
02:36:54,370 --> 02:37:01,540
mr. speaker Natalia gentleman yield

2240
02:36:58,240 --> 02:37:04,120
that's all you gentlemen mr. Sok Olga

2241
02:37:01,540 --> 02:37:06,460
was a all right miss Healy is this

2242
02:37:04,120 --> 02:37:06,641
another Clayton Heatley amendment well

2243
02:37:06,460 --> 02:37:08,940
uh

2244
02:37:06,641 --> 02:37:11,771
it really can't be called that however

2245
02:37:08,940 --> 02:37:13,300
two years ago I looked up in the journal

2246
02:37:11,771 --> 02:37:22,351
and he voted with me on the same

2247
02:37:13,300 --> 02:37:22,351
amendment sure that wasn't a year ago

2248
02:37:28,891 --> 02:37:33,700
I've got a lot of positions

2249
02:37:31,090 --> 02:37:38,380
I just duplicated your work so you

2250
02:37:33,700 --> 02:37:39,610
wouldn't hit your dogs I just took mr.

2251
02:37:38,380 --> 02:37:42,101
pickle would the gentleman yield

2252
02:37:39,610 --> 02:37:43,811
nobody else mr. Conwell miss hailey you

2253
02:37:42,101 --> 02:37:48,431
sure the speaker hadn't been saved since

2254
02:37:43,811 --> 02:37:51,540
he made that horrendous hair if you did

2255

02:37:48,431 --> 02:37:51,540
you and Carl didn't

2256
02:38:20,671 --> 02:38:22,700
Oh

2257
02:38:26,829 --> 02:38:37,390
that's caster colds pond water

2258
02:38:28,720 --> 02:38:39,220
gentleman's time is expired for the

2259
02:38:37,390 --> 02:38:48,369
water respectfully overruled but he was

2260
02:38:39,220 --> 02:38:51,880
going to explain his amendment now this

2261
02:38:48,369 --> 02:38:55,960
this is an amendment or complete

2262
02:38:51,880 --> 02:39:01,960
substitute that this body did vote on

2263
02:38:55,960 --> 02:39:04,210
two years ago no two years ago in the

2264
02:39:01,960 --> 02:39:06,880
regular session not in the

2265
02:39:04,210 --> 02:39:09,010
Constitutional Convention this was in

2266
02:39:06,880 --> 02:39:15,130
the regular session that we had two

2267
02:39:09,010 --> 02:39:18,609
years ago the because there was an

2268
02:39:15,130 --> 02:39:23,500
amendment under the abused name of

2269
02:39:18,609 --> 02:39:25,630
reform of the judiciary offered and this

2270
02:39:23,500 --> 02:39:28,510
was the complete substitute that was

2271
02:39:25,630 --> 02:39:30,970
offered for it and it got in excess of a

2272
02:39:28,510 --> 02:39:36,609
hundred votes went over to the Senate

2273
02:39:30,970 --> 02:39:38,529
and it was there rejected by the former

2274
02:39:36,609 --> 02:39:42,779
chief judge of the Supreme Court and

2275
02:39:38,529 --> 02:39:42,779
they said it never did take it up that's

2276
02:39:43,949 --> 02:39:49,239
that just gives you an idea of what I

2277
02:39:47,229 --> 02:39:53,909
was talking about when we turn over all

2278
02:39:49,239 --> 02:39:59,529
this power to the Supreme Court this

2279
02:39:53,909 --> 02:40:04,020
this substitute creates a Supreme Court

2280
02:39:59,529 --> 02:40:07,689
a Supreme Court of Criminal Appeals a

2281
02:40:04,020 --> 02:40:10,409
Court of Civil Appeals and an

2282

02:40:07,689 --> 02:40:12,460
intermediate Court of Criminal Appeals

2283
02:40:10,409 --> 02:40:14,649
district court County Courts

2284
02:40:12,460 --> 02:40:17,470
Commissioner's Court justice apiece and

2285
02:40:14,649 --> 02:40:21,699
such other courts as may be provided by

2286
02:40:17,470 --> 02:40:24,640
law the legislature may establish other

2287
02:40:21,699 --> 02:40:26,649
courts prescribed their organization

2288
02:40:24,640 --> 02:40:28,359
jurisdictions and conformed the

2289
02:40:26,649 --> 02:40:30,810
jurisdiction of the districts and other

2290
02:40:28,359 --> 02:40:35,460
inferior courts in the judicial

2291
02:40:30,810 --> 02:40:35,460
jurisdiction of the established Court

2292
02:40:50,940 --> 02:40:58,251
this simply keeps the Supreme Court of

2293
02:40:55,261 --> 02:40:58,251
the state of Texas

2294
02:41:01,311 --> 02:41:08,461
let's bigger get a little order members

2295
02:41:06,241 --> 02:41:11,391
mr. met to Heatley wants your attention

2296
02:41:08,461 --> 02:41:11,391
this is

2297
02:41:17,609 --> 02:41:21,359
I'm afraid they're trying to find out

2298
02:41:19,410 --> 02:41:22,859
about mind you like the other one

2299
02:41:21,359 --> 02:41:29,729
they're voting on nobody know that they

2300
02:41:22,859 --> 02:41:31,680
have thing about remember professor

2301
02:41:29,729 --> 02:41:33,620
Heatley has a complete substitute for

2302
02:41:31,680 --> 02:41:37,080
article 5

2303
02:41:33,620 --> 02:41:42,899
let's give him attention as he discusses

2304
02:41:37,080 --> 02:41:45,149
this article this article differs in the

2305
02:41:42,899 --> 02:41:47,430
one that was all for two years ago and

2306
02:41:45,149 --> 02:41:50,819
the one that's offered today and the one

2307
02:41:47,430 --> 02:41:53,880
was offered a similar profile that was

2308
02:41:50,819 --> 02:41:57,300
offered a year ago in that it maintains

2309

02:41:53,880 --> 02:41:59,689
the Supreme Court of Texas it maintains

2310
02:41:57,300 --> 02:42:04,350
a Supreme Court of Criminal Appeals

2311
02:41:59,689 --> 02:42:08,790
it creates civil courts of Civil Appeals

2312
02:42:04,350 --> 02:42:11,430
and intermediate courts of Criminal

2313
02:42:08,790 --> 02:42:14,660
Appeals and they're not limited it's

2314
02:42:11,430 --> 02:42:20,910
according to what however many the the

2315
02:42:14,660 --> 02:42:24,960
legislature sees fit to to see fit to to

2316
02:42:20,910 --> 02:42:28,140
create they as I said this amendment was

2317
02:42:24,960 --> 02:42:32,010
also or this substitute was also offered

2318
02:42:28,140 --> 02:42:36,859
two years ago and it was adopted by by

2319
02:42:32,010 --> 02:42:41,220
this body it otherwise other than that

2320
02:42:36,859 --> 02:42:45,210
it is it tracks the president judiciary

2321
02:42:41,220 --> 02:42:47,640
it certainly it keeps it keeps out of

2322
02:42:45,210 --> 02:42:50,970
the account out of the trial court the

2323
02:42:47,640 --> 02:42:53,280
Supreme Court then keeps the business it

2324
02:42:50,970 --> 02:42:56,670
keeps the noses of the Supreme Court out

2325
02:42:53,280 --> 02:42:58,950
of the trial court and it eliminate it

2326
02:42:56,670 --> 02:43:01,950
keeps it maintains the Court of Criminal

2327
02:42:58,950 --> 02:43:05,580
Appeals as the Supreme Court and it also

2328
02:43:01,950 --> 02:43:08,340
in contrast to the president judicial

2329
02:43:05,580 --> 02:43:13,340
section prohibits and appealed by the

2330
02:43:08,340 --> 02:43:16,590
state in a criminal matter mr. speaker

2331
02:43:13,340 --> 02:43:19,590
mr. Veeck well gentleman yield are you

2332
02:43:16,590 --> 02:43:22,430
gentleman yields mr. Vick mr. neatly in

2333
02:43:19,590 --> 02:43:24,300
the proposal that the committee

2334
02:43:22,430 --> 02:43:28,550
constitutional revision committee is

2335
02:43:24,300 --> 02:43:31,160
proposing it to us today does it but the

2336

02:43:28,550 --> 02:43:34,010
diction of the criminal courts in the in

2337
02:43:31,160 --> 02:43:37,220
just one Supreme Court is that what it

2338
02:43:34,010 --> 02:43:39,710
does as it combines the the the

2339
02:43:37,220 --> 02:43:43,280
Constitution that that that was offered

2340
02:43:39,710 --> 02:43:44,960
today by in SDR 11 puts the Supreme

2341
02:43:43,280 --> 02:43:48,530
Court and the Court of Criminal Appeals

2342
02:43:44,960 --> 02:43:51,560
together all right now are you aware of

2343
02:43:48,530 --> 02:43:54,500
the fact that in many states they are

2344
02:43:51,560 --> 02:43:56,840
considering at this time the same system

2345
02:43:54,500 --> 02:43:59,210
that we have which is a bifurcated

2346
02:43:56,840 --> 02:44:01,819
system where they have a Supreme Court

2347
02:43:59,210 --> 02:44:04,850
of Civil Appeals and a Supreme Court of

2348
02:44:01,819 --> 02:44:07,939
Criminal Appeals are you wear them and I

2349
02:44:04,850 --> 02:44:11,210
think they're wise they're doing so do

2350
02:44:07,939 --> 02:44:13,100
you realize that we probably have more

2351
02:44:11,210 --> 02:44:16,130
expertise in our Court of Criminal

2352
02:44:13,100 --> 02:44:19,819
Appeals as far as criminal law is

2353
02:44:16,130 --> 02:44:22,069
concerned then you could find in any

2354
02:44:19,819 --> 02:44:25,280
other Supreme Court in any other state

2355
02:44:22,069 --> 02:44:26,960
would you agree with that well our King

2356
02:44:25,280 --> 02:44:29,030
compared any other state but I think

2357
02:44:26,960 --> 02:44:30,710
this I think that the judges on the

2358
02:44:29,030 --> 02:44:34,630
court of criminal appeals today are

2359
02:44:30,710 --> 02:44:39,319
certainly an expert in the field of

2360
02:44:34,630 --> 02:44:42,290
criminal law and I I can't say that

2361
02:44:39,319 --> 02:44:44,149
about the Supreme Court and I can't say

2362
02:44:42,290 --> 02:44:46,340
that the Court of Criminal Appeals would

2363

02:44:44,149 --> 02:44:49,880
be an expert in civil law if they went

2364
02:44:46,340 --> 02:44:51,470
on the Supreme Court but now the SJ r 11

2365
02:44:49,880 --> 02:44:52,880
would put the two courts together is

2366
02:44:51,470 --> 02:44:54,410
that correct that's correct and they

2367
02:44:52,880 --> 02:44:56,540
would handle both the criminal and the

2368
02:44:54,410 --> 02:44:58,970
civil matters and that's what I'm trying

2369
02:44:56,540 --> 02:45:01,310
to prohibit well it would seem to me

2370
02:44:58,970 --> 02:45:03,460
that since the even the American Bar

2371
02:45:01,310 --> 02:45:06,979
Association which is moving towards best

2372
02:45:03,460 --> 02:45:10,670
specialization in law would be more

2373
02:45:06,979 --> 02:45:13,010
interested in seeing a bifurcated system

2374
02:45:10,670 --> 02:45:16,479
because criminal law is such a technical

2375
02:45:13,010 --> 02:45:19,790
matter and the civil courts certainly

2376
02:45:16,479 --> 02:45:22,520
are not as versed in in criminal matters

2377
02:45:19,790 --> 02:45:24,859
as our Court of Criminal Appeals when

2378
02:45:22,520 --> 02:45:27,140
you agree with that certainly you're

2379
02:45:24,859 --> 02:45:29,930
correct because the the rules of

2380
02:45:27,140 --> 02:45:33,939
evidence in a criminal case is much more

2381
02:45:29,930 --> 02:45:37,220
technical than they are in a civil case

2382
02:45:33,939 --> 02:45:39,720
you any of you have any experience with

2383
02:45:37,220 --> 02:45:42,569
reference to trying

2384
02:45:39,720 --> 02:45:44,399
Caze knows that the the rules of

2385
02:45:42,569 --> 02:45:47,069
evidence in the Florida criminal case is

2386
02:45:44,399 --> 02:45:50,220
concerned certainly does draw a very

2387
02:45:47,069 --> 02:45:54,899
neuron thin line as to what is

2388
02:45:50,220 --> 02:45:58,950
admissible and what is not it leaves the

2389
02:45:54,899 --> 02:46:02,160
district courts as shall be divided into

2390

02:45:58,950 --> 02:46:03,960
as many judicial districts as me now or

2391
02:46:02,160 --> 02:46:06,830
here and I have to be provided by law

2392
02:46:03,960 --> 02:46:09,149
and may be increased or decreased by law

2393
02:46:06,830 --> 02:46:11,160
legislature shall establish a district

2394
02:46:09,149 --> 02:46:17,939
court in each district and provide for

2395
02:46:11,160 --> 02:46:20,399
an elective judge in each district it it

2396
02:46:17,939 --> 02:46:22,770
gives the virtually the same

2397
02:46:20,399 --> 02:46:25,649
jurisdiction to all the courts that we

2398
02:46:22,770 --> 02:46:30,390
presently have they major thrust of this

2399
02:46:25,649 --> 02:46:33,410
of this substitute is that it maintains

2400
02:46:30,390 --> 02:46:36,390
the the two supreme courts one of them

2401
02:46:33,410 --> 02:46:38,640
and in criminal matters one in civil

2402
02:46:36,390 --> 02:46:40,859
matters it maintains courts of Civil

2403
02:46:38,640 --> 02:46:43,229
Appeals and intermediate courts of

2404
02:46:40,859 --> 02:46:48,120
Criminal Appeals I would urge your

2405
02:46:43,229 --> 02:46:54,950
adoption of mr. Sullivan speak against

2406
02:46:48,120 --> 02:46:57,899
the amendment their speaker members I

2407
02:46:54,950 --> 02:47:00,540
don't think that this is something we

2408
02:46:57,899 --> 02:47:02,580
should debate very long the the

2409
02:47:00,540 --> 02:47:04,380
amendment that mr. Heatley proposes up

2410
02:47:02,580 --> 02:47:06,689
here doesn't even have a transition

2411
02:47:04,380 --> 02:47:09,000
schedule attached to it we've had a

2412
02:47:06,689 --> 02:47:11,010
we've had a team of experts working

2413
02:47:09,000 --> 02:47:14,279
almost from the day the Constitutional

2414
02:47:11,010 --> 02:47:16,739
Convention failed until now getting the

2415
02:47:14,279 --> 02:47:19,410
transition schedule prepared for an

2416
02:47:16,739 --> 02:47:22,410
article by article submission there is

2417

02:47:19,410 --> 02:47:24,630
no way that you can start in and create

2418
02:47:22,410 --> 02:47:26,430
a new transition schedule if you just

2419
02:47:24,630 --> 02:47:29,279
take another an article out of this

2420
02:47:26,430 --> 02:47:34,830
thing and completely replace it as he's

2421
02:47:29,279 --> 02:47:37,649
done we went over while ago the his

2422
02:47:34,830 --> 02:47:40,290
amendment to strike our judicial section

2423
02:47:37,649 --> 02:47:41,399
now he's doing the same thing replacing

2424
02:47:40,290 --> 02:47:43,590
it with something that's completely

2425
02:47:41,399 --> 02:47:46,500
unworkable it can't be worked into the

2426
02:47:43,590 --> 02:47:50,460
Constitution and I would argue to vote

2427
02:47:46,500 --> 02:47:53,359
against this amendment to heio to speak

2428
02:47:50,460 --> 02:47:53,359
against the amendment

2429
02:47:57,549 --> 02:48:02,199
mr. speaker and members of the house I

2430
02:48:02,529 --> 02:48:09,469
rise to oppose this amendment for many

2431
02:48:05,329 --> 02:48:11,749
reasons not the least of which those

2432
02:48:09,469 --> 02:48:15,409
which mr. Sullivan just stated and that

2433
02:48:11,749 --> 02:48:17,659
is the fact that it would in effect kill

2434
02:48:15,409 --> 02:48:19,159
any constitutional change in the

2435
02:48:17,659 --> 02:48:21,499
judiciary at this session of the

2436
02:48:19,159 --> 02:48:23,629
legislature because there is no

2437
02:48:21,499 --> 02:48:24,949
transition schedule attached to it and

2438
02:48:23,629 --> 02:48:27,589
there's no way you can move from one

2439
02:48:24,949 --> 02:48:29,959
system to another without a great deal

2440
02:48:27,589 --> 02:48:32,389
of of agonizing reappraisal during the

2441
02:48:29,959 --> 02:48:35,119
transition period we have very carefully

2442
02:48:32,389 --> 02:48:38,329
worked out this transition schedule 4sj

2443
02:48:35,119 --> 02:48:40,129
are 11 it's been reviewed by all of

2444

02:48:38,329 --> 02:48:41,869
those in the position to know how the

2445
02:48:40,129 --> 02:48:44,329
courts operate and they feel that it

2446
02:48:41,869 --> 02:48:46,279
will operate effectively but now let me

2447
02:48:44,329 --> 02:48:49,489
explain to you the substance of mr.

2448
02:48:46,279 --> 02:48:51,619
Heatley's amendment and also I'd like to

2449
02:48:49,489 --> 02:48:54,949
differ with him on what happened two

2450
02:48:51,619 --> 02:48:56,719
years ago this isn't this amendment

2451
02:48:54,949 --> 02:48:59,119
which he's proposing here was not passed

2452
02:48:56,719 --> 02:49:02,060
by the house two years ago what happened

2453
02:48:59,119 --> 02:49:04,399
two years ago was we had a bill in here

2454
02:49:02,060 --> 02:49:06,859
at Joint Resolution which proposed in

2455
02:49:04,399 --> 02:49:10,129
substance the entire judicial reform

2456
02:49:06,859 --> 02:49:12,229
package that's contained in SGR 11 when

2457
02:49:10,129 --> 02:49:15,379
we fail to get 100 votes on third

2458
02:49:12,229 --> 02:49:17,689
reading on second reading then we had a

2459
02:49:15,379 --> 02:49:19,459
series of conferences and in in the

2460
02:49:17,689 --> 02:49:22,069
closing days of the session because the

2461
02:49:19,459 --> 02:49:24,469
session was almost about to adjourn sign

2462
02:49:22,069 --> 02:49:26,509
he died we did this on the weekend

2463
02:49:24,469 --> 02:49:29,599
before sandy died adjournment on Monday

2464
02:49:26,509 --> 02:49:31,009
we worked out in in collaboration with

2465
02:49:29,599 --> 02:49:33,469
the Court of Criminal Appeals they

2466
02:49:31,009 --> 02:49:36,020
modified substitute for the estimate for

2467
02:49:33,469 --> 02:49:38,899
the house joint resolution of two years

2468
02:49:36,020 --> 02:49:40,669
ago and the only thing it provided was

2469
02:49:38,899 --> 02:49:43,879
to give criminal jurisdiction to the

2470
02:49:40,669 --> 02:49:45,770
courts of civil appeals it did not touch

2471

02:49:43,879 --> 02:49:47,899
the trial court's top side on the bottom

2472
02:49:45,770 --> 02:49:51,319
it did not touch the Supreme Court and

2473
02:49:47,899 --> 02:49:52,339
on that basis as a desperation effort to

2474
02:49:51,319 --> 02:49:54,349
try to help the Court of Criminal

2475
02:49:52,339 --> 02:49:56,299
Appeals those of us who were sponsoring

2476
02:49:54,349 --> 02:49:58,520
the judicial program accepted that

2477
02:49:56,299 --> 02:50:01,219
substitute and it did pass the house

2478
02:49:58,520 --> 02:50:02,450
senator herring refused to mica motion

2479
02:50:01,219 --> 02:50:04,760
to concur in the Senate

2480
02:50:02,450 --> 02:50:07,010
as a result the joint resolution died in

2481
02:50:04,760 --> 02:50:08,420
the Senate for lack of emotion to either

2482
02:50:07,010 --> 02:50:10,760
to concur I put it in conference

2483
02:50:08,420 --> 02:50:12,351
committee that was on Monday and we

2484
02:50:10,760 --> 02:50:14,480
adjourned sign he died at midnight that

2485
02:50:12,351 --> 02:50:16,070
night so we just run out of time and

2486
02:50:14,480 --> 02:50:20,061
trying to work out the problem two years

2487
02:50:16,070 --> 02:50:22,431
ago what mr. Healy proposes here is a

2488
02:50:20,061 --> 02:50:24,050
revolutionary proposal he's going to set

2489
02:50:22,431 --> 02:50:26,450
up a whole new system of appellate

2490
02:50:24,050 --> 02:50:29,000
courts where we now have a chain of

2491
02:50:26,450 --> 02:50:30,320
Appeals going from the district court to

2492
02:50:29,000 --> 02:50:31,250
the court of civil appeals to the

2493
02:50:30,320 --> 02:50:33,351
Supreme Court

2494
02:50:31,250 --> 02:50:35,090
then he's going to set up a companion

2495
02:50:33,351 --> 02:50:36,860
system of appellate courts going from

2496
02:50:35,090 --> 02:50:39,080
the district court or trial court level

2497
02:50:36,860 --> 02:50:41,690
into an intermediate criminal appeal

2498

02:50:39,080 --> 02:50:44,570
level and in them to a supreme court of

2499
02:50:41,690 --> 02:50:47,000
last resort for Criminal Appeals that's

2500
02:50:44,570 --> 02:50:49,010
going to greatly increase the judicial

2501
02:50:47,000 --> 02:50:51,800
manpower in the state of Texas which we

2502
02:50:49,010 --> 02:50:53,660
do not need at this time because under a

2503
02:50:51,800 --> 02:50:56,000
good system of effective administration

2504
02:50:53,660 --> 02:50:58,040
we can so increase the productivity of

2505
02:50:56,000 --> 02:50:59,780
our existing judges that for the

2506
02:50:58,040 --> 02:51:02,300
foreseeable future we're not going to

2507
02:50:59,780 --> 02:51:04,340
need any increase in the courts this

2508
02:51:02,300 --> 02:51:06,470
that's a proposal that mr. Heatley has

2509
02:51:04,340 --> 02:51:08,240
is going to result in the increase in a

2510
02:51:06,470 --> 02:51:10,460
tremendous number of judges all over

2511
02:51:08,240 --> 02:51:13,070
Texas at a tremendous increase in cost

2512
02:51:10,460 --> 02:51:15,230
for the operation of the judiciary his

2513
02:51:13,070 --> 02:51:16,610
proposal contains absolutely nothing

2514
02:51:15,230 --> 02:51:19,190
containing administration of the

2515
02:51:16,610 --> 02:51:20,900
judicial system and all experts are

2516
02:51:19,190 --> 02:51:23,780
agreed everyone who has studied our

2517
02:51:20,900 --> 02:51:26,750
system recognizes that the key to this

2518
02:51:23,780 --> 02:51:29,120
entire reform program is a strong system

2519
02:51:26,750 --> 02:51:31,220
of judicial administration now this

2520
02:51:29,120 --> 02:51:33,141
judicial administration is not designed

2521
02:51:31,220 --> 02:51:34,760
with the idea of trying to dictate to

2522
02:51:33,141 --> 02:51:37,040
the judges how to run their court or

2523
02:51:34,760 --> 02:51:39,500
what to do it's simply to put good

2524
02:51:37,040 --> 02:51:41,931
modern business practices into our court

2525

02:51:39,500 --> 02:51:44,210
system in the same way that we have done

2526
02:51:41,931 --> 02:51:46,460
with doctors and hospitals you don't

2527
02:51:44,210 --> 02:51:48,021
find any doctors today claiming that

2528
02:51:46,460 --> 02:51:49,610
they ought to be administrators of the

2529
02:51:48,021 --> 02:51:51,561
hospital they have trained

2530
02:51:49,610 --> 02:51:53,630
administrators running the hospital so

2531
02:51:51,561 --> 02:51:56,420
that the doctors can use their time and

2532
02:51:53,630 --> 02:51:58,490
they are free to dr. patients we in

2533
02:51:56,420 --> 02:52:00,891
occurred sort of way we're trying to do

2534
02:51:58,490 --> 02:52:02,480
the same thing in the judiciary we want

2535
02:52:00,891 --> 02:52:04,311
the judges freed from all these

2536
02:52:02,480 --> 02:52:07,311
administrative duties so that they can

2537
02:52:04,311 --> 02:52:09,800
spend their entire time in the in the

2538
02:52:07,311 --> 02:52:12,380
process of adjudicating controversy and

2539
02:52:09,800 --> 02:52:14,271
that's what's done under XJR 11

2540
02:52:12,380 --> 02:52:15,539
mr. Heatley would do violence to this

2541
02:52:14,271 --> 02:52:18,449
entire concept

2542
02:52:15,539 --> 02:52:20,909
he would turn the clock back to 1876

2543
02:52:18,449 --> 02:52:23,970
anything and say what was good enough

2544
02:52:20,909 --> 02:52:26,279
for the judiciary in 1876 is good enough

2545
02:52:23,970 --> 02:52:29,130
for us today I can't buy that argument

2546
02:52:26,279 --> 02:52:31,920
five years of work has gone into this

2547
02:52:29,130 --> 02:52:33,930
program it's been endorsed by all of the

2548
02:52:31,920 --> 02:52:36,060
leaders of the judiciary it's been

2549
02:52:33,930 --> 02:52:39,060
endorsed by the State Bar of Texas

2550
02:52:36,060 --> 02:52:41,310
I know of no organized opposition to

2551
02:52:39,060 --> 02:52:42,869
anything in this program today during

2552

02:52:41,310 --> 02:52:44,760
the convention we did an excellent job

2553
02:52:42,869 --> 02:52:46,619
of working all the controversy

2554
02:52:44,760 --> 02:52:48,630
practically all the controversy out of

2555
02:52:46,619 --> 02:52:50,880
this article for that reason I hope

2556
02:52:48,630 --> 02:52:53,189
you'll give serious consideration to

2557
02:52:50,880 --> 02:52:56,029
this proposition and vote no with us on

2558
02:52:53,189 --> 02:52:56,029
the Heatley amendment

2559
02:52:56,720 --> 02:53:01,020
mr. Miniver

2560
02:52:58,199 --> 02:53:04,770
mr. Whitman did it is it against the

2561
02:53:01,020 --> 02:53:06,680
rules to recognize a president member of

2562
02:53:04,770 --> 02:53:11,640
the House who's with us here now today

2563
02:53:06,680 --> 02:53:13,229
representing Terry Canalis we're pleased

2564
02:53:11,640 --> 02:53:28,130
and mystic analysis here to vote on a

2565
02:53:13,229 --> 02:53:31,020
constitution taraknath idli you know my

2566
02:53:28,130 --> 02:53:32,729
friend Sullivan Cook County got up here

2567
02:53:31,020 --> 02:53:36,869
but he supported this thing very

2568
02:53:32,729 --> 02:53:40,439
actively two years ago and a little bit

2569
02:53:36,869 --> 02:53:43,079
of a consistency now I am NOT

2570
02:53:40,439 --> 02:53:46,489
endeavoring to try to bring out a whole

2571
02:53:43,079 --> 02:53:49,979
new situation I'm trying to keep the

2572
02:53:46,489 --> 02:53:52,789
judiciary as simple and as close to what

2573
02:53:49,979 --> 02:53:56,130
we presently have and is the best

2574
02:53:52,789 --> 02:53:58,050
article in are the best judiciary there

2575
02:53:56,130 --> 02:54:00,510
is in any state that you'll find in this

2576
02:53:58,050 --> 02:54:02,699
nation trying to keep it in as close a

2577
02:54:00,510 --> 02:54:05,640
manner to it as I possibly can without

2578
02:54:02,699 --> 02:54:13,739
turning it over to to us one Supreme

2579

02:54:05,640 --> 02:54:16,819
Court this this this identical article

2580
02:54:13,739 --> 02:54:19,890
dip pass as a substitute for the Hale

2581
02:54:16,819 --> 02:54:22,170
amendment two years ago and did go to

2582
02:54:19,890 --> 02:54:24,749
the Senate and there's work where he

2583
02:54:22,170 --> 02:54:27,810
died it never did get a boat and it had

2584
02:54:24,749 --> 02:54:30,499
in it the very situation that we have

2585
02:54:27,810 --> 02:54:33,149
you're saving accept it did name for

2586
02:54:30,499 --> 02:54:38,699
intermediate courts of Criminal Appeals

2587
02:54:33,149 --> 02:54:41,970
I am I just feel and and I've just been

2588
02:54:38,699 --> 02:54:44,039
told this and this is something we're

2589
02:54:41,970 --> 02:54:45,959
going to vote on one Constitution today

2590
02:54:44,039 --> 02:54:48,390
but we're going to vote on it one

2591
02:54:45,959 --> 02:54:50,970
article at a time and we're not going to

2592
02:54:48,390 --> 02:54:55,189
get to vote on the whole thing at all I

2593
02:54:50,970 --> 02:54:57,739
think that is certainly not a a

2594
02:54:55,189 --> 02:55:00,029
democratic way in which to pass a

2595
02:54:57,739 --> 02:55:02,520
Constitution to the people of this state

2596
02:55:00,029 --> 02:55:05,010
we certainly should be entitled to vote

2597
02:55:02,520 --> 02:55:07,890
on this thing as an entirety even though

2598
02:55:05,010 --> 02:55:10,859
we vote on it article by article but I

2599
02:55:07,890 --> 02:55:12,749
don't know where the I was told earlier

2600
02:55:10,859 --> 02:55:14,569
this morning that we were gonna vote

2601
02:55:12,749 --> 02:55:17,579
will have a final vote on all of this

2602
02:55:14,569 --> 02:55:19,350
situation but now now I'm told that

2603
02:55:17,579 --> 02:55:21,989
we're not and I certainly think that

2604
02:55:19,350 --> 02:55:24,359
that is improper and is not the

2605
02:55:21,989 --> 02:55:26,549
Democratic way to pass a constitution

2606

02:55:24,359 --> 02:55:29,369
out to the to the people now this

2607
02:55:26,549 --> 02:55:32,069
judiciary is is one that is acceptable

2608
02:55:29,369 --> 02:55:34,829
to everybody in the state of Texas save

2609
02:55:32,069 --> 02:55:36,869
and except that the Supreme Court and I

2610
02:55:34,829 --> 02:55:41,760
would ask you and urge you to vote aye

2611
02:55:36,869 --> 02:55:44,010
on this record vote that stateless ends

2612
02:55:41,760 --> 02:55:46,229
up an amendment question Wreckers on the

2613
02:55:44,010 --> 02:55:47,909
adoption of the amendment all those in

2614
02:55:46,229 --> 02:55:49,739
favor of the adoptions amendment with

2615
02:55:47,909 --> 02:55:53,419
bow tie all those opposed will vote no

2616
02:55:49,739 --> 02:55:53,419
it's a record vote to clerk Orinda bail

2617
02:55:55,189 --> 02:56:03,199
Schumer to eat me boating I kill Matteo

2618
02:56:00,720 --> 02:56:03,199
voting no

2619
02:56:08,210 --> 02:56:11,710
have all members voted

2620
02:56:23,760 --> 02:56:27,479
vallah members voted

2621
02:57:05,609 --> 02:57:12,199
so mr. Washington voting I instead of no

2622
02:57:08,210 --> 02:57:12,199
show me at the white voting aye

2623
02:57:25,511 --> 02:57:33,131
there being 40 eyes 91 nose the motion

2624
02:57:30,011 --> 02:57:36,370
the amendment fails of adoption recipe

2625
02:57:33,131 --> 02:57:37,030
confident mr. Doyle gave a message from

2626
02:57:36,370 --> 02:57:41,080
the Senate

2627
02:57:37,030 --> 02:57:42,551
admit the messenger mr. speaker time

2628
02:57:41,080 --> 02:57:43,721
directed by the Senate to inform the

2629
02:57:42,551 --> 02:57:47,171
house that the Senate has passed

2630
02:57:43,721 --> 02:57:48,700
following SB 233 by Meyer and Andy hora

2631
02:57:47,171 --> 02:57:50,440
relating to the powers and duties of

2632
02:57:48,700 --> 02:57:53,980
certain counties with respect to urban

2633

02:57:50,440 --> 02:57:56,230
renewal SB 101 to by more relating to

2634
02:57:53,980 --> 02:58:01,511
the size of Taif use and contracts made

2635
02:57:56,230 --> 02:58:05,131
in this state the following amendment

2636
02:58:01,511 --> 02:58:05,131
the clerk will read the amendment

2637
02:58:06,780 --> 02:58:14,530
amendment by Heatley amend sjr 11 by

2638
02:58:11,171 --> 02:58:17,620
striking section 14 of article 5 at page

2639
02:58:14,530 --> 02:58:22,200
17 and substituting therefore the

2640
02:58:17,620 --> 02:58:24,610
following section 14 appeal by state

2641
02:58:22,200 --> 02:58:26,980
subject to the guarantees of the bill of

2642
02:58:24,610 --> 02:58:30,421
rights this constitution that's a

2643
02:58:26,980 --> 02:58:30,421
Heatley to explain the amendment

2644
02:59:06,880 --> 02:59:16,070
this has to do with section 14 appealed

2645
02:59:12,320 --> 02:59:17,090
by the state and it's found in SJ our

2646
02:59:16,070 --> 02:59:23,860
number 11

2647
02:59:17,090 --> 02:59:30,740
page 41 the language in it is very

2648
02:59:23,860 --> 02:59:35,601
uniquely prepared in that when you first

2649
02:59:30,740 --> 02:59:39,320
read it it would appear that there is a

2650
02:59:35,601 --> 02:59:42,920
limited right of appeal by the defendant

2651
02:59:39,320 --> 02:59:46,910
I mean by the state but when you reread

2652
02:59:42,920 --> 02:59:51,351
it and read all of it you will find that

2653
02:59:46,910 --> 02:59:56,860
it is an unlimited right of appeal by

2654
02:59:51,351 --> 03:00:01,400
the state once the defendant should ever

2655
02:59:56,860 --> 03:00:06,641
once the defendant should ever have an

2656
03:00:01,400 --> 03:00:09,200
appeal reversed my amendment simply

2657
03:00:06,641 --> 03:00:12,380
subject to the guarantees of the bill

2658
03:00:09,200 --> 03:00:15,530
rights of this constitution the state

2659
03:00:12,380 --> 03:00:18,200
may appeal in a criminal case from a

2660

03:00:15,530 --> 03:00:23,630
ruling that a law is unconstitutional

2661
03:00:18,200 --> 03:00:29,480
and either a child court or a court of

2662
03:00:23,630 --> 03:00:32,960
appeals it differs from the from the one

2663
03:00:29,480 --> 03:00:38,170
which they've got submitted under the

2664
03:00:32,960 --> 03:00:42,641
gag rule in this respect it says that

2665
03:00:38,170 --> 03:00:42,641
the guarantees of the right of appeal

2666
03:00:43,480 --> 03:00:47,840
subject to the guarantees of the Bill of

2667
03:00:45,710 --> 03:00:49,910
Rights this constitution of this

2668
03:00:47,840 --> 03:00:52,730
constitution the state may appeal in

2669
03:00:49,910 --> 03:00:54,730
criminal cases only from a trial court's

2670
03:00:52,730 --> 03:01:00,620
ruling that a law is unconstitutional

2671
03:00:54,730 --> 03:01:03,820
then it says our our from a Court of

2672
03:01:00,620 --> 03:01:06,950
Appeals decision to the Supreme Court

2673
03:01:03,820 --> 03:01:09,650
which appeal is at the discretion of the

2674
03:01:06,950 --> 03:01:13,760
Supreme Court unless otherwise provided

2675
03:01:09,650 --> 03:01:17,990
by law that simply means this that even

2676
03:01:13,760 --> 03:01:19,069
a defendant appeals a criminal case and

2677
03:01:17,990 --> 03:01:22,520
that case

2678
03:01:19,069 --> 03:01:26,419
is reversed then the Supreme Court then

2679
03:01:22,520 --> 03:01:29,599
the state made assigned the any error

2680
03:01:26,419 --> 03:01:32,899
that they so desire irrespective of

2681
03:01:29,599 --> 03:01:35,539
constitutionality and carry it on to the

2682
03:01:32,899 --> 03:01:38,529
final appeal and and you lose complete

2683
03:01:35,539 --> 03:01:42,199
control of it you're locked in and you

2684
03:01:38,529 --> 03:01:44,239
you have no other rights than to go

2685
03:01:42,199 --> 03:01:47,149
ahead and fight the state on whatever

2686
03:01:44,239 --> 03:01:49,069
appeals and errors they they desire an

2687

03:01:47,149 --> 03:01:51,949
aside that's big with the gentleman

2688
03:01:49,069 --> 03:01:54,229
yield yes German yield Micheli mr.

2689
03:01:51,949 --> 03:01:56,569
Heatley at the present time in Texas a

2690
03:01:54,229 --> 03:01:59,149
defendant or rather the state is not

2691
03:01:56,569 --> 03:02:02,419
allowed to appeal and in the instances

2692
03:01:59,149 --> 03:02:05,719
that sit out here is that correct for

2693
03:02:02,419 --> 03:02:07,909
the last 100 years the the state has not

2694
03:02:05,719 --> 03:02:12,520
has been prohibited from appealing a

2695
03:02:07,909 --> 03:02:16,279
criminal case and are today unless

2696
03:02:12,520 --> 03:02:19,129
unless you adopt this sjr level don't

2697
03:02:16,279 --> 03:02:21,079
you feel like that our pellit court

2698
03:02:19,129 --> 03:02:23,689
system has been good up until this time

2699
03:02:21,079 --> 03:02:26,239
I feel not only the appellate court but

2700
03:02:23,689 --> 03:02:28,549
the trial courts been good mr. Healy I

2701
03:02:26,239 --> 03:02:31,399
have not voted for your other amendments

2702
03:02:28,549 --> 03:02:34,789
but I think this amendment is terribly

2703
03:02:31,399 --> 03:02:36,589
needed it's not overly needed in that

2704
03:02:34,789 --> 03:02:40,729
and I thought I think this should be

2705
03:02:36,589 --> 03:02:45,199
stricken well I just hope that 99 more

2706
03:02:40,729 --> 03:02:48,409
join you I think they will just pick

2707
03:02:45,199 --> 03:02:50,389
well gentlemen you yeah yeoman yield mr.

2708
03:02:48,409 --> 03:02:52,789
lo miss Neely apparently mr. Gilley

2709
03:02:50,389 --> 03:02:54,799
hadn't read your amendment because if

2710
03:02:52,789 --> 03:02:56,569
I'm not mistaken you for the first time

2711
03:02:54,799 --> 03:02:58,879
in history legislature that I know it

2712
03:02:56,569 --> 03:03:01,759
now offering an amendment to permit the

2713
03:02:58,879 --> 03:03:03,469
state to appeal is that not right have

2714

03:03:01,759 --> 03:03:04,809
you come over to our side now I'm going

2715
03:03:03,469 --> 03:03:06,969
to let the state appeal from these

2716
03:03:04,809 --> 03:03:12,949
unconstitutional rulings of trial courts

2717
03:03:06,969 --> 03:03:15,199
I'm merely I'm saying that yeah subject

2718
03:03:12,949 --> 03:03:17,149
to the guarantees I'm limiting it I'm

2719
03:03:15,199 --> 03:03:19,489
trying to least restrict it to

2720
03:03:17,149 --> 03:03:20,929
constitutional only I want to thank you

2721
03:03:19,489 --> 03:03:22,819
for that mr. Ely I think you've come a

2722
03:03:20,929 --> 03:03:24,439
long way in reaching that issue that we

2723
03:03:22,819 --> 03:03:27,739
fought long and hard over for the last

2724
03:03:24,439 --> 03:03:29,329
seven months mr. Gilley realizes that

2725
03:03:27,739 --> 03:03:31,729
that's what you want to do is to also

2726
03:03:29,329 --> 03:03:33,829
guarantee the state right to appeal and

2727
03:03:31,729 --> 03:03:36,529
constitutional questions whether from

2728
03:03:33,829 --> 03:03:38,239
the court or from the court of appeals

2729
03:03:36,529 --> 03:03:40,309
once you ever get in the position that

2730
03:03:38,239 --> 03:03:44,619
I'm in you've got no damn charge

2731
03:03:40,309 --> 03:03:47,689
Thank You mr. Ely I'm just trying to

2732
03:03:44,619 --> 03:03:52,689
protect I can't protect them holy holy

2733
03:03:47,689 --> 03:03:56,479
but I'm trying to do it partially and I

2734
03:03:52,689 --> 03:04:01,520
trust that you will join me in and in

2735
03:03:56,479 --> 03:04:05,389
this amendment to limit the appeal at

2736
03:04:01,520 --> 03:04:09,349
any stage by the state except for the

2737
03:04:05,389 --> 03:04:11,869
constitutionality or the

2738
03:04:09,349 --> 03:04:15,349
unconstitutionality either by the trial

2739
03:04:11,869 --> 03:04:17,779
court or the Court of Appeals urge you

2740
03:04:15,349 --> 03:04:22,759
to vote aye mr. Hale speak against the

2741

03:04:17,779 --> 03:04:26,449
amendment my speaker members of the

2742
03:04:22,759 --> 03:04:28,729
House I think mr. Healy has

2743
03:04:26,449 --> 03:04:31,099
misinterpreted the entire intent of the

2744
03:04:28,729 --> 03:04:35,149
convention in the language that we

2745
03:04:31,099 --> 03:04:39,139
finally arrived at on this section 14 of

2746
03:04:35,149 --> 03:04:41,239
the sjr the if you'll think back with me

2747
03:04:39,139 --> 03:04:42,739
during the extensive debate we had on

2748
03:04:41,239 --> 03:04:43,339
this part in the constitutional

2749
03:04:42,739 --> 03:04:45,829
convention

2750
03:04:43,339 --> 03:04:48,199
the reason this language was left in

2751
03:04:45,829 --> 03:04:50,809
here on the appeals from Court of Civil

2752
03:04:48,199 --> 03:04:53,209
Appeals from what will then be the court

2753
03:04:50,809 --> 03:04:55,729
of appeals to the Supreme Court is this

2754
03:04:53,209 --> 03:04:58,069
reason you're if you're going to give

2755
03:04:55,729 --> 03:05:00,709
criminal jurisdiction to an intermediate

2756
03:04:58,069 --> 03:05:03,469
level Court which we do in this reform

2757
03:05:00,709 --> 03:05:05,270
package then you're going to have 14

2758
03:05:03,469 --> 03:05:07,999
different appellate courts making

2759
03:05:05,270 --> 03:05:10,939
rulings on admissibility of evidence on

2760
03:05:07,999 --> 03:05:12,679
who can testify and who kept on what can

2761
03:05:10,939 --> 03:05:15,109
be done and what can't be done from a

2762
03:05:12,679 --> 03:05:16,789
procedural standpoint and just like in

2763
03:05:15,109 --> 03:05:18,529
the courts of Civil Appeals today you

2764
03:05:16,789 --> 03:05:20,629
frequently will have one Court of

2765
03:05:18,529 --> 03:05:22,789
Appeals hold a certain way on a point of

2766
03:05:20,629 --> 03:05:24,469
law and a different court in another

2767
03:05:22,789 --> 03:05:26,869
area of the state hold a different way

2768

03:05:24,469 --> 03:05:28,921
on the same point of law the only way

2769
03:05:26,869 --> 03:05:31,440
you have a reconciling those

2770
03:05:28,921 --> 03:05:33,271
you have multiple appellate courts is to

2771
03:05:31,440 --> 03:05:35,461
have a procedure where you can take

2772
03:05:33,271 --> 03:05:37,921
those decisions into the court of last

2773
03:05:35,461 --> 03:05:40,171
resort and let them resolve those

2774
03:05:37,921 --> 03:05:42,811
differences in interpretations of the

2775
03:05:40,171 --> 03:05:44,971
law and that's the only reason that this

2776
03:05:42,811 --> 03:05:47,641
second part of this provision was put in

2777
03:05:44,971 --> 03:05:49,740
here on appeals the question of guilt or

2778
03:05:47,641 --> 03:05:51,211
innocence is not involved in an appeal

2779
03:05:49,740 --> 03:05:53,700
from an intermediate Court of Civil

2780
03:05:51,211 --> 03:05:55,381
Appeals into the Supreme Court the

2781
03:05:53,700 --> 03:05:57,301
question of guilt or innocence is

2782
03:05:55,381 --> 03:05:59,910
determined at the trial court and there

2783
03:05:57,301 --> 03:06:02,461
is no right of appeal from by the state

2784
03:05:59,910 --> 03:06:03,271
from a finding of not guilty in the

2785
03:06:02,461 --> 03:06:05,671
trial court

2786
03:06:03,271 --> 03:06:08,160
you only appeal it's given even under

2787
03:06:05,671 --> 03:06:10,891
XJR 11 the day from the trial court

2788
03:06:08,160 --> 03:06:12,360
would be a for trial court acquits a

2789
03:06:10,891 --> 03:06:14,730
defendant because the law is

2790
03:06:12,360 --> 03:06:16,711
unconstitutional then the state can

2791
03:06:14,730 --> 03:06:20,280
appeal that question otherwise there is

2792
03:06:16,711 --> 03:06:23,070
no appeal even under sjr 11 but to do

2793
03:06:20,280 --> 03:06:25,530
what mr. Healy wants to do does the same

2794
03:06:23,070 --> 03:06:28,230
thing that we've already done in SJ or

2795

03:06:25,530 --> 03:06:30,240
11 but takes away the right of the

2796
03:06:28,230 --> 03:06:32,521
Supreme Court to reconcile these

2797
03:06:30,240 --> 03:06:34,591
conflicting opinions from these several

2798
03:06:32,521 --> 03:06:36,511
intermediate courts of Appeal for that

2799
03:06:34,591 --> 03:06:39,391
reason mr. Willer tell me every place

2800
03:06:36,511 --> 03:06:41,910
you know I tell you you German you miss

2801
03:06:39,391 --> 03:06:44,070
Vail mr. Hale are you telling me that he

2802
03:06:41,910 --> 03:06:48,541
we have an appellate court of criminal

2803
03:06:44,070 --> 03:06:50,820
appeals to and I appeal a criminal case

2804
03:06:48,541 --> 03:06:53,641
in behalf of a defendant that has been

2805
03:06:50,820 --> 03:06:55,471
found guilty for the state

2806
03:06:53,641 --> 03:07:00,381
you have a defendant has been found

2807
03:06:55,471 --> 03:07:03,301
guilty and I and I appeal that case and

2808
03:07:00,381 --> 03:07:07,650
then in the intermediate criminal

2809
03:07:03,301 --> 03:07:09,541
appellate court I obtain a reversal the

2810
03:07:07,650 --> 03:07:12,240
intermediate Criminal Appeal Court

2811
03:07:09,541 --> 03:07:15,721
agrees with me that there was some error

2812
03:07:12,240 --> 03:07:18,511
in the handling of the case and reverses

2813
03:07:15,721 --> 03:07:21,780
and renders and for all practical

2814
03:07:18,511 --> 03:07:24,360
purposes I have or the defendant has

2815
03:07:21,780 --> 03:07:27,780
been acquitted at that stage as you not

2816
03:07:24,360 --> 03:07:29,761
know sir I don't I don't ever recall the

2817
03:07:27,780 --> 03:07:32,190
Court of Criminal Appeals ever reversing

2818
03:07:29,761 --> 03:07:33,721
and rendering a case if it's a guilty

2819
03:07:32,190 --> 03:07:35,431
finding and you take it up on a

2820
03:07:33,721 --> 03:07:36,750
procedural error and they reverse it

2821
03:07:35,431 --> 03:07:39,030
they always remand it

2822

03:07:36,750 --> 03:07:41,760
for another trial well you know let's

2823
03:07:39,030 --> 03:07:43,820
say that the procedural error is is is

2824
03:07:41,760 --> 03:07:46,470
there is the admission of a confession

2825
03:07:43,820 --> 03:07:49,770
which was the only corroborating

2826
03:07:46,470 --> 03:07:53,160
testimony to this case I think they

2827
03:07:49,770 --> 03:07:56,040
still remanded all right no they don't

2828
03:07:53,160 --> 03:07:58,050
they reverse and render because under

2829
03:07:56,040 --> 03:08:01,650
those situations there would be nothing

2830
03:07:58,050 --> 03:08:03,750
admissible in in the case that would

2831
03:08:01,650 --> 03:08:05,580
tend to prove the kill to that

2832
03:08:03,750 --> 03:08:09,420
individuals and they reverse of the

2833
03:08:05,580 --> 03:08:12,120
render in that case that defendant has

2834
03:08:09,420 --> 03:08:15,750
been acquitted now under the under the

2835
03:08:12,120 --> 03:08:18,540
procedure that is being set up now there

2836
03:08:15,750 --> 03:08:21,570
would be a right of appeal granted to

2837
03:08:18,540 --> 03:08:23,520
the state to a higher court only at the

2838
03:08:21,570 --> 03:08:25,650
discretion of the Supreme Court and in

2839
03:08:23,520 --> 03:08:27,450
those cases of acquittal I don't think

2840
03:08:25,650 --> 03:08:30,300
you'll find any of those cases ever

2841
03:08:27,450 --> 03:08:31,740
going up although I I'm no authority in

2842
03:08:30,300 --> 03:08:32,880
the field of criminal law but I don't

2843
03:08:31,740 --> 03:08:34,500
agree with you that the Court of

2844
03:08:32,880 --> 03:08:36,210
Criminal Appeals reverses and under

2845
03:08:34,500 --> 03:08:38,280
skeezers I wish you'd show me one I

2846
03:08:36,210 --> 03:08:39,660
don't ever recall one where the Court of

2847
03:08:38,280 --> 03:08:41,550
Criminal Appeals ever reversed and

2848
03:08:39,660 --> 03:08:42,840
rendered a case I'm not saying they

2849

03:08:41,550 --> 03:08:45,000
haven't done it I don't ever recall

2850
03:08:42,840 --> 03:08:47,280
reading one in the advanced fees if they

2851
03:08:45,000 --> 03:08:48,990
reverse it everyone I've ever read they

2852
03:08:47,280 --> 03:08:51,240
automatically remanded it for

2853
03:08:48,990 --> 03:08:53,160
disposition in the trial court now what

2854
03:08:51,240 --> 03:08:55,050
happens in the trial court if the

2855
03:08:53,160 --> 03:08:57,240
district attorney has no evidence other

2856
03:08:55,050 --> 03:08:59,070
than an admissible confession then he

2857
03:08:57,240 --> 03:09:01,110
moves to dismiss the case at the trial

2858
03:08:59,070 --> 03:09:03,240
court level well for all practical

2859
03:09:01,110 --> 03:09:04,860
purposes you know when there's a when

2860
03:09:03,240 --> 03:09:07,230
there's a decision in the case like that

2861
03:09:04,860 --> 03:09:09,270
on the admissibility of the confession

2862
03:09:07,230 --> 03:09:12,630
and that confession being the only

2863
03:09:09,270 --> 03:09:14,340
corroborating evidence then for all

2864
03:09:12,630 --> 03:09:17,660
practical purposes that case the

2865
03:09:14,340 --> 03:09:21,180
district attorney has lost the case now

2866
03:09:17,660 --> 03:09:24,650
in in the wording that we have there in

2867
03:09:21,180 --> 03:09:28,320
sjr does not limit the Supreme Court

2868
03:09:24,650 --> 03:09:30,420
does not limit the Supreme Court to

2869
03:09:28,320 --> 03:09:33,150
promulgating rules that would be

2870
03:09:30,420 --> 03:09:35,040
applicable for appeals only in those

2871
03:09:33,150 --> 03:09:38,250
limited instances that we're talking

2872
03:09:35,040 --> 03:09:40,560
about of course whereas the Heatley

2873
03:09:38,250 --> 03:09:41,909
Amendment does it limits them of course

2874
03:09:40,560 --> 03:09:43,289
we don't give the court

2875
03:09:41,909 --> 03:09:46,499
laughter at rules of Criminal Procedure

2876

03:09:43,289 --> 03:09:48,719
that's retained in the legislation well

2877
03:09:46,499 --> 03:09:50,999
but it says subject that the Supreme

2878
03:09:48,719 --> 03:09:53,219
Court or an appellant that even that

2879
03:09:50,999 --> 03:09:57,119
they may appeal to the court to the

2880
03:09:53,219 --> 03:09:59,640
Supreme Court in accordance with rules

2881
03:09:57,119 --> 03:10:03,029
laid out by the Supreme Court you're

2882
03:09:59,640 --> 03:10:08,039
subject subject to subject to being

2883
03:10:03,029 --> 03:10:12,229
otherwise provided by law now you let

2884
03:10:08,039 --> 03:10:15,659
your eight subsection B on line 17

2885
03:10:12,229 --> 03:10:17,669
unless otherwise provided by law so in

2886
03:10:15,659 --> 03:10:19,829
effect it gives the legislature the

2887
03:10:17,669 --> 03:10:22,890
authority to control the situation if

2888
03:10:19,829 --> 03:10:24,779
there is we find some abuses later on

2889
03:10:22,890 --> 03:10:27,539
that we can come in and in certain

2890
03:10:24,779 --> 03:10:30,719
instances pass some laws and say the

2891
03:10:27,539 --> 03:10:35,219
Supreme Court cannot grant a power of

2892
03:10:30,719 --> 03:10:37,679
review in in this instance in a specific

2893
03:10:35,219 --> 03:10:40,770
instance that's that's what that means

2894
03:10:37,679 --> 03:10:43,429
so that in effect right now without any

2895
03:10:40,770 --> 03:10:45,959
law being enacted it is a wide-open

2896
03:10:43,429 --> 03:10:47,999
appellant situation I don't agree with

2897
03:10:45,959 --> 03:10:49,829
that but you're entitled your opinion I

2898
03:10:47,999 --> 03:10:56,129
hope you'll vote no on this amendment

2899
03:10:49,829 --> 03:10:57,449
it's bigger mr. Washington mr. Haley to

2900
03:10:56,129 --> 03:11:02,789
close on his amendment

2901
03:10:57,449 --> 03:11:07,229
I meant to Gillian to speak for the

2902
03:11:02,789 --> 03:11:08,999
amendment fellow members I have not

2903

03:11:07,229 --> 03:11:12,629
agree with mr. Heatley on his other

2904
03:11:08,999 --> 03:11:15,359
attempts to to change this proposed new

2905
03:11:12,629 --> 03:11:19,169
article but I do agree with him in this

2906
03:11:15,359 --> 03:11:23,579
instance I think if mr. heatless

2907
03:11:19,169 --> 03:11:26,729
amendment is not adopted then we are

2908
03:11:23,579 --> 03:11:29,399
placing on the defendant the onerous

2909
03:11:26,729 --> 03:11:33,929
burden of going through a trial the

2910
03:11:29,399 --> 03:11:38,819
trial stage the appellate stage in if he

2911
03:11:33,929 --> 03:11:41,189
wins on appeal then he will face another

2912
03:11:38,819 --> 03:11:43,109
test another burden and more expense and

2913
03:11:41,189 --> 03:11:46,499
he's ever faced in the state of Texas

2914
03:11:43,109 --> 03:11:48,270
and that is for one thing but that time

2915
03:11:46,499 --> 03:11:50,609
he's going to be out of money the state

2916
03:11:48,270 --> 03:11:53,069
is unlimited the state can append it to

2917
03:11:50,609 --> 03:11:53,851
the highest court I think this is

2918
03:11:53,069 --> 03:11:55,950
unheard

2919
03:11:53,851 --> 03:11:57,570
I have never seen it I know of no other

2920
03:11:55,950 --> 03:12:00,450
state where what they have such a

2921
03:11:57,570 --> 03:12:03,150
procedure I think it's a violation of

2922
03:12:00,450 --> 03:12:07,141
the Federal Constitution and let me say

2923
03:12:03,150 --> 03:12:09,360
this I believe if we don't vote for the

2924
03:12:07,141 --> 03:12:12,950
Heatley amendment that this entire

2925
03:12:09,360 --> 03:12:16,320
article is going to fail this vegan

2926
03:12:12,950 --> 03:12:17,670
that's Washington I was gonna ask the

2927
03:12:16,320 --> 03:12:19,500
gentleman with year but he's here to the

2928
03:12:17,670 --> 03:12:24,860
floor as to healing the claws on his

2929
03:12:19,500 --> 03:12:26,910
amendment mister would you watch the

2930

03:12:24,860 --> 03:12:30,181
Ottoman yes

2931
03:12:26,910 --> 03:12:33,391
gentleman yield mr. zisman mr. Healey

2932
03:12:30,181 --> 03:12:36,811
and land with mr. Gillis most recent

2933
03:12:33,391 --> 03:12:39,811
comments don't you see a real quagmire

2934
03:12:36,811 --> 03:12:41,641
in determining how the the interests

2935
03:12:39,811 --> 03:12:43,830
will be represented when the case goes

2936
03:12:41,641 --> 03:12:45,931
up before the Supreme Court unless you

2937
03:12:43,830 --> 03:12:48,540
have a justiciable issue on both sides

2938
03:12:45,931 --> 03:12:50,551
that is if the defendant has obtained

2939
03:12:48,540 --> 03:12:53,101
his relief at the intermediate court

2940
03:12:50,551 --> 03:12:55,410
there'll be no obligation on this part

2941
03:12:53,101 --> 03:12:57,360
in fact it'd be difficult for him to get

2942
03:12:55,410 --> 03:12:58,740
a lawyer on a contingent fee to

2943
03:12:57,360 --> 03:13:00,780
represent his interests before the

2944
03:12:58,740 --> 03:13:04,051
Supreme Court wouldn't it oh yeah

2945
03:13:00,780 --> 03:13:06,811
well the argument that mr. Hale made was

2946
03:13:04,051 --> 03:13:08,790
that you need this jurisdiction to

2947
03:13:06,811 --> 03:13:10,650
resolve the conflicts between the

2948
03:13:08,790 --> 03:13:13,051
intermediate courts if there is a

2949
03:13:10,650 --> 03:13:14,610
conflict among the intermediate courts

2950
03:13:13,051 --> 03:13:16,530
wouldn't that mean that the state has

2951
03:13:14,610 --> 03:13:18,090
won and won and the defendant has won in

2952
03:13:16,530 --> 03:13:20,521
the other that's right

2953
03:13:18,090 --> 03:13:22,170
well wouldn't it seem fair to you that

2954
03:13:20,521 --> 03:13:23,670
whether defendant why the state has won

2955
03:13:22,170 --> 03:13:26,370
a defendant would be the one who would

2956
03:13:23,670 --> 03:13:29,521
be requested review by the Supreme Court

2957

03:13:26,370 --> 03:13:33,230
of the state of Texas yes sir would it

2958
03:13:29,521 --> 03:13:36,210
also be true that the court under this

2959
03:13:33,230 --> 03:13:39,590
unified judicial plan judicial plan

2960
03:13:36,210 --> 03:13:39,590
would have certain

2961
03:13:57,120 --> 03:13:59,180
you

2962
03:14:02,811 --> 03:14:04,870
you