

1
00:00:00,060 --> 00:00:06,109
well without consulting or working with

2
00:00:02,129 --> 00:00:09,480
the people at all how it really argue to

3
00:00:06,109 --> 00:00:10,889
help us with this bill and help us put

4
00:00:09,480 --> 00:00:13,650
it back where it belongs it's been

5
00:00:10,889 --> 00:00:15,330
defeated once I think all I'd like to

6
00:00:13,650 --> 00:00:17,490
ask you do now is if you're really

7
00:00:15,330 --> 00:00:20,939
concerned about the local people having

8
00:00:17,490 --> 00:00:23,430
to say something about what's going to

9
00:00:20,939 --> 00:00:25,470
be done concerning highways as far as

10
00:00:23,430 --> 00:00:28,080
their districts are concerned I would

11
00:00:25,470 --> 00:00:31,289
hope that you would vote against the

12
00:00:28,080 --> 00:00:33,630
motion to bring mr. Wilson's bill back

13
00:00:31,289 --> 00:00:34,850
up thank you very much chair recognize

14

00:00:33,630 --> 00:00:38,610
mr. Sullivan

15
00:00:34,850 --> 00:00:42,390
speak for the motion to reconsider as

16
00:00:38,610 --> 00:00:44,129
Speaker members I'd like to address just

17
00:00:42,390 --> 00:00:46,620
a couple of things that have been said

18
00:00:44,129 --> 00:00:48,899
from the front back up here concerning

19
00:00:46,620 --> 00:00:51,930
the highway department and this this

20
00:00:48,899 --> 00:00:54,449
highway fund mr. Munsen is crying about

21
00:00:51,930 --> 00:00:57,180
the lack of dollars that the highway

22
00:00:54,449 --> 00:01:00,270
department has to work on our roads with

23
00:00:57,180 --> 00:01:02,160
I think you ought to realize that this

24
00:01:00,270 --> 00:01:04,799
is the best treated department in the

25
00:01:02,160 --> 00:01:09,659
state of Texas bar none and without any

26
00:01:04,799 --> 00:01:12,450
question their entire fund practically

27
00:01:09,659 --> 00:01:15,720
is untouchable so far as the legislature

28
00:01:12,450 --> 00:01:18,360
is concerned the governor anyone in the

29
00:01:15,720 --> 00:01:20,130
state of Texas cannot touch that fund

30
00:01:18,360 --> 00:01:22,890
except the highway department for

31
00:01:20,130 --> 00:01:26,159
purposes of purchasing right away and

32
00:01:22,890 --> 00:01:29,790
maintaining their their highways the

33
00:01:26,159 --> 00:01:32,340
fund last year the best I recall

34
00:01:29,790 --> 00:01:34,290
amounted to something over three seven

35
00:01:32,340 --> 00:01:35,729
hundred and fifty three million dollars

36
00:01:34,290 --> 00:01:38,610
that's better than three-quarters of a

37
00:01:35,729 --> 00:01:41,909
billion dollars that was allocated last

38
00:01:38,610 --> 00:01:43,590
year for the purchase of right-of-ways

39
00:01:41,909 --> 00:01:47,780
construction and maintenance of our

40
00:01:43,590 --> 00:01:50,790
highways in Texas now up beside that a

41

00:01:47,780 --> 00:01:53,880
constitutionally guaranteed fund which

42
00:01:50,790 --> 00:01:55,560
no one can touch the legislature get as

43
00:01:53,880 --> 00:01:58,320
bad as they want to Adam the way they

44
00:01:55,560 --> 00:01:59,759
spend their money it's like squander it

45
00:01:58,320 --> 00:02:02,969
it doesn't make a better difference we

46
00:01:59,759 --> 00:02:06,600
can't touch it nor can we together with

47
00:02:02,969 --> 00:02:08,640
the governor touch it and yet up beside

48
00:02:06,600 --> 00:02:10,800
that type of fun what do the counties

49
00:02:08,640 --> 00:02:13,920
have to pay they're part of this high

50
00:02:10,800 --> 00:02:16,560
whay acquisition with they've got the ad

51
00:02:13,920 --> 00:02:18,900
valorem tax you putting this monkey

52
00:02:16,560 --> 00:02:22,490
right back on the landowner the

53
00:02:18,900 --> 00:02:24,660
homeowner in your local counties as

54
00:02:22,490 --> 00:02:26,820
opposed to putting it on the highway

55
00:02:24,660 --> 00:02:30,030
department who has a constitutionally

56
00:02:26,820 --> 00:02:32,370
dedicated gasoline tax and textures that

57
00:02:30,030 --> 00:02:34,830
we can't touch now the highway

58
00:02:32,370 --> 00:02:37,650
department wants to continue to spend

59
00:02:34,830 --> 00:02:40,620
the vast majority and I think they'd

60
00:02:37,650 --> 00:02:42,660
like to spend it all on this pond on

61
00:02:40,620 --> 00:02:46,650
construction so that they can pay the

62
00:02:42,660 --> 00:02:48,600
contractors their money and let the

63
00:02:46,650 --> 00:02:50,430
counties pay as much as they can of this

64
00:02:48,600 --> 00:02:52,320
acquisition they don't like to spend on

65
00:02:50,430 --> 00:02:55,740
acquisition because this is not paying

66
00:02:52,320 --> 00:02:58,440
these big contractors that help promote

67
00:02:55,740 --> 00:03:02,310
the good roads association that's been

68

00:02:58,440 --> 00:03:04,320
the the godfather of the highway

69
00:03:02,310 --> 00:03:07,050
department for many years here in Texas

70
00:03:04,320 --> 00:03:08,970
the Constitution does allow that this

71
00:03:07,050 --> 00:03:11,460
money be used for the acquisition of

72
00:03:08,970 --> 00:03:13,410
right-of-ways they have the seven

73
00:03:11,460 --> 00:03:16,410
hundred fifty three million dollars last

74
00:03:13,410 --> 00:03:18,630
year over that amount it'll be in excess

75
00:03:16,410 --> 00:03:22,080
of that I'm sure this year probably

76
00:03:18,630 --> 00:03:24,390
closer to a billion dollars and yet mr.

77
00:03:22,080 --> 00:03:26,580
month's monsters to come up here and say

78
00:03:24,390 --> 00:03:29,130
no let's don't use that money to acquire

79
00:03:26,580 --> 00:03:31,800
right away use it all to pay those big

80
00:03:29,130 --> 00:03:34,440
contractors for their contract work and

81
00:03:31,800 --> 00:03:37,140
let the homeowners and the landowners

82
00:03:34,440 --> 00:03:39,690
back in the county pay for 56% of the

83
00:03:37,140 --> 00:03:42,450
right-of-way that's acquired I think

84
00:03:39,690 --> 00:03:44,190
it's simply unfair and I hope that you

85
00:03:42,450 --> 00:03:47,130
will consider very carefully this

86
00:03:44,190 --> 00:03:48,420
question and both for mr. Wilson glad to

87
00:03:47,130 --> 00:03:51,720
bring this bill back up for

88
00:03:48,420 --> 00:03:53,220
consideration Thank You Jerry recognize

89
00:03:51,720 --> 00:03:56,520
have meant ahead against the motion to

90
00:03:53,220 --> 00:03:58,730
reconsider mr. speaker members I'd like

91
00:03:56,520 --> 00:04:02,280
to be as brief as possible in wreath

92
00:03:58,730 --> 00:04:04,860
emphasizing a couple of points that have

93
00:04:02,280 --> 00:04:06,630
been made I think one of the main points

94
00:04:04,860 --> 00:04:10,170
against this bill is the fact that it

95

00:04:06,630 --> 00:04:12,150
tends to destroy the partnership between

96
00:04:10,170 --> 00:04:14,880
the Texas Highway department in the

97
00:04:12,150 --> 00:04:17,340
local counties that I think has afforded

98
00:04:14,880 --> 00:04:20,370
us probably the best highway system in

99
00:04:17,340 --> 00:04:21,680
the nation I happen to feel that the

100
00:04:20,370 --> 00:04:23,570
highway department has

101
00:04:21,680 --> 00:04:26,600
done a fine job I think it's one of the

102
00:04:23,570 --> 00:04:29,990
best state agencies that we have and I

103
00:04:26,600 --> 00:04:31,370
took the occasion when the highway

104
00:04:29,990 --> 00:04:33,889
department came before the

105
00:04:31,370 --> 00:04:35,870
Appropriations Committee I asked the

106
00:04:33,889 --> 00:04:37,580
state highway engineer what he thought

107
00:04:35,870 --> 00:04:40,639
about this bill and whether he thought

108
00:04:37,580 --> 00:04:42,740
it was a good idea and he stated very

109
00:04:40,639 --> 00:04:44,720
emphatically that he did not think it

110
00:04:42,740 --> 00:04:47,330
was a good idea that he did not think it

111
00:04:44,720 --> 00:04:49,880
was in the best interest of the highway

112
00:04:47,330 --> 00:04:52,100
system of the state of Texas and I think

113
00:04:49,880 --> 00:04:54,050
this weighs very heavily or should weigh

114
00:04:52,100 --> 00:04:56,930
very heavily in the consideration of

115
00:04:54,050 --> 00:04:59,930
whether this should be passed or not at

116
00:04:56,930 --> 00:05:01,789
the present time the local areas when

117
00:04:59,930 --> 00:05:04,610
they come to the highway commission to

118
00:05:01,789 --> 00:05:06,889
ask for the building of a new roadway

119
00:05:04,610 --> 00:05:09,259
realize that part of the responsibility

120
00:05:06,889 --> 00:05:11,389
is theirs that they're going to have to

121
00:05:09,259 --> 00:05:14,030
come up with some of the funds and I

122

00:05:11,389 --> 00:05:17,660
think that it makes it a situation where

123
00:05:14,030 --> 00:05:19,789
they will give more in-depth evaluation

124
00:05:17,660 --> 00:05:21,770
to whether or not they really need this

125
00:05:19,789 --> 00:05:24,740
road before they come to the Highway

126
00:05:21,770 --> 00:05:27,740
Commission and say we want it they have

127
00:05:24,740 --> 00:05:29,539
to come with at the present time the

128
00:05:27,740 --> 00:05:32,360
winning is to provide part of the

129
00:05:29,539 --> 00:05:34,729
funding now you heard Mr Munson say that

130
00:05:32,360 --> 00:05:38,419
this would cost some 12 million dollars

131
00:05:34,729 --> 00:05:41,330
a year I think that we need to allow the

132
00:05:38,419 --> 00:05:43,280
highway department to continue in the

133
00:05:41,330 --> 00:05:47,630
direction that they have for these many

134
00:05:43,280 --> 00:05:49,669
years to build the finest highway system

135
00:05:47,630 --> 00:05:51,949
that we have in this country and I hope

136
00:05:49,669 --> 00:05:56,000
that you'll vote against the motion to

137
00:05:51,949 --> 00:05:58,159
reconsider thank you mr. Wilson to close

138
00:05:56,000 --> 00:06:00,949
on his motion to reconsider mr. speaker

139
00:05:58,159 --> 00:06:02,960
and members I pointed out when I made

140
00:06:00,949 --> 00:06:05,120
this motion that there is an amendment

141
00:06:02,960 --> 00:06:07,970
pending here that would make it a 90/10

142
00:06:05,120 --> 00:06:10,340
split that reduces the cost from 12

143
00:06:07,970 --> 00:06:12,889
million to approximately nine million it

144
00:06:10,340 --> 00:06:14,330
does not in any way take the funds out

145
00:06:12,889 --> 00:06:16,639
of the Highway Trust Fund

146
00:06:14,330 --> 00:06:19,370
the highway department still has control

147
00:06:16,639 --> 00:06:21,409
of every nickel of those funds we cannot

148
00:06:19,370 --> 00:06:24,470
take them out there constitutionally

149

00:06:21,409 --> 00:06:27,979
dedicated the fund this year in our

150
00:06:24,470 --> 00:06:30,560
appropriation bill shows some 875

151
00:06:27,979 --> 00:06:31,669
million dollars appropriated to the

152
00:06:30,560 --> 00:06:33,529
highway department through

153
00:06:31,669 --> 00:06:35,240
appropriations of general revenue and

154
00:06:33,529 --> 00:06:37,759
the Highway Trust Fund

155
00:06:35,240 --> 00:06:40,310
that nine million dollars is less than

156
00:06:37,759 --> 00:06:42,949
1% or approximately one percent of that

157
00:06:40,310 --> 00:06:45,110
budget I'll guarantee you they can save

158
00:06:42,949 --> 00:06:47,690
that much money on yellow pain alone

159
00:06:45,110 --> 00:06:48,500
there's that much money thrown away in

160
00:06:47,690 --> 00:06:51,440
that department

161
00:06:48,500 --> 00:06:53,030
I have always cast votes supporting the

162
00:06:51,440 --> 00:06:55,849
highway department the state of Texas

163
00:06:53,030 --> 00:06:58,039
will continue to I cast votes supporting

164
00:06:55,849 --> 00:07:00,110
the Highway Trust Fund but I think they

165
00:06:58,039 --> 00:07:02,060
ought to spend the money where the fun

166
00:07:00,110 --> 00:07:04,430
is dedicated to spend it and that's

167
00:07:02,060 --> 00:07:06,259
highway they get away acquisition that's

168
00:07:04,430 --> 00:07:09,259
about there's a gentleman yield

169
00:07:06,259 --> 00:07:12,979
sure you gentleman yields much about mr.

170
00:07:09,259 --> 00:07:16,610
Wilson I think this is a very perplexing

171
00:07:12,979 --> 00:07:18,320
problem simply because this is supposed

172
00:07:16,610 --> 00:07:22,430
to be a partnership isn't that correct

173
00:07:18,320 --> 00:07:24,560
mr. Bach it's shall we say it's a

174
00:07:22,430 --> 00:07:27,169
loose-knit partnership at the time at

175
00:07:24,560 --> 00:07:28,669
the present time mr. Bach I think most

176

00:07:27,169 --> 00:07:30,530
of us will talk to our county

177
00:07:28,669 --> 00:07:32,960
commissioners and our city mayors and

178
00:07:30,530 --> 00:07:34,430
councilmen will find that the highway

179
00:07:32,960 --> 00:07:36,680
department of the state of Texas does

180
00:07:34,430 --> 00:07:38,120
just about what it wants to do and if

181
00:07:36,680 --> 00:07:41,449
you want to go along with them that's

182
00:07:38,120 --> 00:07:46,159
the partnership well mr. Wilson would it

183
00:07:41,449 --> 00:07:49,009
surprise you if I told you that in one

184
00:07:46,159 --> 00:07:51,080
particular instance that I know of the

185
00:07:49,009 --> 00:07:53,990
legislature has been told they don't

186
00:07:51,080 --> 00:07:55,580
have anything to do with the or the

187
00:07:53,990 --> 00:07:58,669
highway department doesn't have anything

188
00:07:55,580 --> 00:08:01,610
to do with determining where these roads

189
00:07:58,669 --> 00:08:03,289
go that that's left up to the to the

190
00:08:01,610 --> 00:08:06,409
commissioners and they've got all the

191
00:08:03,289 --> 00:08:07,969
say-so and in effect the legislature the

192
00:08:06,409 --> 00:08:11,240
highway department doesn't have any at

193
00:08:07,969 --> 00:08:13,070
all would that be a surprise to you well

194
00:08:11,240 --> 00:08:14,659
that would be a real surprise to me mr.

195
00:08:13,070 --> 00:08:15,830
Bach that the Highway Commission didn't

196
00:08:14,659 --> 00:08:18,409
say where the roads in the state of

197
00:08:15,830 --> 00:08:21,110
Texas went well that's happened on

198
00:08:18,409 --> 00:08:25,190
several occasions well places that I'm

199
00:08:21,110 --> 00:08:27,050
aware of but that's the very reason that

200
00:08:25,190 --> 00:08:29,270
my good friend Ben Reyes was up here

201
00:08:27,050 --> 00:08:31,639
today opposing this bill mr. Reyes

202
00:08:29,270 --> 00:08:33,649
thinks that the state ought to pay for

203

00:08:31,639 --> 00:08:35,000
highway right away but he's mad at the

204
00:08:33,649 --> 00:08:38,060
highway department because they haven't

205
00:08:35,000 --> 00:08:40,669
been responsive in his district and this

206
00:08:38,060 --> 00:08:42,140
bill if we adopt the amendment will

207
00:08:40,669 --> 00:08:44,510
certainly leave that partnership

208
00:08:42,140 --> 00:08:47,580
whatever quote the partnership is just

209
00:08:44,510 --> 00:08:50,070
as it is today and the state will bear

210
00:08:47,580 --> 00:08:51,870
more proportionate burden according to

211
00:08:50,070 --> 00:08:54,570
the methods that they have to raise the

212
00:08:51,870 --> 00:08:56,490
revenue and mr. Sullivan was exactly

213
00:08:54,570 --> 00:08:59,519
right when he came to this mic and said

214
00:08:56,490 --> 00:09:01,950
that the burden today is placed on the

215
00:08:59,519 --> 00:09:03,839
homeowner and the landowner in the state

216
00:09:01,950 --> 00:09:06,240
when it should be on the highway user

217
00:09:03,839 --> 00:09:09,390
tax that was dedicated for this purpose

218
00:09:06,240 --> 00:09:10,860
now I hope that you mr. Bach and all the

219
00:09:09,390 --> 00:09:13,110
members of this legislature will give us

220
00:09:10,860 --> 00:09:14,610
a fair run with this bill if after we

221
00:09:13,110 --> 00:09:16,890
amend that you want to vote against it

222
00:09:14,610 --> 00:09:18,120
fine but let us have an opportunity to

223
00:09:16,890 --> 00:09:19,860
bring the bill to the floor and offer

224
00:09:18,120 --> 00:09:27,149
the amendments I hope you'll go dial the

225
00:09:19,860 --> 00:09:29,310
motion to reconsider all right the

226
00:09:27,149 --> 00:09:30,990
question members members recur on the

227
00:09:29,310 --> 00:09:35,640
motion to reconsider the vote by which

228
00:09:30,990 --> 00:09:38,100
House bill 622 failed of engrossment or

229
00:09:35,640 --> 00:09:39,450
failed a final passage all those in

230

00:09:38,100 --> 00:09:41,279
favor of the motion to reconsider the

231
00:09:39,450 --> 00:09:42,930
vote all those opposed will vote no it's

232
00:09:41,279 --> 00:09:45,200
a record vote the clerk will read the

233
00:09:42,930 --> 00:09:45,200
mail

234
00:10:01,840 --> 00:10:05,340
have all members voted

235
00:10:23,140 --> 00:10:26,790
have all members voted

236
00:10:34,930 --> 00:10:37,709
sure is

237
00:11:02,580 --> 00:11:06,839
they're being 71 eyes and sixty-five

238
00:11:04,980 --> 00:11:10,040
nose a motion to reconsider the vote by

239
00:11:06,839 --> 00:11:14,820
which House bill 622 failed to pass

240
00:11:10,040 --> 00:11:16,860
prevails mr. speaker following amendment

241
00:11:14,820 --> 00:11:18,269
the clerk will read the amendment just a

242
00:11:16,860 --> 00:11:21,300
minute and I'll get you mr. Barry on

243
00:11:18,269 --> 00:11:24,019
ttis amendment by Wilson I'm in House

244
00:11:21,300 --> 00:11:27,510
bill 622 by striking the words from one

245
00:11:24,019 --> 00:11:30,870
mr. Wilson to explain the amendment mr.

246
00:11:27,510 --> 00:11:33,750
Barry antis Mr Speaker you were that we

247
00:11:30,870 --> 00:11:35,760
have the fourth grade class from zilker

248
00:11:33,750 --> 00:11:37,470
school with miss Hodges McMahon miss

249
00:11:35,760 --> 00:11:39,450
McDonald right up here in our gallery

250
00:11:37,470 --> 00:11:45,839
we're pleased to have them with us mr.

251
00:11:39,450 --> 00:11:48,540
very honest mr. speaker and members I

252
00:11:45,839 --> 00:11:51,300
want to thank you for the votes to

253
00:11:48,540 --> 00:11:53,130
reconsider this bill I have laid out the

254
00:11:51,300 --> 00:11:55,140
amendment that I spoke of in the debate

255
00:11:53,130 --> 00:11:57,420
on the motion to reconsider it strikes

256
00:11:55,140 --> 00:12:00,029
the words a hundred percent and says not

257

00:11:57,420 --> 00:12:05,329
less than 90% and I would move adoption

258
00:12:00,029 --> 00:12:08,640
of the amendment mr. Munsen to speak

259
00:12:05,329 --> 00:12:10,950
against the amendment mr. speaker and

260
00:12:08,640 --> 00:12:15,089
members I think mr. Wilson is now just

261
00:12:10,950 --> 00:12:17,430
using a move to try to lower the

262
00:12:15,089 --> 00:12:19,110
percentage to some point where he can

263
00:12:17,430 --> 00:12:22,560
pick up the necessary votes

264
00:12:19,110 --> 00:12:24,690
mr. Sullivan spoke of his position on

265
00:12:22,560 --> 00:12:27,360
this amendment and I think that most of

266
00:12:24,690 --> 00:12:29,040
his arguments were to the effect that he

267
00:12:27,360 --> 00:12:31,529
was opposed to the way the highway

268
00:12:29,040 --> 00:12:33,810
department in general and operators he

269
00:12:31,529 --> 00:12:36,270
may also be opposed to the highway fund

270
00:12:33,810 --> 00:12:39,420
that's I submit that that's not the

271
00:12:36,270 --> 00:12:42,660
question before us today that highway

272
00:12:39,420 --> 00:12:44,910
fund has X dollars in it whatever if

273
00:12:42,660 --> 00:12:47,430
it's 800 million dollars this time

274
00:12:44,910 --> 00:12:50,990
that's what's in that highway fund the

275
00:12:47,430 --> 00:12:53,370
growth rate of the highway fund has

276
00:12:50,990 --> 00:12:55,860
decreased and as a matter of fact is

277
00:12:53,370 --> 00:12:58,500
expected not to increase whatsoever in

278
00:12:55,860 --> 00:13:02,190
the future that is because even though

279
00:12:58,500 --> 00:13:05,910
gasoline prices increase the tax is a

280
00:13:02,190 --> 00:13:07,769
five cent per gallon tax and it is not

281
00:13:05,910 --> 00:13:10,320
it does not increase with the increase

282
00:13:07,769 --> 00:13:10,920
in gallons of with the increase in the

283
00:13:10,320 --> 00:13:13,649
price of

284

00:13:10,920 --> 00:13:18,000
gasoline less gallons of gasoline are

285
00:13:13,649 --> 00:13:23,040
sold it construction expenses have now

286
00:13:18,000 --> 00:13:26,519
increased just since 1966 over 200

287
00:13:23,040 --> 00:13:29,730
percent currently authorized but

288
00:13:26,519 --> 00:13:34,589
unfunded construction projects are now

289
00:13:29,730 --> 00:13:36,360
over 1 billion dollars just to purchase

290
00:13:34,589 --> 00:13:41,279
the right-of-way for currently

291
00:13:36,360 --> 00:13:43,889
authorized projects 250 million dollars

292
00:13:41,279 --> 00:13:46,199
certainly I'm for less getting more

293
00:13:43,889 --> 00:13:48,029
money in the highway fund if mr.

294
00:13:46,199 --> 00:13:51,360
Sullivan would like to help me get more

295
00:13:48,029 --> 00:13:53,610
dollars in the Siham fund mr. Wilson I

296
00:13:51,360 --> 00:13:55,949
would gladly be up here supporting this

297
00:13:53,610 --> 00:13:56,940
amendment let's increase the tax on

298
00:13:55,949 --> 00:13:58,889
gasoline

299
00:13:56,940 --> 00:14:00,240
let's get enough dollars in here where

300
00:13:58,889 --> 00:14:02,730
we don't have to depend on the ad

301
00:14:00,240 --> 00:14:05,130
valorem tax however these gentlemen are

302
00:14:02,730 --> 00:14:07,410
not they're not doing anything but

303
00:14:05,130 --> 00:14:09,449
saying let's shift more of the burden to

304
00:14:07,410 --> 00:14:12,660
that fund which is already inadequate

305
00:14:09,449 --> 00:14:15,300
and yet where the dollars going to come

306
00:14:12,660 --> 00:14:17,310
from I'll submit to you that there's

307
00:14:15,300 --> 00:14:19,649
going to be a great tendency to go out

308
00:14:17,310 --> 00:14:22,440
and use more dollars to purchase right

309
00:14:19,649 --> 00:14:24,420
away and then those needed roads that we

310
00:14:22,440 --> 00:14:27,000
have in our districts there will be less

311

00:14:24,420 --> 00:14:30,800
dollars to build them with even

312
00:14:27,000 --> 00:14:33,899
currently today if no change was made by

313
00:14:30,800 --> 00:14:36,420
1980 that total fund is going to be used

314
00:14:33,899 --> 00:14:39,510
for maintenance only there are no funds

315
00:14:36,420 --> 00:14:42,240
going to be available by 1980 even to

316
00:14:39,510 --> 00:14:44,190
purchase or do new construction I was

317
00:14:42,240 --> 00:14:46,190
respectfully speakers able their memory

318
00:14:44,190 --> 00:14:48,240
at settlement will the gentleman yield

319
00:14:46,190 --> 00:14:49,829
gentleman's moved the table removed

320
00:14:48,240 --> 00:14:55,529
himself from the floor chair recognizes

321
00:14:49,829 --> 00:14:57,540
mr. Wilson yield in a minute mr.

322
00:14:55,529 --> 00:14:59,699
Sullivan mr. speaker and members

323
00:14:57,540 --> 00:15:01,890
this amendment reduces the bill from a

324
00:14:59,699 --> 00:15:04,140
hundred percent of the bearing of the

325
00:15:01,890 --> 00:15:06,839
cost by the Highway Trust Fund to 90

326
00:15:04,140 --> 00:15:09,029
percent mr. Munsen spoke against this

327
00:15:06,839 --> 00:15:11,100
amendment and I think mr. monster's

328
00:15:09,029 --> 00:15:13,740
plain motivation here to kill the bill

329
00:15:11,100 --> 00:15:16,680
obviously today the law requires not

330
00:15:13,740 --> 00:15:18,959
less than 50 percent there's bound to be

331
00:15:16,680 --> 00:15:20,550
some level that we as reasonable people

332
00:15:18,959 --> 00:15:22,620
can reach a conclusion on so

333
00:15:20,550 --> 00:15:25,290
percentage at the highway department off

334
00:15:22,620 --> 00:15:27,330
to bear the burden mr. Munsen is opposed

335
00:15:25,290 --> 00:15:28,860
to ninety percent he can come right up

336
00:15:27,330 --> 00:15:31,170
here and offer substitute amendment for

337
00:15:28,860 --> 00:15:32,730
fifty or sixty or fifty one or drop it

338

00:15:31,170 --> 00:15:34,740
down to forty if he's that concerned

339
00:15:32,730 --> 00:15:36,330
about the highway department he can drop

340
00:15:34,740 --> 00:15:37,830
it down to where the highway department

341
00:15:36,330 --> 00:15:39,450
doesn't have to bear the burden but ten

342
00:15:37,830 --> 00:15:43,170
percent of the cost in the counties and

343
00:15:39,450 --> 00:15:45,000
cities nine ninety percent so I I would

344
00:15:43,170 --> 00:15:46,560
submit to you this is a good amendment

345
00:15:45,000 --> 00:15:48,480
the reason I've offered this amendment

346
00:15:46,560 --> 00:15:50,400
is not to try to find a level that I

347
00:15:48,480 --> 00:15:52,380
think that each of you have vote for

348
00:15:50,400 --> 00:15:54,750
certainly I need each and every one of

349
00:15:52,380 --> 00:15:56,940
your vote but there was some discussion

350
00:15:54,750 --> 00:15:59,310
by members of this house that they

351
00:15:56,940 --> 00:16:01,880
wanted some local control left in the

352
00:15:59,310 --> 00:16:04,620
and they wanted that local control to be

353
00:16:01,880 --> 00:16:07,050
responsive to funds provided by the

354
00:16:04,620 --> 00:16:08,970
local area that the highway department

355
00:16:07,050 --> 00:16:11,280
couldn't come in and arbitrarily build a

356
00:16:08,970 --> 00:16:14,190
highway where local people didn't want

357
00:16:11,280 --> 00:16:17,130
it so this 10% guarantees on that local

358
00:16:14,190 --> 00:16:18,960
input and I do just submit to you that

359
00:16:17,130 --> 00:16:21,510
it's a good amendment it provides for

360
00:16:18,960 --> 00:16:23,160
the local control and the funds that

361
00:16:21,510 --> 00:16:24,870
we're talking about they're not thinking

362
00:16:23,160 --> 00:16:26,400
away from the highway department the

363
00:16:24,870 --> 00:16:28,320
highway department doesn't have to spend

364
00:16:26,400 --> 00:16:31,400
one penny of that ninety percent if they

365

00:16:28,320 --> 00:16:35,280
don't want to I'll yield to mr. Sullivan

366
00:16:31,400 --> 00:16:37,890
mr. speaker mr. Sullivan gentleman yield

367
00:16:35,280 --> 00:16:41,370
um it wasn't truly gentleman yields miss

368
00:16:37,890 --> 00:16:43,440
Sullivan mr. Wilson if I understood you

369
00:16:41,370 --> 00:16:45,240
may have brought this out but I'd like

370
00:16:43,440 --> 00:16:47,610
to touch on it one more time finder

371
00:16:45,240 --> 00:16:49,890
stood mr. Munson's argument to start

372
00:16:47,610 --> 00:16:52,050
with was that he was afraid of taking

373
00:16:49,890 --> 00:16:54,390
too much of this money out of the

374
00:16:52,050 --> 00:16:57,480
highway fund and yet this amendment

375
00:16:54,390 --> 00:16:59,850
would reduce the fiscal note by three

376
00:16:57,480 --> 00:17:01,860
million dollars would it not yes it does

377
00:16:59,850 --> 00:17:06,110
reduce it by some three million dollars

378
00:17:01,860 --> 00:17:08,339
mr. Sullivan I have obviously by my

379
00:17:06,110 --> 00:17:10,140
efforts on this bill it's not my

380
00:17:08,339 --> 00:17:12,390
intention to curry favor with a good

381
00:17:10,140 --> 00:17:14,670
roads association you know I could care

382
00:17:12,390 --> 00:17:16,440
what not whether mr. Robbins and the

383
00:17:14,670 --> 00:17:19,050
good roads association or anybody else

384
00:17:16,440 --> 00:17:21,690
or far against the highway department

385
00:17:19,050 --> 00:17:24,390
assuming its true responsibility and I

386
00:17:21,690 --> 00:17:26,220
think that this bill does what the

387
00:17:24,390 --> 00:17:28,380
people of Texas is expected it to do

388
00:17:26,220 --> 00:17:30,390
when they voted to have the permit

389
00:17:28,380 --> 00:17:32,100
Highway Trust Fund mr. Sullivan the

390
00:17:30,390 --> 00:17:33,600
money's there we're not taking it away

391
00:17:32,100 --> 00:17:36,660
we're just saying they spend it

392

00:17:33,600 --> 00:17:38,549
what it dedicated for well in mr. Monson

393
00:17:36,660 --> 00:17:39,870
speaking against this particular

394
00:17:38,549 --> 00:17:42,000
amendment to the bill though he's

395
00:17:39,870 --> 00:17:43,770
speaking directly opposed to what he was

396
00:17:42,000 --> 00:17:46,080
saying to us a few moments ago well let

397
00:17:43,770 --> 00:17:47,700
me say mr. Sullivan mr. Munsen you know

398
00:17:46,080 --> 00:17:49,020
hadn't fooled me and I hope he hadn't

399
00:17:47,700 --> 00:17:51,450
fooled any of the members of this house

400
00:17:49,020 --> 00:17:53,100
mr. Munsen thinks if he can defeat this

401
00:17:51,450 --> 00:17:55,080
amendment they didn't get it by a

402
00:17:53,100 --> 00:17:57,030
two-thirds vote which it requires put

403
00:17:55,080 --> 00:17:58,620
this amendment on that then he'll have a

404
00:17:57,030 --> 00:18:00,419
better chance to defeat the bill on

405
00:17:58,620 --> 00:18:02,340
engrossment and that's all he's doing

406
00:18:00,419 --> 00:18:04,410
he's not trying to find a realistic

407
00:18:02,340 --> 00:18:05,909
figure he just trying to defeat a bill

408
00:18:04,410 --> 00:18:07,380
to keep the money over there so the

409
00:18:05,909 --> 00:18:09,390
highway department can do whatever it

410
00:18:07,380 --> 00:18:11,220
darn well pleases with it and not have

411
00:18:09,390 --> 00:18:13,169
any direction by this body to spend it

412
00:18:11,220 --> 00:18:14,850
on what it's dedicated for this

413
00:18:13,169 --> 00:18:17,340
amendment know the words makes the bill

414
00:18:14,850 --> 00:18:19,289
so reasonable that even mr. Munsen that

415
00:18:17,340 --> 00:18:21,030
have a hard time voting against it in I

416
00:18:19,289 --> 00:18:22,559
think you figured that out mr. Munsen

417
00:18:21,030 --> 00:18:24,240
hates to go home if this amendment goes

418
00:18:22,559 --> 00:18:27,690
on their beef showing voting against

419

00:18:24,240 --> 00:18:31,650
this bill he I believe it's the weakest

420
00:18:27,690 --> 00:18:33,270
argument I ever heard thank you I hope

421
00:18:31,650 --> 00:18:39,600
you'll vote no on the motion to table

422
00:18:33,270 --> 00:18:41,460
this amendment mr. Wilson sent up an

423
00:18:39,600 --> 00:18:43,289
amendment mr. Munsen moves the table the

424
00:18:41,460 --> 00:18:45,210
question now occurs on a motion to table

425
00:18:43,289 --> 00:18:47,309
all those in favor of the motion to

426
00:18:45,210 --> 00:18:50,900
table of O'Doul those opposed to vote no

427
00:18:47,309 --> 00:18:50,900
it's a record vote the clerk ringabel

428
00:19:11,660 --> 00:19:18,500
well members voted show miss Thompson

429
00:19:16,730 --> 00:19:28,150
voting eyes don't matter already voting

430
00:19:18,500 --> 00:19:28,150
I though members thought it

431
00:19:48,580 --> 00:19:51,720
40 is 80

432
00:19:57,610 --> 00:20:04,720
there being 40 2096 no the motion to

433
00:20:01,150 --> 00:20:06,340
table fails the following amendment the

434
00:20:04,720 --> 00:20:09,250
clerk will read the amendment amendment

435
00:20:06,340 --> 00:20:12,160
to the amendment amendment to the

436
00:20:09,250 --> 00:20:14,380
amendment but I had I'm in the Wilson

437
00:20:12,160 --> 00:20:20,440
amendment to house for 20 minutes ahead

438
00:20:14,380 --> 00:20:23,080
to explain his amendment mr. speaker

439
00:20:20,440 --> 00:20:26,140
members all this does is return it where

440
00:20:23,080 --> 00:20:28,060
it has been for these many years during

441
00:20:26,140 --> 00:20:29,920
which time I think we have enjoyed the

442
00:20:28,060 --> 00:20:36,700
best highway system in the nation

443
00:20:29,920 --> 00:20:38,500
it changes the words 90% back to 50% and

444
00:20:36,700 --> 00:20:41,350
leaves us in the posture that we're in

445
00:20:38,500 --> 00:20:44,050
right now I want to re-emphasize to you

446

00:20:41,350 --> 00:20:46,450
we have had a fine highway system in

447
00:20:44,050 --> 00:20:49,180
this state we can continue to have that

448
00:20:46,450 --> 00:20:52,960
and I don't think that this is the time

449
00:20:49,180 --> 00:20:54,820
in these troubled economic conditions to

450
00:20:52,960 --> 00:20:57,250
start meddling with a system that's

451
00:20:54,820 --> 00:20:59,430
worked extremely well for a long long

452
00:20:57,250 --> 00:21:04,180
time but I would ask that you support

453
00:20:59,430 --> 00:21:07,300
this measure to substitute the language

454
00:21:04,180 --> 00:21:09,490
that's now in the law the 50% for the 90

455
00:21:07,300 --> 00:21:10,960
percent speaker with gentlemen here

456
00:21:09,490 --> 00:21:13,780
you know mr. hatten gentleman yield the

457
00:21:10,960 --> 00:21:16,690
floor mr. Hall chair recognizes mr.

458
00:21:13,780 --> 00:21:18,100
Wilson opposition to the amendment to

459
00:21:16,690 --> 00:21:19,780
the amendment Baker and members mr.

460
00:21:18,100 --> 00:21:21,310
haire didn't tell you what percentage he

461
00:21:19,780 --> 00:21:23,950
has and his amendment it's 50 percent

462
00:21:21,310 --> 00:21:26,110
not less than 50 that's the president

463
00:21:23,950 --> 00:21:27,310
law today mr. head might as well have

464
00:21:26,110 --> 00:21:29,140
gotten up here and made a motion to

465
00:21:27,310 --> 00:21:32,230
table the bill or strike the enacting

466
00:21:29,140 --> 00:21:33,730
Clause so the amendment is exactly the

467
00:21:32,230 --> 00:21:35,410
present law if you adopt the head

468
00:21:33,730 --> 00:21:37,480
amendment your doctor you're adopting a

469
00:21:35,410 --> 00:21:39,310
bill it just restates exactly Fred of

470
00:21:37,480 --> 00:21:41,590
the law the reason I make a motion as

471
00:21:39,310 --> 00:21:43,060
though we're Jim with you gentleman's

472
00:21:41,590 --> 00:21:44,040
moved the table and removed himself on

473

00:21:43,060 --> 00:21:46,720

the floor misto

474

00:21:44,040 --> 00:21:47,800

question now occurs only mr. had to

475

00:21:46,720 --> 00:21:49,870

close on his amendment to the amendment

476

00:21:47,800 --> 00:21:52,090

I believe it's rare the simple argument

477

00:21:49,870 --> 00:21:53,890

either for it or against it there's how

478

00:21:52,090 --> 00:21:56,650

do you want to ask a question and so

479

00:21:53,890 --> 00:21:58,120

with the gentleman yield mr. mr. head

480

00:21:56,650 --> 00:22:01,050

that your Amendment say that the highway

481

00:21:58,120 --> 00:22:03,310

department can spend not less than 50%

482

00:22:01,050 --> 00:22:04,900

which means under your amendment all

483

00:22:03,310 --> 00:22:06,280

under your amendment if they had the

484

00:22:04,900 --> 00:22:07,870

money and they decided they had the

485

00:22:06,280 --> 00:22:08,650

money they could pay 100 percent could

486

00:22:07,870 --> 00:22:10,470

did not avail

487
00:22:08,650 --> 00:22:14,070
okay let me ask you something else

488
00:22:10,470 --> 00:22:15,780
yes sir in my area in my district there

489
00:22:14,070 --> 00:22:19,679
is there is right away that was

490
00:22:15,780 --> 00:22:22,289
purchased as long as 10 years ago for a

491
00:22:19,679 --> 00:22:23,730
freeway system ten years ago the highway

492
00:22:22,289 --> 00:22:25,679
department is not completed those

493
00:22:23,730 --> 00:22:27,210
highways because they tell us at

494
00:22:25,679 --> 00:22:29,429
meetings in my community don't have

495
00:22:27,210 --> 00:22:31,110
enough money yes now what's going to

496
00:22:29,429 --> 00:22:33,960
happen if mr. Wilson takes some more of

497
00:22:31,110 --> 00:22:35,490
that money to buy right away 90% of the

498
00:22:33,960 --> 00:22:37,380
right of wind is there when we have paid

499
00:22:35,490 --> 00:22:39,539
50 percent of the cost by right away and

500

00:22:37,380 --> 00:22:41,400
still can't get a highways bill mr. Hall

501
00:22:39,539 --> 00:22:43,169
I think you put your finger right on the

502
00:22:41,400 --> 00:22:45,870
problem I think it's going to take even

503
00:22:43,169 --> 00:22:47,760
longer for you to get a highway and I

504
00:22:45,870 --> 00:22:50,730
think that you want to vote for my

505
00:22:47,760 --> 00:22:53,490
amendment to see that as much money as

506
00:22:50,730 --> 00:22:55,830
possible goes into actual construction I

507
00:22:53,490 --> 00:22:58,320
don't think it's an imposition at all on

508
00:22:55,830 --> 00:23:00,659
any local area to furnish part of the

509
00:22:58,320 --> 00:23:03,659
cost for the right-of-way I think if

510
00:23:00,659 --> 00:23:05,340
they seriously want the road I think

511
00:23:03,659 --> 00:23:09,390
they'll be glad to furnish it just like

512
00:23:05,340 --> 00:23:11,490
that's what separates those that might

513
00:23:09,390 --> 00:23:13,409
come down here and ask for roads that

514
00:23:11,490 --> 00:23:16,740
they really wouldn't need what would

515
00:23:13,409 --> 00:23:18,750
keep a group from coming for any kind of

516
00:23:16,740 --> 00:23:20,070
desire that they might have if they

517
00:23:18,750 --> 00:23:21,690
didn't have to furnish part of it I

518
00:23:20,070 --> 00:23:30,419
think your points well I think I think

519
00:23:21,690 --> 00:23:33,570
you've got a good amendment mr. mr. head

520
00:23:30,419 --> 00:23:35,909
as a practical result of the Wilson bill

521
00:23:33,570 --> 00:23:38,970
without your amendment what we're really

522
00:23:35,909 --> 00:23:42,240
setting up is the stage for about a five

523
00:23:38,970 --> 00:23:44,130
cents per gallon gasoline tax increase

524
00:23:42,240 --> 00:23:46,320
two years from now isn't that correct

525
00:23:44,130 --> 00:23:48,720
mr. Hall well I think that would be a

526
00:23:46,320 --> 00:23:50,340
certainly a great possibility because

527

00:23:48,720 --> 00:23:52,169
you're not going to create this money

528
00:23:50,340 --> 00:23:55,620
that the state is going to give to the

529
00:23:52,169 --> 00:23:57,929
counties without either empowering the

530
00:23:55,620 --> 00:24:01,110
highway development presently which is

531
00:23:57,929 --> 00:24:03,360
underfunded are raising the tax so we're

532
00:24:01,110 --> 00:24:05,070
just well to know that we're really

533
00:24:03,360 --> 00:24:07,679
voting on a five cents per gallon

534
00:24:05,070 --> 00:24:11,909
gasoline tax if we don't adopt your

535
00:24:07,679 --> 00:24:14,039
amendment yes sir mr. speaker with the

536
00:24:11,909 --> 00:24:14,789
gentleman yield yeah do you know any

537
00:24:14,039 --> 00:24:16,530
others not to blame

538
00:24:14,789 --> 00:24:18,360
mr. haire don't you believe that we're

539
00:24:16,530 --> 00:24:20,990
going to get more roads in our counties

540
00:24:18,360 --> 00:24:23,420
if we adopt your Amendment and

541
00:24:20,990 --> 00:24:25,340
50/50 basis that the state and the

542
00:24:23,420 --> 00:24:27,679
counties going together hand-in-hand to

543
00:24:25,340 --> 00:24:29,750
build these roads mr. Blake I think it's

544
00:24:27,679 --> 00:24:31,910
working extremely well for these many

545
00:24:29,750 --> 00:24:34,760
years I think what you say is absolutely

546
00:24:31,910 --> 00:24:39,950
correct and I just ask for a vote in

547
00:24:34,760 --> 00:24:42,770
favor of this amendment mr. heads ends

548
00:24:39,950 --> 00:24:44,660
up in the mint mr. Wilson moves the

549
00:24:42,770 --> 00:24:46,700
table the question record on a motion to

550
00:24:44,660 --> 00:24:48,440
table all those in favor of the motion

551
00:24:46,700 --> 00:24:50,030
to table of vote aye all those opposed

552
00:24:48,440 --> 00:24:52,300
will vote no it's a record vote the

553
00:24:50,030 --> 00:24:54,800
clerk will ring the bell

554

00:24:52,300 --> 00:24:56,150
excuse representative fain because we

555
00:24:54,800 --> 00:24:57,830
important business on a motion risk

556
00:24:56,150 --> 00:25:10,480
event achiever is there objection

557
00:24:57,830 --> 00:25:10,480
cheers none so mr. whittmore voting no

558
00:25:13,179 --> 00:25:22,150
all members voted Hill mr. Allen voting

559
00:25:18,200 --> 00:25:22,150
aye vote members voted

560
00:25:39,530 --> 00:25:43,990
if it's not you know got a close vote

561
00:25:48,500 --> 00:25:55,130
no paper trail 10:30

562
00:26:00,560 --> 00:26:10,520
they're being 73 eyes and 63 nose the

563
00:26:04,280 --> 00:26:12,290
motion to table prevails following

564
00:26:10,520 --> 00:26:16,130
amendment to the amendment clerk will

565
00:26:12,290 --> 00:26:18,140
read the amendment amendment to the

566
00:26:16,130 --> 00:26:19,460
amendment by Munson I'm in the Wilson

567
00:26:18,140 --> 00:26:24,770
amendment to House bill six

568
00:26:19,460 --> 00:26:28,850
mr. Monson to explain the amendment mr.

569
00:26:24,770 --> 00:26:31,690
speaker members I I see the wisdom of

570
00:26:28,850 --> 00:26:37,010
some of the points mr. Wilson is making

571
00:26:31,690 --> 00:26:39,620
you all have helped me see it however I

572
00:26:37,010 --> 00:26:43,340
think the basic problem is still there

573
00:26:39,620 --> 00:26:46,220
and if we want to provide some relief

574
00:26:43,340 --> 00:26:47,690
for our local counties then let's be

575
00:26:46,220 --> 00:26:53,680
reasonable about it

576
00:26:47,690 --> 00:26:57,500
my amendment raises the 50% sharing -

577
00:26:53,680 --> 00:27:00,230
6040 sharing that means the highway

578
00:26:57,500 --> 00:27:03,830
department will pay 60% of the cost of

579
00:27:00,230 --> 00:27:08,060
the right away and the local county or

580
00:27:03,830 --> 00:27:12,110
the city will pay 40% this in effect

581

00:27:08,060 --> 00:27:14,540
gives them a 10% reduction and the cost

582
00:27:12,110 --> 00:27:16,880
of the right away that they will have to

583
00:27:14,540 --> 00:27:19,610
buy and certainly should offset any

584
00:27:16,880 --> 00:27:21,500
inflationary factor that we've had in in

585
00:27:19,610 --> 00:27:24,800
recent years in the costs of this

586
00:27:21,500 --> 00:27:27,460
acquisition mr. picker miss Larry but

587
00:27:24,800 --> 00:27:30,350
gentleman yield for 2002 mr. Munsen

588
00:27:27,460 --> 00:27:32,660
Gilman gentleman yields mr. Larry mr.

589
00:27:30,350 --> 00:27:35,840
Munsen when you get into these highway

590
00:27:32,660 --> 00:27:38,090
right away purchases sometimes we get in

591
00:27:35,840 --> 00:27:40,550
the condemnation court don't we yes sir

592
00:27:38,090 --> 00:27:42,920
and where does that usually hell where's

593
00:27:40,550 --> 00:27:45,800
in the local county and who sits on

594
00:27:42,920 --> 00:27:47,150
those juries local jury now the local

595
00:27:45,800 --> 00:27:49,970
jury is sitting on that condemnation

596
00:27:47,150 --> 00:27:51,260
suit they know that part of the money is

597
00:27:49,970 --> 00:27:53,510
going to come out of their tax dollar

598
00:27:51,260 --> 00:27:55,010
don't they yes sir

599
00:27:53,510 --> 00:27:56,780
and helps them keep a little bit more

600
00:27:55,010 --> 00:27:58,250
realistic figure on how much they pay

601
00:27:56,780 --> 00:28:00,470
for those right always doesn't it I

602
00:27:58,250 --> 00:28:01,940
think it make a big difference at state

603
00:28:00,470 --> 00:28:03,140
of Texas coming down there and putting

604
00:28:01,940 --> 00:28:05,120
all the money in there

605
00:28:03,140 --> 00:28:06,770
you think the local folks are going to

606
00:28:05,120 --> 00:28:08,660
pay nearly as much attention to what

607
00:28:06,770 --> 00:28:10,820
they award in these condemnation suits

608

00:28:08,660 --> 00:28:12,330
and these right away things no sir

609
00:28:10,820 --> 00:28:14,010
they just like when they know

610
00:28:12,330 --> 00:28:16,080
insurance company is going to pay the

611
00:28:14,010 --> 00:28:18,270
damage claim I just sort of stick the

612
00:28:16,080 --> 00:28:19,920
state will get those other folks and it

613
00:28:18,270 --> 00:28:21,630
was our two hundred and fifty three

614
00:28:19,920 --> 00:28:23,850
counties hitting that right just felt

615
00:28:21,630 --> 00:28:25,740
like sooner railroad this is one of the

616
00:28:23,850 --> 00:28:28,140
little self governing mechanisms that

617
00:28:25,740 --> 00:28:30,300
we're so wisely camping the highway

618
00:28:28,140 --> 00:28:33,300
system in state of Texas hidden it I

619
00:28:30,300 --> 00:28:34,860
think you're exactly right mr. Larry mr.

620
00:28:33,300 --> 00:28:38,400
picker will the gentleman yield mr.

621
00:28:34,860 --> 00:28:40,230
Mason to Munson did you give us some

622
00:28:38,400 --> 00:28:42,660
kind of a figure or percentage reduction

623
00:28:40,230 --> 00:28:46,140
that this would give to the local area

624
00:28:42,660 --> 00:28:49,230
well it's 50/50 now I'm lowering it to

625
00:28:46,140 --> 00:28:51,840
forty sixty in other words the local

626
00:28:49,230 --> 00:28:54,450
government will pay forty percent of the

627
00:28:51,840 --> 00:28:56,880
cost of the right away instead of fifty

628
00:28:54,450 --> 00:28:58,640
percent today what what percentage

629
00:28:56,880 --> 00:29:01,920
reduction that you say that would be

630
00:28:58,640 --> 00:29:03,990
well actually it's 20 percent all right

631
00:29:01,920 --> 00:29:06,450
I just wanted to make sure that mr.

632
00:29:03,990 --> 00:29:09,630
Munson because we have we have some nine

633
00:29:06,450 --> 00:29:11,520
school children over here and we just

634
00:29:09,630 --> 00:29:20,070
didn't want them to get the mathematics

635

00:29:11,520 --> 00:29:23,730
all confused however this is a 20

636
00:29:20,070 --> 00:29:26,580
percent reduction on what it current the

637
00:29:23,730 --> 00:29:28,590
current lawyers if you feel that we need

638
00:29:26,580 --> 00:29:30,840
to give the local government some relief

639
00:29:28,590 --> 00:29:33,180
let's do it without completely

640
00:29:30,840 --> 00:29:36,090
destroying the ability of the fund to

641
00:29:33,180 --> 00:29:40,080
function I ask you to vote aye on their

642
00:29:36,090 --> 00:29:41,940
memory mr. Wilson speak against the

643
00:29:40,080 --> 00:29:44,730
amendment the amendment mr. speaker and

644
00:29:41,940 --> 00:29:47,640
members I have to admit I love old Ben

645
00:29:44,730 --> 00:29:49,800
Munson I know he's persistent we all

646
00:29:47,640 --> 00:29:51,840
recognize that from his boat bill I

647
00:29:49,800 --> 00:29:53,040
tried to help you with that vote bill

648
00:29:51,840 --> 00:29:55,680
everywhere I could and he finally

649
00:29:53,040 --> 00:29:57,810
understood and we all know it's a little

650
00:29:55,680 --> 00:29:59,160
slow to learn but he submitted today

651
00:29:57,810 --> 00:30:01,770
that he learned a little something about

652
00:29:59,160 --> 00:30:04,860
highway right away acquisition he's come

653
00:30:01,770 --> 00:30:06,420
around to 60% now and I think if we just

654
00:30:04,860 --> 00:30:07,950
keep table in these motions he's

655
00:30:06,420 --> 00:30:09,510
probably gonna go to seventy seventy

656
00:30:07,950 --> 00:30:11,160
five percent we're going to be right

657
00:30:09,510 --> 00:30:12,510
back where we were and vote out a good

658
00:30:11,160 --> 00:30:14,850
bill out of the house and I hope you'll

659
00:30:12,510 --> 00:30:17,610
join with me in voting on the motion the

660
00:30:14,850 --> 00:30:18,990
table mr. Munson's amendment to Monsen

661
00:30:17,610 --> 00:30:20,490
send to have an amendment mr. Wilson

662

00:30:18,990 --> 00:30:21,790
mood stable equation occurred on a

663
00:30:20,490 --> 00:30:23,500
motion table all over

664
00:30:21,790 --> 00:30:25,360
favor the motion table vote all those

665
00:30:23,500 --> 00:30:28,230
opposed to vote no it's a record vote

666
00:30:25,360 --> 00:30:28,230
the clerk will ring the bell

667
00:30:47,020 --> 00:30:55,730
have all members voted so mr. Allen

668
00:30:52,130 --> 00:31:08,170
voting a human chairman voting No

669
00:30:55,730 --> 00:31:08,170
have all members voted it's Lawrence

670
00:31:35,490 --> 00:31:42,710
their show mr. cartledge voting aye

671
00:31:39,409 --> 00:31:42,710
instead of No

672
00:31:52,600 --> 00:32:01,930
they're being 73 eyes and 64 nose the

673
00:31:56,410 --> 00:32:05,020
motion detail prevails it's a head to

674
00:32:01,930 --> 00:32:06,610
speak against the adoption no they will

675
00:32:05,020 --> 00:32:08,830
submit my fake remembers we're back on

676
00:32:06,610 --> 00:32:10,180
the amendment they on the amendments 90%

677
00:32:08,830 --> 00:32:13,840
if I could have your attention for just

678
00:32:10,180 --> 00:32:15,850
a brief period they some third reading

679
00:32:13,840 --> 00:32:17,770
today it takes two-thirds vote to put

680
00:32:15,850 --> 00:32:19,510
this amendment on those of you who feel

681
00:32:17,770 --> 00:32:21,010
is identity we have a good Highway

682
00:32:19,510 --> 00:32:24,010
Department and they've had a very good

683
00:32:21,010 --> 00:32:25,660
system of roads for many years I would

684
00:32:24,010 --> 00:32:27,850
ask that you vote against the adoption

685
00:32:25,660 --> 00:32:30,280
of this amendment at that point then

686
00:32:27,850 --> 00:32:32,440
we'll be back on the issue whether we're

687
00:32:30,280 --> 00:32:34,360
going a hundred percent or 50 percent we

688
00:32:32,440 --> 00:32:36,130
can make that decision in a clear clean

689

00:32:34,360 --> 00:32:41,680
manner I would urge that you vote

690
00:32:36,130 --> 00:32:45,070
against the amendment that's settlement

691
00:32:41,680 --> 00:32:48,250
to speak for the Wilson amendment the

692
00:32:45,070 --> 00:32:50,620
speaker members I hope you will pay very

693
00:32:48,250 --> 00:32:52,180
close attention because it does take 2/3

694
00:32:50,620 --> 00:32:54,760
votes I understand it to put this

695
00:32:52,180 --> 00:32:56,770
amendment on now what mr. head has just

696
00:32:54,760 --> 00:33:00,370
got through doing is voted and he voted

697
00:32:56,770 --> 00:33:02,620
against that 60% of an month that mr.

698
00:33:00,370 --> 00:33:06,610
Munsen put up because he was afraid that

699
00:33:02,620 --> 00:33:09,190
he could not sustain his vote against

700
00:33:06,610 --> 00:33:10,750
this amendment at that point he has no

701
00:33:09,190 --> 00:33:14,260
interest whatsoever in trying to help

702
00:33:10,750 --> 00:33:16,120
clean up the bill he I think himself

703
00:33:14,260 --> 00:33:18,010
would be very candid and admit to you

704
00:33:16,120 --> 00:33:21,420
then what he wants to do is make the

705
00:33:18,010 --> 00:33:26,110
choice a 50/50 choice rather than a

706
00:33:21,420 --> 00:33:30,700
90/10 versus 50/50 he wants it to be

707
00:33:26,110 --> 00:33:32,890
50/50 versus 100% so that he thinks that

708
00:33:30,700 --> 00:33:34,480
he can win his boat better he has no

709
00:33:32,890 --> 00:33:37,690
interest in cleaning up the bill

710
00:33:34,480 --> 00:33:39,610
and when you argue that against an

711
00:33:37,690 --> 00:33:43,150
amendment which is moving toward your

712
00:33:39,610 --> 00:33:46,420
position it's obvious that you're your

713
00:33:43,150 --> 00:33:49,030
only argument is that the amendment

714
00:33:46,420 --> 00:33:50,290
makes it too reasonable it makes it so

715
00:33:49,030 --> 00:33:54,280
reasonable that he had a hard time

716

00:33:50,290 --> 00:33:56,050
voting against it himself and when

717
00:33:54,280 --> 00:33:58,330
that's the best argument you've got that

718
00:33:56,050 --> 00:34:00,580
that an amendment you know is too

719
00:33:58,330 --> 00:34:02,860
reasonable then it's about as weak an

720
00:34:00,580 --> 00:34:04,390
argument as I can think of and that's

721
00:34:02,860 --> 00:34:06,520
the position that mr.

722
00:34:04,390 --> 00:34:08,919
mr. Monson have put themselves in and

723
00:34:06,520 --> 00:34:11,440
voting against mr. Wilson's Amendment

724
00:34:08,919 --> 00:34:13,570
which does move in their direction and

725
00:34:11,440 --> 00:34:16,000
so I hope that you'll give us a

726
00:34:13,570 --> 00:34:19,270
two-thirds vote to allow mr. Wilson put

727
00:34:16,000 --> 00:34:21,159
this amendment on mr. Wilson to close on

728
00:34:19,270 --> 00:34:23,230
his amendment mr. speaker and members I

729
00:34:21,159 --> 00:34:25,480
think mr. Sullivan has said about all

730
00:34:23,230 --> 00:34:27,970
there is to say on the amendment I think

731
00:34:25,480 --> 00:34:29,860
it is a compromise it does put local

732
00:34:27,970 --> 00:34:32,440
control in this bill if some of you had

733
00:34:29,860 --> 00:34:33,970
some concern about we tried to work that

734
00:34:32,440 --> 00:34:36,190
out I think it's a good amendment makes

735
00:34:33,970 --> 00:34:38,169
the bill very reasonable and I think

736
00:34:36,190 --> 00:34:41,140
it's one we ought to adopt I hope you'll

737
00:34:38,169 --> 00:34:42,850
vote with us I on the amendment members

738
00:34:41,140 --> 00:34:44,440
the question occurs only adoption of the

739
00:34:42,850 --> 00:34:45,850
Wilson amendment all those in favor the

740
00:34:44,440 --> 00:34:48,130
adoption amendment would vote aye all

741
00:34:45,850 --> 00:34:51,270
those opposed will vote no it's a record

742
00:34:48,130 --> 00:34:51,270
vote the clerk will ring the bell

743

00:35:02,560 --> 00:35:06,150
have all members voted

744
00:35:15,060 --> 00:35:18,650
have all members voted

745
00:35:52,170 --> 00:36:01,650
having 73 eyes and sixty-five nose the

746
00:35:56,250 --> 00:36:04,980
amendment fails of adoption question now

747
00:36:01,650 --> 00:36:10,110
occurs on final passage anybody to speak

748
00:36:04,980 --> 00:36:12,660
against mr. Munsen speak against mr.

749
00:36:10,110 --> 00:36:22,020
Pickering members I tried to work out

750
00:36:12,660 --> 00:36:27,540
some sort of a compromise well I thought

751
00:36:22,020 --> 00:36:30,540
I didn't I supported the the 60% the

752
00:36:27,540 --> 00:36:33,030
6040 provision now we're back on whether

753
00:36:30,540 --> 00:36:35,190
or not it should be straight hundred

754
00:36:33,030 --> 00:36:38,250
percent purchase of right away

755
00:36:35,190 --> 00:36:42,050
by the highway department this has

756
00:36:38,250 --> 00:36:44,850
absolutely no local control factor in it

757
00:36:42,050 --> 00:36:48,150
your county governments will have no way

758
00:36:44,850 --> 00:36:49,770
to exercise their influence the way this

759
00:36:48,150 --> 00:36:51,690
amendment is written now let's display

760
00:36:49,770 --> 00:36:52,500
the bills written now mr. temple Villa

761
00:36:51,690 --> 00:36:54,960
gentleman yield

762
00:36:52,500 --> 00:36:56,550
yes Yemeni office now mr. Monson we just

763
00:36:54,960 --> 00:36:58,950
voted on an amendment that would give

764
00:36:56,550 --> 00:37:01,650
local control didn't we how'd you vote

765
00:36:58,950 --> 00:37:04,560
on that amendment no because I thought

766
00:37:01,650 --> 00:37:08,010
it was too much money I did vote for the

767
00:37:04,560 --> 00:37:12,150
6040 I thought that was reasonable

768
00:37:08,010 --> 00:37:14,280
that's a 20% increase it failed to go on

769
00:37:12,150 --> 00:37:16,560
and now we're talking about whether or

770

00:37:14,280 --> 00:37:19,700
not we ought to have the highway fund

771
00:37:16,560 --> 00:37:23,250
burying the total right away cause I

772
00:37:19,700 --> 00:37:25,790
just we just don't have the money and

773
00:37:23,250 --> 00:37:29,570
the highway fund to do this first

774
00:37:25,790 --> 00:37:32,130
secondly there is just no local control

775
00:37:29,570 --> 00:37:34,110
whatsoever and if you're concerned about

776
00:37:32,130 --> 00:37:36,510
the highway department running over

777
00:37:34,110 --> 00:37:38,100
local government before you can just

778
00:37:36,510 --> 00:37:40,110
think of what the problem will be now

779
00:37:38,100 --> 00:37:43,010
when local government hadn't coming up

780
00:37:40,110 --> 00:37:46,590
with any portion of the right away I

781
00:37:43,010 --> 00:37:47,910
move I respectfully urge you all will

782
00:37:46,590 --> 00:37:50,490
the gentleman yield for one question

783
00:37:47,910 --> 00:37:53,100
he'll miss mustn't yes gentleman yields

784
00:37:50,490 --> 00:37:56,300
miss Halliwell mr. Munsen when when this

785
00:37:53,100 --> 00:38:00,480
right away is condemned by condemnation

786
00:37:56,300 --> 00:38:02,970
procedures and when the County jury now

787
00:38:00,480 --> 00:38:04,120
and those people fully understand that

788
00:38:02,970 --> 00:38:06,460
out of their County

789
00:38:04,120 --> 00:38:07,960
I'm tax fund they're paying for half of

790
00:38:06,460 --> 00:38:10,600
the purchase of that right away

791
00:38:07,960 --> 00:38:12,760
and so when they said upon the jury

792
00:38:10,600 --> 00:38:14,740
there is some constraint upon their part

793
00:38:12,760 --> 00:38:17,560
to make sure that they're not paying

794
00:38:14,740 --> 00:38:19,570
more then that land is worth isn't that

795
00:38:17,560 --> 00:38:21,610
correct yes sir mr. Halliwell

796
00:38:19,570 --> 00:38:23,830
and and and now when we get to the

797

00:38:21,610 --> 00:38:25,810
concept of where all of its going to be

798
00:38:23,830 --> 00:38:27,880
paid out of the rich highway department

799
00:38:25,810 --> 00:38:30,760
gone down in Austin and they get federal

800
00:38:27,880 --> 00:38:33,100
money and it's going to be very easy for

801
00:38:30,760 --> 00:38:34,480
the lawyers to get up and say well you

802
00:38:33,100 --> 00:38:36,160
know this not going to come out of your

803
00:38:34,480 --> 00:38:37,990
local pocket let's go ahead and give

804
00:38:36,160 --> 00:38:40,720
that landowner about three or four times

805
00:38:37,990 --> 00:38:42,400
what that land is worth out there do you

806
00:38:40,720 --> 00:38:44,020
mean it's kind of like the saying let

807
00:38:42,400 --> 00:38:45,700
the federal government pay yeah that's

808
00:38:44,020 --> 00:38:47,550
right everything's free they come from

809
00:38:45,700 --> 00:38:50,230
the federal government according to some

810
00:38:47,550 --> 00:38:52,500
and what this is going to do is going to

811
00:38:50,230 --> 00:38:55,300
take us away from responsibility and

812
00:38:52,500 --> 00:38:57,340
sensible government and create the kind

813
00:38:55,300 --> 00:39:00,900
of chaotic situation that they have in

814
00:38:57,340 --> 00:39:03,640
Washington today in that correct yes sir

815
00:39:00,900 --> 00:39:04,000
let's figure with the gentlemen Neil yes

816
00:39:03,640 --> 00:39:05,950
sir

817
00:39:04,000 --> 00:39:07,450
gentleman yields miss plague mr. Munsen

818
00:39:05,950 --> 00:39:08,680
if the state wanted to pay more the

819
00:39:07,450 --> 00:39:10,240
right away now they could is that

820
00:39:08,680 --> 00:39:12,460
correct that's correct

821
00:39:10,240 --> 00:39:14,410
it's permissive today for the highway

822
00:39:12,460 --> 00:39:16,180
department to pay more than 50 percent

823
00:39:14,410 --> 00:39:18,520
of the right away mr. Munsen have you

824

00:39:16,180 --> 00:39:19,930
had an occasion to go before the Highway

825
00:39:18,520 --> 00:39:23,110
Commission with the Commissioner's Court

826
00:39:19,930 --> 00:39:23,950
in requests for highways to be built or

827
00:39:23,110 --> 00:39:27,940
yes sir

828
00:39:23,950 --> 00:39:30,670
and all in every case the Highway

829
00:39:27,940 --> 00:39:32,470
Commission will ask the county judge do

830
00:39:30,670 --> 00:39:34,210
you have the money for the right away to

831
00:39:32,470 --> 00:39:37,030
show that they are in cooperation with

832
00:39:34,210 --> 00:39:39,010
the project you aware of that well what

833
00:39:37,030 --> 00:39:44,050
will they ask the county judge now I

834
00:39:39,010 --> 00:39:45,400
mean I don't know do you think that the

835
00:39:44,050 --> 00:39:47,500
counties are going to have much

836
00:39:45,400 --> 00:39:50,500
influence with the Highway Commission on

837
00:39:47,500 --> 00:39:55,210
where the roads will go I don't I don't

838
00:39:50,500 --> 00:39:58,360
see how they can I think the reasons are

839
00:39:55,210 --> 00:40:00,160
abundantly clear members we have taken a

840
00:39:58,360 --> 00:40:02,800
lot of time this morning on this issue

841
00:40:00,160 --> 00:40:05,500
it's a clear question of whether we want

842
00:40:02,800 --> 00:40:08,140
to have local control and whether or not

843
00:40:05,500 --> 00:40:14,350
the highway fund can support it ask you

844
00:40:08,140 --> 00:40:16,810
to vote no on House bill 622 mr. chard

845
00:40:14,350 --> 00:40:19,150
speak for the passage of the bill

846
00:40:16,810 --> 00:40:21,550
mr. Picard members very briefly I want

847
00:40:19,150 --> 00:40:23,760
to tell you something contradiction to

848
00:40:21,550 --> 00:40:26,140
some of the things that's been said I

849
00:40:23,760 --> 00:40:28,900
think the jury system have been

850
00:40:26,140 --> 00:40:31,930
discredited somewhat at the local level

851

00:40:28,900 --> 00:40:34,150
because it's been said that some of

852
00:40:31,930 --> 00:40:36,160
these folks may be be steered by a

853
00:40:34,150 --> 00:40:38,890
certain way just because something has

854
00:40:36,160 --> 00:40:41,140
done a certain way I want it to

855
00:40:38,890 --> 00:40:42,940
completely discredit that because I've

856
00:40:41,140 --> 00:40:44,860
got a lot of confidence in any jury in

857
00:40:42,940 --> 00:40:47,380
your district our mind concerning these

858
00:40:44,860 --> 00:40:49,690
matters this amendment I mean this bill

859
00:40:47,380 --> 00:40:51,970
won't touch that system topside nor

860
00:40:49,690 --> 00:40:54,480
borrow we're not going to we're not

861
00:40:51,970 --> 00:40:57,670
going to change the system of

862
00:40:54,480 --> 00:41:00,010
combination in any way the system will

863
00:40:57,670 --> 00:41:01,930
still be with the local at the local

864
00:41:00,010 --> 00:41:04,660
level on these matters because this is

865
00:41:01,930 --> 00:41:07,900
simply where juries selected from at the

866
00:41:04,660 --> 00:41:10,930
point of incident when we talk about the

867
00:41:07,900 --> 00:41:13,000
Texas Highway Department our versus the

868
00:41:10,930 --> 00:41:15,040
county in drawing these lines we're

869
00:41:13,000 --> 00:41:17,800
highway is to be built I want you to

870
00:41:15,040 --> 00:41:19,450
know and just think about it the Texas

871
00:41:17,800 --> 00:41:21,130
Highway Department is the one that

872
00:41:19,450 --> 00:41:23,590
designates through their engineering

873
00:41:21,130 --> 00:41:26,980
staff that that these roads shall be

874
00:41:23,590 --> 00:41:28,540
built a certain place now the county

875
00:41:26,980 --> 00:41:32,080
admittedly has a little bit of

876
00:41:28,540 --> 00:41:35,170
flexibility concerning a spot that might

877
00:41:32,080 --> 00:41:37,600
go through a town or so forth but uh but

878

00:41:35,170 --> 00:41:40,390
we go back to the combination who is

879
00:41:37,600 --> 00:41:42,220
doing all this condemning of these lands

880
00:41:40,390 --> 00:41:44,110
the Texas Highway Department is doing

881
00:41:42,220 --> 00:41:46,720
because they're the only ones has the

882
00:41:44,110 --> 00:41:48,580
power to do it in the first place so

883
00:41:46,720 --> 00:41:50,680
let's just let's just vote for mr.

884
00:41:48,580 --> 00:41:52,630
Wilson's bail give the counties a little

885
00:41:50,680 --> 00:41:54,850
relief because they're the ones in your

886
00:41:52,630 --> 00:41:57,370
district ladies and gentlemen that have

887
00:41:54,850 --> 00:41:59,950
to get out there and most every time one

888
00:41:57,370 --> 00:42:02,950
of these happens is have a tax bond

889
00:41:59,950 --> 00:42:05,380
issue in their county that the the

890
00:42:02,950 --> 00:42:07,780
budget for county matters is once a year

891
00:42:05,380 --> 00:42:10,120
and that once a year is required by law

892
00:42:07,780 --> 00:42:12,520
there's no hope for any other monies for

893
00:42:10,120 --> 00:42:14,230
highway right aways within the structure

894
00:42:12,520 --> 00:42:16,060
of county government mr. speaker

895
00:42:14,230 --> 00:42:18,100
respectfully I would ask you to Larry

896
00:42:16,060 --> 00:42:21,370
mr. wells Dillon you'll be you Monsieur

897
00:42:18,100 --> 00:42:25,030
are you how many of us Larry yell on

898
00:42:21,370 --> 00:42:28,180
this question on them condemnation Jerry

899
00:42:25,030 --> 00:42:29,790
and I think we both understand that the

900
00:42:28,180 --> 00:42:31,650
condemnation

901
00:42:29,790 --> 00:42:33,690
sass or failure usually sort of cesta

902
00:42:31,650 --> 00:42:35,340
the price level for the rest of the

903
00:42:33,690 --> 00:42:37,680
people that settling don't go through

904
00:42:35,340 --> 00:42:40,140
the confirmation procedure sort of a

905

00:42:37,680 --> 00:42:44,100
bargaining game and that's where the

906
00:42:40,140 --> 00:42:46,260
level is usually set now don't you think

907
00:42:44,100 --> 00:42:48,540
it crosses those jurors mind just a

908
00:42:46,260 --> 00:42:51,360
little bit when they're making that

909
00:42:48,540 --> 00:42:52,740
decision that if they spend get this

910
00:42:51,360 --> 00:42:54,570
thing out of line and it's going to

911
00:42:52,740 --> 00:42:57,600
raise their tax dollar because fifty

912
00:42:54,570 --> 00:43:00,930
percent of that is their local money not

913
00:42:57,600 --> 00:43:03,810
the money is collected in the Houston or

914
00:43:00,930 --> 00:43:05,820
Dallas or burn it or wherever but it's

915
00:43:03,810 --> 00:43:07,980
the money that's late raised right there

916
00:43:05,820 --> 00:43:09,870
in LaGrange Texas that's going to be

917
00:43:07,980 --> 00:43:12,000
spent fifty percent of the only the only

918
00:43:09,870 --> 00:43:14,430
way I can answer that question is is

919
00:43:12,000 --> 00:43:16,530
with the question don't you have more

920
00:43:14,430 --> 00:43:19,470
confidence in the people back setting on

921
00:43:16,530 --> 00:43:21,240
juries in your district and that I just

922
00:43:19,470 --> 00:43:24,470
seem to meet like I'd have a lot more

923
00:43:21,240 --> 00:43:26,850
confidence that spending our own money I

924
00:43:24,470 --> 00:43:30,420
ask you to vote with mr. Wilson on his

925
00:43:26,850 --> 00:43:32,940
bill mr. Wilson to close on his bill mr.

926
00:43:30,420 --> 00:43:35,100
speaker and members I think the citizens

927
00:43:32,940 --> 00:43:37,110
of this state will recognize that a tax

928
00:43:35,100 --> 00:43:40,500
dollars a tax dollar wherever it comes

929
00:43:37,110 --> 00:43:42,840
from the issue before us here today is

930
00:43:40,500 --> 00:43:44,550
whether or not the homeowners in the ad

931
00:43:42,840 --> 00:43:46,380
valorem property tax payers the

932

00:43:44,550 --> 00:43:48,480
landowners in this state ought to bear

933
00:43:46,380 --> 00:43:51,600
the burden of highway right away

934
00:43:48,480 --> 00:43:54,420
acquisition we have a highway users tax

935
00:43:51,600 --> 00:43:56,820
we have a Highway Trust Fund dedicated

936
00:43:54,420 --> 00:43:59,520
in our Constitution that said it's there

937
00:43:56,820 --> 00:44:01,800
to purchase highway right away they

938
00:43:59,520 --> 00:44:04,320
should be purchasing a hundred percent

939
00:44:01,800 --> 00:44:07,140
of it out of that Highway Trust Fund I'm

940
00:44:04,320 --> 00:44:09,750
not up here advocating the highway tax

941
00:44:07,140 --> 00:44:11,700
or an increase in gasoline taxes the

942
00:44:09,750 --> 00:44:13,530
good roads Association came to me and

943
00:44:11,700 --> 00:44:16,290
they said mr. Wilson you got a fine bill

944
00:44:13,530 --> 00:44:19,110
we're for your bill but we want you to

945
00:44:16,290 --> 00:44:21,720
pass a two cent tax increase on gasoline

946
00:44:19,110 --> 00:44:23,880
now I can't advocate a two cent increase

947
00:44:21,720 --> 00:44:27,720
on gas we've got enough money over there

948
00:44:23,880 --> 00:44:29,790
we've got some 875 million dollars in

949
00:44:27,720 --> 00:44:32,190
the highway department in this biennium

950
00:44:29,790 --> 00:44:33,840
the coming biennium the budget that

951
00:44:32,190 --> 00:44:36,210
you're going to look at in a week or so

952
00:44:33,840 --> 00:44:38,130
and I'll guarantee you the physical note

953
00:44:36,210 --> 00:44:40,500
on this says twelve million dollars a

954
00:44:38,130 --> 00:44:42,600
year that's approximately one and a half

955
00:44:40,500 --> 00:44:44,040
then and they've got the money they

956
00:44:42,600 --> 00:44:46,320
don't have to spend it if they don't

957
00:44:44,040 --> 00:44:48,510
because we don't can't touch that fun at

958
00:44:46,320 --> 00:44:50,100
all all we can say is that you've got to

959

00:44:48,510 --> 00:44:52,170
spend it on what the Constitution says

960
00:44:50,100 --> 00:44:54,270
you have to spend it on I don't know if

961
00:44:52,170 --> 00:44:56,460
you vote aye on this bill because our

962
00:44:54,270 --> 00:44:57,930
Senate sponsored senator bill Moore said

963
00:44:56,460 --> 00:44:59,790
send it to him and he can do something

964
00:44:57,930 --> 00:45:03,750
with it in the Senate I hope you'll help

965
00:44:59,790 --> 00:45:06,210
me send it to him okay members the

966
00:45:03,750 --> 00:45:09,540
question now occurs on final passage of

967
00:45:06,210 --> 00:45:11,700
House Bill 622 all those in favor final

968
00:45:09,540 --> 00:45:13,560
passes House bill 622 vote aye

969
00:45:11,700 --> 00:45:16,850
all those opposed to vote no it's a

970
00:45:13,560 --> 00:45:16,850
record vote the clerk will ring the bell

971
00:45:26,530 --> 00:45:29,970
ever all members voted

972
00:45:35,719 --> 00:45:39,529
hello all members voted

973
00:46:17,160 --> 00:46:22,380
they're being six to six thousand

974
00:46:19,319 --> 00:46:25,250
seventy two nose house build 622 fails

975
00:46:22,380 --> 00:46:25,250
of hazards

976
00:46:31,200 --> 00:46:37,950
Shirley's after falling resolution the

977
00:46:33,450 --> 00:46:41,820
clerk will read the resolution and read

978
00:46:37,950 --> 00:46:46,110
resolution in full mr. clerk HSR number

979
00:46:41,820 --> 00:46:49,110
135 by Reynolds Evans Geiger Maloney and

980
00:46:46,110 --> 00:46:52,500
rucker whereas during the 63rd

981
00:46:49,110 --> 00:46:54,390
legislatures regular session in 1973 our

982
00:46:52,500 --> 00:46:57,030
illustrious colleague the Honorable Al

983
00:46:54,390 --> 00:47:00,210
Koryo achieved renown or at the very

984
00:46:57,030 --> 00:47:03,150
least notoriety for his old blue a Ford

985
00:47:00,210 --> 00:47:05,280
of 1963 vintage that miraculously

986

00:47:03,150 --> 00:47:07,380
carried him through to the bitter end of

987
00:47:05,280 --> 00:47:09,300
that session and whereas in the

988
00:47:07,380 --> 00:47:10,500
tradition of one who has brought color

989
00:47:09,300 --> 00:47:13,410
and birth to the House of

990
00:47:10,500 --> 00:47:16,620
Representatives the same al Koryo this

991
00:47:13,410 --> 00:47:18,930
graduate of the cordon bleu card on blue

992
00:47:16,620 --> 00:47:21,420
has attained new eminence for prowess in

993
00:47:18,930 --> 00:47:23,820
the culinary arts to climax a career

994
00:47:21,420 --> 00:47:28,050
began as a hobby more than 43 years ago

995
00:47:23,820 --> 00:47:30,180
and whereas Chez guy gay as the seat of

996
00:47:28,050 --> 00:47:32,160
his claim to fame is known has become

997
00:47:30,180 --> 00:47:35,130
renowned for its succulent biscuits its

998
00:47:32,160 --> 00:47:37,230
crispy waffles and even crepes from the

999
00:47:35,130 --> 00:47:40,530
kitchen of that master chef al and

1000
00:47:37,230 --> 00:47:42,570
whereas the gourmet fare of chef Alfredo

1001
00:47:40,530 --> 00:47:44,580
has long been popular with the members

1002
00:47:42,570 --> 00:47:46,080
of the Coryell family and other

1003
00:47:44,580 --> 00:47:48,330
privileged citizens of the cities of

1004
00:47:46,080 --> 00:47:50,370
Farmers Branch and it is indeed

1005
00:47:48,330 --> 00:47:53,130
remarkable that this illustrious blender

1006
00:47:50,370 --> 00:47:55,170
of delectable delicacies has only

1007
00:47:53,130 --> 00:47:57,900
recently become known in the environs of

1008
00:47:55,170 --> 00:47:59,610
the capital city and whereas it can only

1009
00:47:57,900 --> 00:48:01,470
be assumed that those privileged to

1010
00:47:59,610 --> 00:48:03,270
tickle their taste buds and pamper their

1011
00:48:01,470 --> 00:48:07,850
palates with the creations of Chef

1012
00:48:03,270 --> 00:48:10,200
Alvarado have selfishly kept shake I

1013

00:48:07,850 --> 00:48:11,730
guarantee cretonne only to this body's

1014
00:48:10,200 --> 00:48:14,190
most famous Gorman's

1015
00:48:11,730 --> 00:48:17,840
Richard Reynolds Richard Geiger Calvin

1016
00:48:14,190 --> 00:48:21,570
Rucker Charles Evans and Robert Maloney

1017
00:48:17,840 --> 00:48:23,550
and whereas the ponch's of these

1018
00:48:21,570 --> 00:48:26,280
plutocrats have given away the fact

1019
00:48:23,550 --> 00:48:28,980
however that chez guy guerre offers more

1020
00:48:26,280 --> 00:48:30,690
than bed and TV trays and that shelf a

1021
00:48:28,980 --> 00:48:32,310
Fredo has achieved in Austin the

1022
00:48:30,690 --> 00:48:34,500
four-star rating under which he has

1023
00:48:32,310 --> 00:48:36,900
acclaimed in Farmers Branch now

1024
00:48:34,500 --> 00:48:38,460
therefore be it resolved that the House

1025
00:48:36,900 --> 00:48:40,830
of Representatives of the 64th

1026
00:48:38,460 --> 00:48:42,950
legislature of the state of Texas hereby

1027
00:48:40,830 --> 00:48:45,589
command chef Alfredo our

1028
00:48:42,950 --> 00:48:47,869
al Correa for bringing to prevention

1029
00:48:45,589 --> 00:48:50,240
provincial Austin the culinary arts of

1030
00:48:47,869 --> 00:48:53,030
the Cardone blue and for making the ship

1031
00:48:50,240 --> 00:48:55,220
shake I gear a mecca for those who eat

1032
00:48:53,030 --> 00:48:56,780
not just to build their stomachs but to

1033
00:48:55,220 --> 00:48:59,839
savor the flavor of the titillating

1034
00:48:56,780 --> 00:49:03,500
taste sensations that bring satisfaction

1035
00:48:59,839 --> 00:49:05,329
to the body and soul and be it FURTHER

1036
00:49:03,500 --> 00:49:07,160
RESOLVED that an official copy of this

1037
00:49:05,329 --> 00:49:09,319
resolution be prepared for the Honorable

1038
00:49:07,160 --> 00:49:11,720
Al Koryo in tribute to his kitchen

1039
00:49:09,319 --> 00:49:14,240
catering and appreciation to him for

1040

00:49:11,720 --> 00:49:15,980
proving at the Chez GOG ere that there

1041
00:49:14,240 --> 00:49:17,510
is nothing plebeian about members of the

1042
00:49:15,980 --> 00:49:20,510
House of Texas representatives and

1043
00:49:17,510 --> 00:49:22,190
despite a former liking that may they

1044
00:49:20,510 --> 00:49:26,410
may have had for beer and pretzels

1045
00:49:22,190 --> 00:49:26,410
champagne and caviar now reign supreme

1046
00:49:26,530 --> 00:49:31,150
questions on adoption of the resolution

1047
00:49:28,430 --> 00:49:35,710
is there objection

1048
00:49:31,150 --> 00:49:35,710
ser here down the resolution is adopted

1049
00:49:35,799 --> 00:49:39,859
mr. speaker mr. doar gave a message from

1050
00:49:39,140 --> 00:49:43,400
the Senate

1051
00:49:39,859 --> 00:49:44,990
admit the messenger mr. speaker I'm

1052
00:49:43,400 --> 00:49:46,609
directed by the Senate to inform the

1053
00:49:44,990 --> 00:49:48,339
house that the Senate has passed the

1054
00:49:46,609 --> 00:49:51,170
following house concurrent resolution

1055
00:49:48,339 --> 00:49:53,119
103 by wedington providing for

1056
00:49:51,170 --> 00:49:55,339
acceptance of live oak trees in plac

1057
00:49:53,119 --> 00:49:56,660
naming donor for use and grounds of

1058
00:49:55,339 --> 00:49:58,369
Capitol Complex

1059
00:49:56,660 --> 00:50:01,010
the Senate has concurred in house

1060
00:49:58,369 --> 00:50:03,530
amendments to Senate bill 433 by voice

1061
00:50:01,010 --> 00:50:05,240
vote the Senate has granted the request

1062
00:50:03,530 --> 00:50:07,010
of the house for a conference committee

1063
00:50:05,240 --> 00:50:09,109
to adjust the differences between the

1064
00:50:07,010 --> 00:50:11,000
two houses on House bill number seven

1065
00:50:09,109 --> 00:50:12,490
eight for the following have been

1066
00:50:11,000 --> 00:50:14,240
appointed on the part of the Senate

1067

00:50:12,490 --> 00:50:20,000
Senators Snelson

1068
00:50:14,240 --> 00:50:21,530
Sherman Farabee Adams and Jones chair

1069
00:50:20,000 --> 00:50:24,020
recognizes mr. magnets for an

1070
00:50:21,530 --> 00:50:25,880
announcement mr. speaker and members

1071
00:50:24,020 --> 00:50:29,960
you have your attention for just a

1072
00:50:25,880 --> 00:50:32,690
moment the special subcommittee has been

1073
00:50:29,960 --> 00:50:35,799
appointed to consider House bill 1186

1074
00:50:32,690 --> 00:50:38,089
which is a complete non statutory

1075
00:50:35,799 --> 00:50:39,109
recodification of the parks and wildlife

1076
00:50:38,089 --> 00:50:41,329
bills

1077
00:50:39,109 --> 00:50:44,059
now this committee will hold a meeting a

1078
00:50:41,329 --> 00:50:46,730
week from tonight on the 29th at 7:30

1079
00:50:44,059 --> 00:50:49,069
we'll announce the place later so that

1080
00:50:46,730 --> 00:50:53,240
if any of you have any questions of any

1081
00:50:49,069 --> 00:50:53,700
kind about the bill you can come there

1082
00:50:53,240 --> 00:50:55,560
and

1083
00:50:53,700 --> 00:50:57,690
and we can settle your questions in the

1084
00:50:55,560 --> 00:51:00,660
meantime if you have any questions you

1085
00:50:57,690 --> 00:51:02,250
can contact me or mr. Burton mr. Hart

1086
00:51:00,660 --> 00:51:05,220
and the other members of the committee

1087
00:51:02,250 --> 00:51:08,550
and we will do our very best to see that

1088
00:51:05,220 --> 00:51:12,180
you get an answer on any part of that

1089
00:51:08,550 --> 00:51:18,510
particular bill thank you darling bills

1090
00:51:12,180 --> 00:51:21,440
on persuading rivers command chair signs

1091
00:51:18,510 --> 00:51:26,340
are present announced the following

1092
00:51:21,440 --> 00:51:32,960
Senate bill 290 Senate bill 516 Senate

1093
00:51:26,340 --> 00:51:35,870
bill 402 Senate bill 166 Senate bill 79

1094

00:51:32,960 --> 00:51:39,830

mr. Leland

1095

00:51:35,870 --> 00:51:39,830

mr. Leland on the floor of the house

1096

00:51:44,410 --> 00:51:48,119

mr. Leland on the floor of the house

1097

00:51:58,100 --> 00:52:03,230

chair recognizes mr. Reyes who our

1098

00:52:00,170 --> 00:52:05,300

suspension the rules the speaker members

1099

00:52:03,230 --> 00:52:09,740

I'd like to spend the rules to take up

1100

00:52:05,300 --> 00:52:12,290

of a moral motion that was worked up by

1101

00:52:09,740 --> 00:52:15,710

mr. Leland mr. Washington and myself mr.

1102

00:52:12,290 --> 00:52:17,630

Barrientos we have assistant state

1103

00:52:15,710 --> 00:52:19,240

controller whose father died over the

1104

00:52:17,630 --> 00:52:23,720

weekend and we wanted to try and get

1105

00:52:19,240 --> 00:52:25,310

motion to their family today or tomorrow

1106

00:52:23,720 --> 00:52:29,210

we'd like to spend a real stick-up the

1107

00:52:25,310 --> 00:52:30,710

motion mr. Reyes moose pen don't

1108
00:52:29,210 --> 00:52:33,050
necessary rules it might take up

1109
00:52:30,710 --> 00:52:35,110
consider a house memorial motion number

1110
00:52:33,050 --> 00:52:38,240
80 is there objection

1111
00:52:35,110 --> 00:52:40,820
chair here's none chair lays out house

1112
00:52:38,240 --> 00:52:43,070
moral motion number 80

1113
00:52:40,820 --> 00:52:45,410
the question is opponents adoption is

1114
00:52:43,070 --> 00:52:48,470
there objection to its adoption but all

1115
00:52:45,410 --> 00:52:51,500
members rise in favor of adopting the

1116
00:52:48,470 --> 00:52:56,420
resolution the resolution is unanimously

1117
00:52:51,500 --> 00:52:59,480
adopted Thank You mr. speaker members me

1118
00:52:56,420 --> 00:53:07,300
to chair signs across presents the house

1119
00:52:59,480 --> 00:53:07,300
the following House bill 409

1120
00:53:18,440 --> 00:53:22,849
Cheerilee is out on third reading and

1121

00:53:20,270 --> 00:53:26,270
final passage Senate bill 165 the clerk

1122
00:53:22,849 --> 00:53:28,790
will read the bill Senate bill 165 by

1123
00:53:26,270 --> 00:53:29,480
requiring that's the power to explain

1124
00:53:28,790 --> 00:53:31,790
the bill

1125
00:53:29,480 --> 00:53:34,690
there's speaker members this is the bill

1126
00:53:31,790 --> 00:53:37,819
that we debated yesterday on bilingual

1127
00:53:34,690 --> 00:53:40,430
educational voting rights and I would

1128
00:53:37,819 --> 00:53:42,619
urge its final passage I think that any

1129
00:53:40,430 --> 00:53:44,990
delay is over with I'm sure mr. white

1130
00:53:42,619 --> 00:53:47,810
has already testified by now and I would

1131
00:53:44,990 --> 00:53:51,380
ask the house to go in national third

1132
00:53:47,810 --> 00:53:53,180
ring mr. speaker mr. Reyes will the

1133
00:53:51,380 --> 00:53:55,369
gentleman yield mr. powers gentleman

1134
00:53:53,180 --> 00:53:57,650
yield mr. powers I just wanted to

1135
00:53:55,369 --> 00:53:59,960
commend you for the for the effort and I

1136
00:53:57,650 --> 00:54:02,690
think it's a an honorable effort and one

1137
00:53:59,960 --> 00:54:05,810
that is going to do the state of Texas a

1138
00:54:02,690 --> 00:54:08,810
real service especially the people that

1139
00:54:05,810 --> 00:54:10,670
that speak nothing but Spanish read

1140
00:54:08,810 --> 00:54:12,440
nothing but Spanish in this state they

1141
00:54:10,670 --> 00:54:14,480
appreciate your support Thank You mr. H

1142
00:54:12,440 --> 00:54:17,450
I ask for an aye vote on record vote

1143
00:54:14,480 --> 00:54:19,819
thank you question now occurs on final

1144
00:54:17,450 --> 00:54:22,069
passage of a house and bill 165

1145
00:54:19,819 --> 00:54:23,960
all those in favor of final passage of

1146
00:54:22,069 --> 00:54:26,060
Senate bill 165 a bow tie all those

1147
00:54:23,960 --> 00:54:29,020
opposed to vote no it's a record vote

1148

00:54:26,060 --> 00:54:29,020
the clerk will ring the bell

1149
00:54:47,190 --> 00:54:50,630
if all members voted

1150
00:54:57,550 --> 00:55:07,440
all members voted show mr. Hendrix

1151
00:55:03,580 --> 00:55:07,440
voting aye all members voted

1152
00:55:32,660 --> 00:55:37,610
ever being a hundred and twenty three

1153
00:55:34,160 --> 00:55:41,060
eyes and sixteen nose Senate bill 165 is

1154
00:55:37,610 --> 00:55:42,380
finally passed mr. powers moves to mend

1155
00:55:41,060 --> 00:55:44,000
the caption to be able to confirm the

1156
00:55:42,380 --> 00:55:46,640
body the bill is there objection

1157
00:55:44,000 --> 00:55:49,370
chair hears none it's so ordered Thank

1158
00:55:46,640 --> 00:55:51,380
You members Sara Lee is out on third

1159
00:55:49,370 --> 00:55:54,380
reading in final passage House bill 321

1160
00:55:51,380 --> 00:55:57,140
the clerk will read the bill House bill

1161
00:55:54,380 --> 00:55:58,760
321 by bird and Blyth relating to the

1162
00:55:57,140 --> 00:56:00,320
audit of certain water districts and

1163
00:55:58,760 --> 00:56:04,400
department that's applied to explain his

1164
00:56:00,320 --> 00:56:06,080
bill mr. speaker members this is a bill

1165
00:56:04,400 --> 00:56:08,660
we heard yesterday House bill 321

1166
00:56:06,080 --> 00:56:12,350
provides for certification of compliance

1167
00:56:08,660 --> 00:56:13,760
with section 50.3 7 for the water code

1168
00:56:12,350 --> 00:56:15,440
and provides for penalties for

1169
00:56:13,760 --> 00:56:17,960
non-compliance move its adoption

1170
00:56:15,440 --> 00:56:19,970
it's a blithe most final passage balance

1171
00:56:17,960 --> 00:56:21,770
bill 321 all those in favor final

1172
00:56:19,970 --> 00:56:23,360
passage the house bill 321 a loti all

1173
00:56:21,770 --> 00:56:26,770
over the photo boat no it's a record

1174
00:56:23,360 --> 00:56:26,770
vote the clerk will ring the bell

1175

00:56:43,900 --> 00:56:48,460
have all members voted no Manta Monson

1176
00:56:46,720 --> 00:56:51,130
voting I have all members voted chill Mr

1177
00:56:48,460 --> 00:56:54,850
Bond Dolan voting at she'll miss Johnson

1178
00:56:51,130 --> 00:56:57,190
voting I kill mr. Danson voting I'm so

1179
00:56:54,850 --> 00:57:03,570
much a slave voting on all members no

1180
00:56:57,190 --> 00:57:03,570
didn't show mr. Hendricks voting aye

1181
00:57:36,350 --> 00:57:43,570
they're being 134 eyes & 3 nose house

1182
00:57:39,770 --> 00:57:43,570
bill 321 is finally passed

1183
00:57:43,750 --> 00:57:49,730
Cheerilee is out House bill 916 on 3rd

1184
00:57:48,200 --> 00:57:54,560
reading and final passage the clerk will

1185
00:57:49,730 --> 00:57:57,260
read the bill House bill 916 by bryant

1186
00:57:54,560 --> 00:57:59,120
relating to making an anatomical gift by

1187
00:57:57,260 --> 00:58:00,280
executing a statement that's a brian to

1188
00:57:59,120 --> 00:58:01,910
explain his bill

1189
00:58:00,280 --> 00:58:04,340
remember this is the bill we passed

1190
00:58:01,910 --> 00:58:05,780
yesterday all it does is allow the

1191
00:58:04,340 --> 00:58:07,550
Department of Public Safety to put an

1192
00:58:05,780 --> 00:58:09,380
anatomical gift form on the back of

1193
00:58:07,550 --> 00:58:15,980
drivers licenses has no fiscal

1194
00:58:09,380 --> 00:58:18,440
implications move its adoption question

1195
00:58:15,980 --> 00:58:20,930
now occurs on final passage of House

1196
00:58:18,440 --> 00:58:22,910
Bill 916 all those in favor of final

1197
00:58:20,930 --> 00:58:24,800
passage of House Bill 916 or vote aye

1198
00:58:22,910 --> 00:58:28,090
all those opposed to vote no it's a

1199
00:58:24,800 --> 00:58:28,090
record vote to clerk or ring the bell

1200
00:58:41,340 --> 00:58:45,270
so many Haley voting No

1201
00:58:49,120 --> 00:58:52,080
it's lack

1202

00:58:56,220 --> 00:59:02,550
have all members voted so much the

1203
00:59:00,430 --> 00:59:06,510
Hendrix voting I have all members voted

1204
00:59:02,550 --> 00:59:06,510
show mr. Coleman voting aye

1205
00:59:38,510 --> 00:59:42,589
I've been out of doing the nine eyes

1206
00:59:40,339 --> 00:59:46,960
eight node one prison not voting

1207
00:59:42,589 --> 00:59:46,960
House bill 916 is finally passed

1208
00:59:47,560 --> 00:59:51,800
Cheerilee is out on finding third

1209
00:59:49,940 --> 00:59:56,300
reading a final passage House bill 562

1210
00:59:51,800 --> 00:59:58,460
clerk will read the bill House bill 565

1211
00:59:56,300 --> 01:00:00,230
giling relating to vaults misleading and

1212
00:59:58,460 --> 01:00:02,329
deceptive crate that's again it explains

1213
01:00:00,230 --> 01:00:04,849
bill that speaker gentlemen this is the

1214
01:00:02,329 --> 01:00:06,980
bill we passed yesterday at section 21

1215
01:00:04,849 --> 01:00:12,650
the Commercial Code move it's adoption

1216
01:00:06,980 --> 01:00:14,900
of questions on final place in the House

1217
01:00:12,650 --> 01:00:18,290
bill five 60s minis in favor vote aye

1218
01:00:14,900 --> 01:00:19,390
those opposed vote no all in favor say

1219
01:00:18,290 --> 01:00:23,210
aye

1220
01:00:19,390 --> 01:00:29,450
moulds no the eyes have it the bills

1221
01:00:23,210 --> 01:00:31,970
finally pass chair lays out on third

1222
01:00:29,450 --> 01:00:37,040
reading passage House bill 750 the clerk

1223
01:00:31,970 --> 01:00:38,780
will read the bill House bill 750 by

1224
01:00:37,040 --> 01:00:40,460
Salem relating to fraudulent

1225
01:00:38,780 --> 01:00:42,440
representations in connection with the

1226
01:00:40,460 --> 01:00:44,210
inspection of vehicles and deploy let's

1227
01:00:42,440 --> 01:00:45,589
sell explain the bill mr. speaker

1228
01:00:44,210 --> 01:00:48,230
members this is a bill we passed

1229

01:00:45,589 --> 01:00:50,089
yesterday in regards to the inspection

1230
01:00:48,230 --> 01:00:52,579
of Motor Vehicles and the bill serves to

1231
01:00:50,089 --> 01:01:00,230
clarify the authority of a DPS in this

1232
01:00:52,579 --> 01:01:02,329
area moving question Kearns on final

1233
01:01:00,230 --> 01:01:06,890
passage of House Bill 750 all in favor

1234
01:01:02,329 --> 01:01:08,990
say aye opposed no the eyes have it in

1235
01:01:06,890 --> 01:01:12,220
House bill 750 is finally passed thank

1236
01:01:08,990 --> 01:01:12,220
you Thank You mr. speaker members

1237
01:01:13,240 --> 01:01:19,810
cheering lays out House bill 785 on

1238
01:01:16,250 --> 01:01:19,810
third reading clerk will read the bill

1239
01:01:20,140 --> 01:01:25,220
House bill 785 by Blake relating to the

1240
01:01:23,450 --> 01:01:27,050
tuition fees institutions of higher

1241
01:01:25,220 --> 01:01:29,060
education collect from students who are

1242
01:01:27,050 --> 01:01:30,859
citizens of any country other than the

1243
01:01:29,060 --> 01:01:33,670
United States of America and declaring

1244
01:01:30,859 --> 01:01:35,810
an emergency mr. Blake the expanded bill

1245
01:01:33,670 --> 01:01:37,400
Thank You mr. speaker members this is

1246
01:01:35,810 --> 01:01:39,410
the bill that we passed yesterday that

1247
01:01:37,400 --> 01:01:41,480
made the out-of-state tuition the same

1248
01:01:39,410 --> 01:01:43,670
for our domestic students as it is for

1249
01:01:41,480 --> 01:01:45,980
the foreign students I think it was

1250
01:01:43,670 --> 01:01:48,170
debated at length yesterday and it was

1251
01:01:45,980 --> 01:01:50,490
shown that there's no need that we to

1252
01:01:48,170 --> 01:01:52,770
give the foreign students any discount

1253
01:01:50,490 --> 01:01:56,400
what the out-of-state domestic students

1254
01:01:52,770 --> 01:01:59,250
are paying it'll save the state some six

1255
01:01:56,400 --> 01:02:02,340
point nine million dollars per year we

1256

01:01:59,250 --> 01:02:04,650
added an amendment to it that would the

1257
01:02:02,340 --> 01:02:07,170
grandfather those people in now so it

1258
01:02:04,650 --> 01:02:09,030
would work no hardship and I think on

1259
01:02:07,170 --> 01:02:10,980
the day that the people of Texas are

1260
01:02:09,030 --> 01:02:13,170
going to the polls at this very minute

1261
01:02:10,980 --> 01:02:15,240
to vote for us a pay raise I think we

1262
01:02:13,170 --> 01:02:17,760
should show some fiscal responsibility

1263
01:02:15,240 --> 01:02:19,530
and let them know that we are returning

1264
01:02:17,760 --> 01:02:21,030
to them some six point nine million

1265
01:02:19,530 --> 01:02:27,360
dollars when this bill is finally passed

1266
01:02:21,030 --> 01:02:29,130
I ask your vote on final passage chair

1267
01:02:27,360 --> 01:02:32,869
recognizes mr. Leland to speak against

1268
01:02:29,130 --> 01:02:34,980
the bill but mr. speaker members

1269
01:02:32,869 --> 01:02:38,420
realizing that we cannot police the

1270
01:02:34,980 --> 01:02:40,830
world but realize that realizing that

1271
01:02:38,420 --> 01:02:43,710
realizing that the world is becoming

1272
01:02:40,830 --> 01:02:45,090
very very small and realizing that we

1273
01:02:43,710 --> 01:02:47,790
have to learn how to develop

1274
01:02:45,090 --> 01:02:49,170
relationships between our munged in

1275
01:02:47,790 --> 01:02:52,590
several different countries of the world

1276
01:02:49,170 --> 01:02:54,869
that at least in favor of our kind of

1277
01:02:52,590 --> 01:02:57,540
government we must learn to enter change

1278
01:02:54,869 --> 01:02:59,910
and communicate with these people to to

1279
01:02:57,540 --> 01:03:01,470
deliver the ideas of the principles of

1280
01:02:59,910 --> 01:03:04,100
our government and the only way that

1281
01:03:01,470 --> 01:03:07,350
those principles can be delivered are

1282
01:03:04,100 --> 01:03:09,869
met in any means of exchange is through

1283

01:03:07,350 --> 01:03:13,140
our universities and colleges let's not

1284
01:03:09,869 --> 01:03:15,150
cut our noses off to spite our faces we

1285
01:03:13,140 --> 01:03:18,510
can't help the world to a small extent

1286
01:03:15,150 --> 01:03:21,359
so I moved at this time that all of the

1287
01:03:18,510 --> 01:03:25,070
members vote no against mr. Blake's bill

1288
01:03:21,359 --> 01:03:25,070
because it's a real bad bill

1289
01:03:28,540 --> 01:03:36,460
mr. Riebe actor speak father bill Thank

1290
01:03:34,300 --> 01:03:38,050
You mr. speaker members let me say this

1291
01:03:36,460 --> 01:03:39,940
I had a similar bill before the Higher

1292
01:03:38,050 --> 01:03:43,900
Education Committee which I tabled in

1293
01:03:39,940 --> 01:03:46,240
behalf of mr. Blake's bill mr. Blake

1294
01:03:43,900 --> 01:03:49,690
amended his bill with my the wording in

1295
01:03:46,240 --> 01:03:51,040
my bill the bill is good in this respect

1296
01:03:49,690 --> 01:03:53,200
we have students who come from other

1297
01:03:51,040 --> 01:03:55,270
states in this great country they pay a

1298
01:03:53,200 --> 01:03:57,010
certain tuition there's nothing wrong

1299
01:03:55,270 --> 01:03:58,510
with a foreign student paying the same

1300
01:03:57,010 --> 01:04:01,090
tuition as a student from Oklahoma

1301
01:03:58,510 --> 01:04:04,360
Nebraska Iowa or what have you this will

1302
01:04:01,090 --> 01:04:06,250
save our taxpayers some money now my

1303
01:04:04,360 --> 01:04:08,380
concern is this the money's that were

1304
01:04:06,250 --> 01:04:10,600
using to subsidize the foreign students

1305
01:04:08,380 --> 01:04:13,000
which incidentally only five states out

1306
01:04:10,600 --> 01:04:14,830
of 50 have this type of a program these

1307
01:04:13,000 --> 01:04:16,810
monies could be used to help some of our

1308
01:04:14,830 --> 01:04:20,500
American citizens in the state acquiring

1309
01:04:16,810 --> 01:04:22,270
education and I urge your support for

1310

01:04:20,500 --> 01:04:24,460
this bill I think it's a good bill it

1311
01:04:22,270 --> 01:04:26,410
doesn't disenfranchise or hurt anyone it

1312
01:04:24,460 --> 01:04:28,840
doesn't ostracize it all it says is that

1313
01:04:26,410 --> 01:04:30,700
a student from some other country will

1314
01:04:28,840 --> 01:04:32,530
pay the same tuition as a student from

1315
01:04:30,700 --> 01:04:34,600
Oklahoma Rio or what have you and I

1316
01:04:32,530 --> 01:04:37,890
think it's a good bill mr. Liu well mr.

1317
01:04:34,600 --> 01:04:41,950
McGill I will you yemen you mr. ryebeck

1318
01:04:37,890 --> 01:04:43,750
realizing some of your interest are you

1319
01:04:41,950 --> 01:04:45,970
apprised of the fact that many of our

1320
01:04:43,750 --> 01:04:48,040
students go to Israel to study at both

1321
01:04:45,970 --> 01:04:51,490
in the Universities and on cabooses in

1322
01:04:48,040 --> 01:04:52,570
Israel mr. Leland let me say you didn't

1323
01:04:51,490 --> 01:04:53,770
have an opportunity to sit on the

1324
01:04:52,570 --> 01:04:55,300
committee like I did and I cross

1325
01:04:53,770 --> 01:04:57,430
examined quite a few foreign students

1326
01:04:55,300 --> 01:04:58,690
every one of them that I cross examined

1327
01:04:57,430 --> 01:05:00,730
were from wealthy families the

1328
01:04:58,690 --> 01:05:02,830
aristocracy the elitist class in all

1329
01:05:00,730 --> 01:05:05,140
these countries if we were helping the

1330
01:05:02,830 --> 01:05:06,970
poor in these countries it's not so bad

1331
01:05:05,140 --> 01:05:08,350
and mr. Irwin importantly we have plenty

1332
01:05:06,970 --> 01:05:08,920
of scholarship money to help those that

1333
01:05:08,350 --> 01:05:10,900
are needy

1334
01:05:08,920 --> 01:05:12,850
mr. Rebecca are you apprised of the fact

1335
01:05:10,900 --> 01:05:15,730
that many students coming from Africa

1336
01:05:12,850 --> 01:05:17,260
and the Caribbean countries and many

1337

01:05:15,730 --> 01:05:18,490
other countries all over the world even

1338
01:05:17,260 --> 01:05:20,500
the European countries that are on

1339
01:05:18,490 --> 01:05:22,090
exchange are not from the elitist

1340
01:05:20,500 --> 01:05:24,220
families but and I'm talking about

1341
01:05:22,090 --> 01:05:25,750
somewhere between 60 to 90 percent of

1342
01:05:24,220 --> 01:05:27,880
the students that come over here on

1343
01:05:25,750 --> 01:05:30,400
exchange these these people are not from

1344
01:05:27,880 --> 01:05:32,740
the aristocracies of these countries and

1345
01:05:30,400 --> 01:05:35,290
they need some kind of some kind of

1346
01:05:32,740 --> 01:05:37,270
relief from this country particularly

1347
01:05:35,290 --> 01:05:39,070
from the state of Texas I'm more

1348
01:05:37,270 --> 01:05:40,690
concerned about helping those citizens

1349
01:05:39,070 --> 01:05:42,250
of this country who need relief Mickey

1350
01:05:40,690 --> 01:05:44,140
there's a lot of but but

1351
01:05:42,250 --> 01:05:47,560
mr. rebec answered this question how can

1352
01:05:44,140 --> 01:05:49,450
we buy by cutting by increasing the

1353
01:05:47,560 --> 01:05:51,850
amount of money that these students pay

1354
01:05:49,450 --> 01:05:53,560
how can this help the students in the

1355
01:05:51,850 --> 01:05:56,440
state of Texas or anywhere else for that

1356
01:05:53,560 --> 01:05:57,700
matter in this country when I ask these

1357
01:05:56,440 --> 01:05:59,110
students who appeared before our

1358
01:05:57,700 --> 01:06:00,820
committee the same question the only

1359
01:05:59,110 --> 01:06:02,620
answer that they gave me as to why they

1360
01:06:00,820 --> 01:06:04,990
came to Texas deeper

1361
01:06:02,620 --> 01:06:06,790
mr. rebec I am NOT asking you to to

1362
01:06:04,990 --> 01:06:08,860
answer for the students I'm asking you

1363
01:06:06,790 --> 01:06:09,460
personally how how do you feel about

1364

01:06:08,860 --> 01:06:12,790
that

1365
01:06:09,460 --> 01:06:15,240
feel about the bill nobody how do you

1366
01:06:12,790 --> 01:06:18,190
feel about increasing their tuition just

1367
01:06:15,240 --> 01:06:19,840
because some students from Oklahoma are

1368
01:06:18,190 --> 01:06:23,140
because students from other parts of the

1369
01:06:19,840 --> 01:06:25,030
country field that is necessary for for

1370
01:06:23,140 --> 01:06:28,690
the foreign students in this country to

1371
01:06:25,030 --> 01:06:30,490
raise to have their their tuition raised

1372
01:06:28,690 --> 01:06:32,500
how do you build a Leyland I feel very

1373
01:06:30,490 --> 01:06:35,170
good because when I see that we're

1374
01:06:32,500 --> 01:06:37,000
educating 320 students from the Republic

1375
01:06:35,170 --> 01:06:38,380
of China which is Communist China I

1376
01:06:37,000 --> 01:06:39,910
certainly feel the students from

1377
01:06:38,380 --> 01:06:42,130
Oklahoma Nebraska which should be given

1378
01:06:39,910 --> 01:06:43,900
the same privilege but mr. greenback

1379
01:06:42,130 --> 01:06:45,700
what about the what about the under

1380
01:06:43,900 --> 01:06:47,620
underdeveloped countries of the world

1381
01:06:45,700 --> 01:06:49,330
that they're yelling at are helping them

1382
01:06:47,620 --> 01:06:51,160
to get an education mr. Lee no that's

1383
01:06:49,330 --> 01:06:53,320
not that's not true mr. mr. Riebe

1384
01:06:51,160 --> 01:06:55,600
accurate you're tending to mislead the

1385
01:06:53,320 --> 01:06:57,130
house what you're saying is that what

1386
01:06:55,600 --> 01:06:59,080
you're saying is that their countries

1387
01:06:57,130 --> 01:07:00,880
are sponsoring them in toto to come over

1388
01:06:59,080 --> 01:07:04,300
in this country or to provide them some

1389
01:07:00,880 --> 01:07:06,820
kind of compensatory education by means

1390
01:07:04,300 --> 01:07:08,650
of economic support and that's not true

1391

01:07:06,820 --> 01:07:10,630
we had plenty of scholarship money

1392
01:07:08,650 --> 01:07:11,890
believing for those needing students who

1393
01:07:10,630 --> 01:07:13,840
need an education

1394
01:07:11,890 --> 01:07:17,220
mr. Rehberg many of the students have

1395
01:07:13,840 --> 01:07:20,440
come over here on an exchange program

1396
01:07:17,220 --> 01:07:22,180
where we provide where their countries

1397
01:07:20,440 --> 01:07:23,860
provide relief for our students when

1398
01:07:22,180 --> 01:07:26,050
they go to Africa and when they go to

1399
01:07:23,860 --> 01:07:28,090
Europe and when they go to other places

1400
01:07:26,050 --> 01:07:30,460
in the Caribbean to the South America

1401
01:07:28,090 --> 01:07:32,320
and so forth their countries recognize

1402
01:07:30,460 --> 01:07:33,970
and appreciate in in many of those

1403
01:07:32,320 --> 01:07:36,160
countries they don't even charge tuition

1404
01:07:33,970 --> 01:07:38,470
for though for our students from the

1405
01:07:36,160 --> 01:07:40,180
state of Texas to do it regularly those

1406
01:07:38,470 --> 01:07:42,460
countries do but I think our countries

1407
01:07:40,180 --> 01:07:44,050
at least in this state the best policy

1408
01:07:42,460 --> 01:07:46,990
is to allow people all to pay the same

1409
01:07:44,050 --> 01:07:48,760
amount of tuition are you talking to are

1410
01:07:46,990 --> 01:07:49,990
you talking about mister mister reback

1411
01:07:48,760 --> 01:07:51,640
are you talking about the People's

1412
01:07:49,990 --> 01:07:52,670
Republic of China are you talking about

1413
01:07:51,640 --> 01:07:54,799
China the

1414
01:07:52,670 --> 01:07:58,160
Republic of China we only have 209 from

1415
01:07:54,799 --> 01:08:00,140
Taiwan we have 327 from the Communist

1416
01:07:58,160 --> 01:08:02,390
China mr. rebec I think that if you had

1417
01:08:00,140 --> 01:08:04,339
any sense of prophecy you would

1418

01:08:02,390 --> 01:08:05,900
understand that in the future the

1419
01:08:04,339 --> 01:08:07,849
countries are gone to those countries

1420
01:08:05,900 --> 01:08:10,039
that you're speaking out against right

1421
01:08:07,849 --> 01:08:12,440
now are going to seek retribution I'm

1422
01:08:10,039 --> 01:08:14,510
not posing this as a threat but by those

1423
01:08:12,440 --> 01:08:17,750
countries but what I'm saying is is that

1424
01:08:14,510 --> 01:08:19,670
this bill do you understand that the

1425
01:08:17,750 --> 01:08:22,100
motivation the directive motivation of

1426
01:08:19,670 --> 01:08:24,109
this bill is to act or react against the

1427
01:08:22,100 --> 01:08:26,540
Arab countries that because they have

1428
01:08:24,109 --> 01:08:29,089
because they haven't imposed higher oil

1429
01:08:26,540 --> 01:08:30,440
prices I beg to differ with you mr.

1430
01:08:29,089 --> 01:08:32,960
Leland they true intent of this bill

1431
01:08:30,440 --> 01:08:35,600
because it's similar to my bill was to

1432
01:08:32,960 --> 01:08:37,370
at least allow these students to pay the

1433
01:08:35,600 --> 01:08:39,409
same tuition as American citizens and

1434
01:08:37,370 --> 01:08:41,600
what's wrong with that there's nothing

1435
01:08:39,409 --> 01:08:43,370
wrong with mr. rebec those countries

1436
01:08:41,600 --> 01:08:46,759
that you're talking about only provide

1437
01:08:43,370 --> 01:08:48,170
about faculty the funding of about 5% of

1438
01:08:46,759 --> 01:08:51,319
the students that come over here in this

1439
01:08:48,170 --> 01:08:53,089
country well let's do Leland all I can

1440
01:08:51,319 --> 01:08:55,100
say is I'm here to represent a lot of

1441
01:08:53,089 --> 01:08:56,960
American citizens from my constituency

1442
01:08:55,100 --> 01:09:04,489
and I'm here to take care of them first

1443
01:08:56,960 --> 01:09:06,319
before someone some other country mr.

1444
01:09:04,489 --> 01:09:08,600
Blake to speak for the bill mr. speaker

1445

01:09:06,319 --> 01:09:09,859
members very briefly mr. Leland of all

1446
01:09:08,600 --> 01:09:11,779
people should know that the state of

1447
01:09:09,859 --> 01:09:13,250
Texas needs more money from having from

1448
01:09:11,779 --> 01:09:14,900
serving only Appropriations Committee

1449
01:09:13,250 --> 01:09:16,310
and seeing what we're going through and

1450
01:09:14,900 --> 01:09:18,980
trying to get more money for higher

1451
01:09:16,310 --> 01:09:20,480
education this will allow us to get

1452
01:09:18,980 --> 01:09:22,699
approximately six point nine million

1453
01:09:20,480 --> 01:09:23,270
dollars more money if this bill is

1454
01:09:22,699 --> 01:09:27,679
passed

1455
01:09:23,270 --> 01:09:29,359
I question most all the college

1456
01:09:27,679 --> 01:09:31,069
presidents as they came through they saw

1457
01:09:29,359 --> 01:09:32,299
nothing through as they came through the

1458
01:09:31,069 --> 01:09:34,429
Appropriations Committee they saw

1459
01:09:32,299 --> 01:09:36,500
nothing wrong with the bill and I read

1460
01:09:34,429 --> 01:09:38,900
your boat mr. speaker on third reading

1461
01:09:36,500 --> 01:09:43,659
well Jeremy Leah gentlemen he lead the

1462
01:09:38,900 --> 01:09:45,969
floor mr. speaker mr. speaker mr. Reyes

1463
01:09:43,659 --> 01:09:48,830
parliamentary inquiry state you inquired

1464
01:09:45,969 --> 01:09:50,389
mr. speaker do you think the weakened

1465
01:09:48,830 --> 01:09:53,179
earmark total six point nine million

1466
01:09:50,389 --> 01:09:56,179
dollars for the school at Rusk chair is

1467
01:09:53,179 --> 01:09:58,429
not advised the question is on final

1468
01:09:56,179 --> 01:10:00,739
passage of House bills 785

1469
01:09:58,429 --> 01:10:01,730
the record votes requested a record

1470
01:10:00,739 --> 01:10:04,159
votes granted

1471
01:10:01,730 --> 01:10:04,969
clerk will ring the bell all those in

1472

01:10:04,159 --> 01:10:10,900

favor vote

1473

01:10:04,969 --> 01:10:13,630

those opposed to vote no following pair

1474

01:10:10,900 --> 01:10:15,860

mister wittmeyer who would vote yet

1475

01:10:13,630 --> 01:10:24,800

president who would vote yes with mr.

1476

01:10:15,860 --> 01:10:27,790

waters absent who would vote no sure

1477

01:10:24,800 --> 01:10:27,790

miss Teasdale voting on

1478

01:10:30,530 --> 01:10:35,860

show mr. Barnum voting no mr. Blake I

1479

01:10:37,270 --> 01:10:40,810

have all about him

1480

01:11:06,830 --> 01:11:09,820

Thank You members

1481

01:11:11,469 --> 01:11:16,060

they're being 95 eyes 43 nose one

1482

01:11:14,890 --> 01:11:20,219

president not voting

1483

01:11:16,060 --> 01:11:20,219

House bill 785 his father passed

1484

01:11:26,230 --> 01:11:33,430

chair lays out on third reading and

1485

01:11:28,150 --> 01:11:36,940

final passage Senate bill 278 the clerk

1486
01:11:33,430 --> 01:11:38,500
will read the bill Senate bill 278 by

1487
01:11:36,940 --> 01:11:42,120
Snelson relating to the increase of

1488
01:11:38,500 --> 01:11:42,120
membership on the Texas Youth Council

1489
01:11:47,700 --> 01:11:59,740
mr. Conwell very well recognized mr.

1490
01:11:53,830 --> 01:12:01,420
Carlos playing the bill mr. speaker

1491
01:11:59,740 --> 01:12:04,030
members this is the bill that you voted

1492
01:12:01,420 --> 01:12:08,020
on yesterday to increase the Youth

1493
01:12:04,030 --> 01:12:11,670
Council to six from three raises their

1494
01:12:08,020 --> 01:12:14,260
per diem to \$35 a day the bill has been

1495
01:12:11,670 --> 01:12:16,930
is supported by the president Youth

1496
01:12:14,260 --> 01:12:19,330
Council by the governor's Task Force by

1497
01:12:16,930 --> 01:12:22,210
the Youth Council special advisory

1498
01:12:19,330 --> 01:12:26,410
committee three people's just not enough

1499

01:12:22,210 --> 01:12:29,170
the problems are too broad and the

1500
01:12:26,410 --> 01:12:30,580
represent representation is necessarily

1501
01:12:29,170 --> 01:12:33,190
narrow they're good people on the

1502
01:12:30,580 --> 01:12:36,190
council but they they admit that they

1503
01:12:33,190 --> 01:12:39,100
need broader representation and for that

1504
01:12:36,190 --> 01:12:41,050
reason I hope I hope that you will vote

1505
01:12:39,100 --> 01:12:42,700
for this bill and we can put it in

1506
01:12:41,050 --> 01:12:44,710
immediate effect and we need to put it

1507
01:12:42,700 --> 01:12:46,330
in immediate effect and I would hope

1508
01:12:44,710 --> 01:12:51,940
that we get a hundred votes for that

1509
01:12:46,330 --> 01:12:55,440
reason once he's on final passage of

1510
01:12:51,940 --> 01:13:00,190
Senate bill 278 all those in favor vote

1511
01:12:55,440 --> 01:13:04,060
say on why do we ever request for record

1512
01:13:00,190 --> 01:13:05,920
vote as many as are in favor vote aye

1513
01:13:04,060 --> 01:13:08,910
opposed vote no this is a record vote

1514
01:13:05,920 --> 01:13:08,910
the clerk will ring the bell

1515
01:13:19,699 --> 01:13:22,989
which canal is on

1516
01:13:33,520 --> 01:13:36,600
have all voted

1517
01:14:04,459 --> 01:14:11,539
they're being 136 eyes to nose

1518
01:14:07,459 --> 01:14:13,280
Senate bill 278 is finally passed mr.

1519
01:14:11,539 --> 01:14:14,989
Kaul well move them in the caption to

1520
01:14:13,280 --> 01:14:17,329
conform to the body of the bill is there

1521
01:14:14,989 --> 01:14:20,229
objection the chair here is not in the

1522
01:14:17,329 --> 01:14:20,229
caption is a minute

1523
01:14:30,159 --> 01:14:35,980
chair lays out how it's been 11:05 the

1524
01:14:32,650 --> 01:14:38,860
clerk will read the bill House bill

1525
01:14:35,980 --> 01:14:41,050
11:05 by Hale creating a time limitation

1526

01:14:38,860 --> 01:14:45,310
within which certain actions mr. Haley

1527
01:14:41,050 --> 01:14:50,980
explained to bill mr. speaker members of

1528
01:14:45,310 --> 01:14:53,320
the House House belly 11:05 is designed

1529
01:14:50,980 --> 01:14:58,409
to add one additional statute of

1530
01:14:53,320 --> 01:15:01,840
limitations into our present a series of

1531
01:14:58,409 --> 01:15:06,880
limitation statutes this one has to do

1532
01:15:01,840 --> 01:15:10,030
with lawsuits growing out of contractors

1533
01:15:06,880 --> 01:15:12,520
and construction work at the present

1534
01:15:10,030 --> 01:15:15,639
time there is no statute of limitation

1535
01:15:12,520 --> 01:15:19,000
applicable to this type of lawsuit and

1536
01:15:15,639 --> 01:15:24,250
as a result of that it creates a

1537
01:15:19,000 --> 01:15:27,460
situation where a contractor bills they

1538
01:15:24,250 --> 01:15:30,340
build in our construction project and he

1539
01:15:27,460 --> 01:15:33,400
has a potential liability on that until

1540
01:15:30,340 --> 01:15:36,719
the day he dies there is no way he can

1541
01:15:33,400 --> 01:15:40,000
ever terminate that potential liability

1542
01:15:36,719 --> 01:15:42,790
now this problem this did not become a

1543
01:15:40,000 --> 01:15:44,530
problem until fairly recently you would

1544
01:15:42,790 --> 01:15:46,510
logically ask the question well why

1545
01:15:44,530 --> 01:15:49,770
haven't we had a statute of limitations

1546
01:15:46,510 --> 01:15:53,590
on this in the past the reason is simple

1547
01:15:49,770 --> 01:15:55,659
at one time and four years probably

1548
01:15:53,590 --> 01:15:58,650
about a hundred and seventy something

1549
01:15:55,659 --> 01:16:02,530
years the courts had a rule of

1550
01:15:58,650 --> 01:16:06,219
construction known as the privity of

1551
01:16:02,530 --> 01:16:08,409
contract doctrine and if you in order

1552
01:16:06,219 --> 01:16:11,440
for you to sue a contractor on this you

1553

01:16:08,409 --> 01:16:13,540
had to be in privity with him as a part

1554
01:16:11,440 --> 01:16:16,270
of the construction contract if you were

1555
01:16:13,540 --> 01:16:17,500
a third party you had no cause of action

1556
01:16:16,270 --> 01:16:20,199
against him anyway

1557
01:16:17,500 --> 01:16:22,599
the by court action that privity of

1558
01:16:20,199 --> 01:16:25,060
contract doctrine has been abrogated in

1559
01:16:22,599 --> 01:16:27,760
recent years and that has brought about

1560
01:16:25,060 --> 01:16:30,159
this situation where a statute of

1561
01:16:27,760 --> 01:16:32,710
limitations is absolutely essential for

1562
01:16:30,159 --> 01:16:34,659
the protection of these people now why

1563
01:16:32,710 --> 01:16:36,969
do you have statutes of limitation in

1564
01:16:34,659 --> 01:16:39,400
the first place we have we have any

1565
01:16:36,969 --> 01:16:42,390
number of statutes of limitations the

1566
01:16:39,400 --> 01:16:44,400
reason for statute of limitation is this

1567
01:16:42,390 --> 01:16:46,980
after the passage of a certain amount of

1568
01:16:44,400 --> 01:16:49,560
time it's frequently absolutely

1569
01:16:46,980 --> 01:16:53,280
impossible to prove the facts that

1570
01:16:49,560 --> 01:16:56,250
existed witnesses died memories fade

1571
01:16:53,280 --> 01:16:58,320
records are destroyed and after the

1572
01:16:56,250 --> 01:17:01,110
passage of a certain amount of time a

1573
01:16:58,320 --> 01:17:03,270
lawsuit being filed you have no records

1574
01:17:01,110 --> 01:17:05,970
on it the witnesses that were there all

1575
01:17:03,270 --> 01:17:07,980
dead are gone or moved away there's no

1576
01:17:05,970 --> 01:17:10,590
way you can establish the actually what

1577
01:17:07,980 --> 01:17:12,810
happened on it that's the basic and

1578
01:17:10,590 --> 01:17:13,830
sound reason for statutes of limitation

1579
01:17:12,810 --> 01:17:17,040
in the first place

1580

01:17:13,830 --> 01:17:20,220
as a result of this court action in

1581
01:17:17,040 --> 01:17:22,380
recent years 30 states have now adopted

1582
01:17:20,220 --> 01:17:26,100
they bill substantially the same as

1583
01:17:22,380 --> 01:17:28,170
House bill 11:05 must many of them have

1584
01:17:26,100 --> 01:17:31,470
a shorter limitation period in weakens

1585
01:17:28,170 --> 01:17:33,450
have in 1105 we put 10 years in here and

1586
01:17:31,470 --> 01:17:36,660
that's the longest period that any of

1587
01:17:33,450 --> 01:17:39,000
these 30 jurisdictions have used in

1588
01:17:36,660 --> 01:17:42,030
their statutes of limitation mister

1589
01:17:39,000 --> 01:17:45,120
Baker and in that connection

1590
01:17:42,030 --> 01:17:46,980
I'm most luck gentleman yield you what

1591
01:17:45,120 --> 01:17:48,720
I've concluded my remarks gentleman does

1592
01:17:46,980 --> 01:17:51,960
not yield this time it's okay it's just

1593
01:17:48,720 --> 01:17:54,060
a moment was talking about and in

1594
01:17:51,960 --> 01:17:56,660
connection with this problem it first

1595
01:17:54,060 --> 01:18:01,530
arose here before the legislature in

1596
01:17:56,660 --> 01:18:03,690
1969 when a bill was passed out of the

1597
01:18:01,530 --> 01:18:07,760
Judiciary Committee passed by both

1598
01:18:03,690 --> 01:18:11,280
houses of the legislature and it's now

1599
01:18:07,760 --> 01:18:13,920
codified as article 55 36 a a of

1600
01:18:11,280 --> 01:18:16,560
Vernon's annotated civil statutes which

1601
01:18:13,920 --> 01:18:19,320
sets up a 10-year statute of limitations

1602
01:18:16,560 --> 01:18:22,740
with respect to any registered or

1603
01:18:19,320 --> 01:18:25,410
licensed engineer or architect insofar

1604
01:18:22,740 --> 01:18:28,470
as he might have potential liability on

1605
01:18:25,410 --> 01:18:32,070
building design but it did not cover the

1606
01:18:28,470 --> 01:18:34,680
contractor what House bill 1105 does is

1607

01:18:32,070 --> 01:18:36,900
track the language of this article that

1608
01:18:34,680 --> 01:18:39,240
was passed six years ago by the

1609
01:18:36,900 --> 01:18:41,820
legislature and afford this same

1610
01:18:39,240 --> 01:18:43,860
protection to the contractors that this

1611
01:18:41,820 --> 01:18:46,830
legislature saw fit to give to the

1612
01:18:43,860 --> 01:18:50,550
architects and the engineers in the 1969

1613
01:18:46,830 --> 01:18:52,059
act I think it's sound law and I would

1614
01:18:50,550 --> 01:18:53,710
urge you to vote for

1615
01:18:52,059 --> 01:18:56,369
this Bell and I'll be happy to yield at

1616
01:18:53,710 --> 01:19:01,030
this time mr. gentleman yield mr. Baum

1617
01:18:56,369 --> 01:19:08,650
mr. Hale I noticed that within the body

1618
01:19:01,030 --> 01:19:11,559
of the bill you state that if the injury

1619
01:19:08,650 --> 01:19:16,659
or the claim arises within the 10-year

1620
01:19:11,559 --> 01:19:22,050
period that the individual can give

1621
01:19:16,659 --> 01:19:25,389
notice in writing and extend the statute

1622
01:19:22,050 --> 01:19:28,030
for two years is that correct well that

1623
01:19:25,389 --> 01:19:32,199
would be only in the event that it that

1624
01:19:28,030 --> 01:19:34,420
it occurred within the last two years of

1625
01:19:32,199 --> 01:19:36,579
the ten year period otherwise you'd have

1626
01:19:34,420 --> 01:19:38,739
no reason to give that notice because

1627
01:19:36,579 --> 01:19:40,630
you you would automatically be governed

1628
01:19:38,739 --> 01:19:44,469
by a two-year statute of limitations at

1629
01:19:40,630 --> 01:19:48,909
that point anyway all right now mr. Hale

1630
01:19:44,469 --> 01:19:53,409
you do not give us any provisions what

1631
01:19:48,909 --> 01:19:55,599
so up whatsoever as to win you must give

1632
01:19:53,409 --> 01:19:58,329
the notice what if you what if you wait

1633
01:19:55,599 --> 01:20:02,710
what if you're injured in the eighth

1634

01:19:58,329 --> 01:20:04,900
year in one day and you wait until one

1635
01:20:02,710 --> 01:20:07,000
day before the ten years expires and

1636
01:20:04,900 --> 01:20:08,739
gives notice at that time in writing

1637
01:20:07,000 --> 01:20:11,139
will that extend it two years from that

1638
01:20:08,739 --> 01:20:14,530
point no sir I don't believe it would I

1639
01:20:11,139 --> 01:20:16,300
think that where is your justification

1640
01:20:14,530 --> 01:20:18,940
or where is your basis or where is your

1641
01:20:16,300 --> 01:20:21,219
where is your documentation int within

1642
01:20:18,940 --> 01:20:23,650
the bill telling us when we have to give

1643
01:20:21,219 --> 01:20:26,320
notice in writing to get this two years

1644
01:20:23,650 --> 01:20:28,900
extension you it you would not have to

1645
01:20:26,320 --> 01:20:31,690
give notice in writing unless you needed

1646
01:20:28,900 --> 01:20:34,420
to extend the ten-year period what that

1647
01:20:31,690 --> 01:20:36,730
is designed to do I understand let me

1648
01:20:34,420 --> 01:20:39,789
finish okay what that is designed to do

1649
01:20:36,730 --> 01:20:42,579
is to guarantee you from the time you

1650
01:20:39,789 --> 01:20:44,800
feel that you have a claim that to

1651
01:20:42,579 --> 01:20:47,079
guarantee you the minimum of two years

1652
01:20:44,800 --> 01:20:49,389
in which to file suit on it that's your

1653
01:20:47,079 --> 01:20:52,270
basic 2-year statute of limitations that

1654
01:20:49,389 --> 01:20:55,000
would apply if it if the accident occurs

1655
01:20:52,270 --> 01:20:57,550
during the first eight years then you

1656
01:20:55,000 --> 01:21:00,550
the two-year statute is now on the book

1657
01:20:57,550 --> 01:21:01,840
would automatically apply now if the if

1658
01:21:00,550 --> 01:21:04,150
the occurrence

1659
01:21:01,840 --> 01:21:06,970
happens during the last two years of the

1660
01:21:04,150 --> 01:21:09,280
10-year period and you do not think you

1661

01:21:06,970 --> 01:21:11,410
can get your claim file within the ten

1662
01:21:09,280 --> 01:21:14,560
year period then you can give the notice

1663
01:21:11,410 --> 01:21:16,480
and that will give you it will extend it

1664
01:21:14,560 --> 01:21:18,610
to the extent that it will give you two

1665
01:21:16,480 --> 01:21:21,100
years from the date your cause of action

1666
01:21:18,610 --> 01:21:23,770
arose how soon after your cause of

1667
01:21:21,100 --> 01:21:25,810
action arose must you give that written

1668
01:21:23,770 --> 01:21:27,670
notice to get the two-year extension any

1669
01:21:25,810 --> 01:21:30,280
time within the two-year period

1670
01:21:27,670 --> 01:21:33,070
so what you just said while ago is not

1671
01:21:30,280 --> 01:21:36,490
true in other words if after if on the

1672
01:21:33,070 --> 01:21:39,640
eighth year and one day my client or

1673
01:21:36,490 --> 01:21:42,430
whoever was injured and one day before

1674
01:21:39,640 --> 01:21:44,890
the tenth year I give written notice

1675
01:21:42,430 --> 01:21:46,690
then I have extended it for two years is

1676
01:21:44,890 --> 01:21:49,090
that correct no sir you would not extend

1677
01:21:46,690 --> 01:21:51,270
it beyond two years from the date of the

1678
01:21:49,090 --> 01:21:51,270
accident

1679
01:21:52,680 --> 01:21:57,460
well mr. Hale in other words what you'd

1680
01:21:55,420 --> 01:22:00,520
have to do to get the full two years is

1681
01:21:57,460 --> 01:22:02,440
give written notice that day and if you

1682
01:22:00,520 --> 01:22:03,910
waited six months to get give written

1683
01:22:02,440 --> 01:22:08,830
notice and all you'd be getting is an

1684
01:22:03,910 --> 01:22:10,390
18-month extension is that right and if

1685
01:22:08,830 --> 01:22:14,950
you waited twelve months all you'd be

1686
01:22:10,390 --> 01:22:16,630
getting is a 12-month extension you'll

1687
01:22:14,950 --> 01:22:20,500
have to admit that's very vague in your

1688

01:22:16,630 --> 01:22:25,870
statute you might be right on it you

1689
01:22:20,500 --> 01:22:28,450
might for two years but the part is in

1690
01:22:25,870 --> 01:22:29,800
any event what else we need to know mr.

1691
01:22:28,450 --> 01:22:32,080
Hale we need to know the answer this

1692
01:22:29,800 --> 01:22:34,420
question I consider it very viable well

1693
01:22:32,080 --> 01:22:36,580
I think as I read this you'd probably I

1694
01:22:34,420 --> 01:22:38,680
probably stated that incorrectly I think

1695
01:22:36,580 --> 01:22:40,300
you'd probably be entitled to a full two

1696
01:22:38,680 --> 01:22:42,820
years from the date to notice with you

1697
01:22:40,300 --> 01:22:45,160
from the day I gave notice as long as I

1698
01:22:42,820 --> 01:22:46,840
gave it within the ten year period I

1699
01:22:45,160 --> 01:22:49,420
think that's I think but you don't know

1700
01:22:46,840 --> 01:22:51,820
for sure well none of us know anything

1701
01:22:49,420 --> 01:22:54,880
for sure except different taxes mr.

1702
01:22:51,820 --> 01:22:56,560
Osterberg is there any other laws in the

1703
01:22:54,880 --> 01:22:58,180
on the statute of limitations in the

1704
01:22:56,560 --> 01:23:00,430
state of Texas it has this type of

1705
01:22:58,180 --> 01:23:01,930
provision other than our notice to to

1706
01:23:00,430 --> 01:23:03,940
municipalities I know we used to have

1707
01:23:01,930 --> 01:23:05,800
given you've noticed you municipalities

1708
01:23:03,940 --> 01:23:07,330
whenever we had a claim against them is

1709
01:23:05,800 --> 01:23:09,910
there any other law that you're familiar

1710
01:23:07,330 --> 01:23:12,179
with that that's written in such a

1711
01:23:09,910 --> 01:23:14,909
fashion

1712
01:23:12,179 --> 01:23:17,640
claim right railway claims you require

1713
01:23:14,909 --> 01:23:19,290
written notice on those four do they

1714
01:23:17,640 --> 01:23:21,060
spell it out and let us know where we

1715

01:23:19,290 --> 01:23:22,890
are and what we're doing most of the law

1716
01:23:21,060 --> 01:23:25,560
on that has been written by Court

1717
01:23:22,890 --> 01:23:27,300
interpretation mr. Osterberg all right

1718
01:23:25,560 --> 01:23:29,520
so what we're doing is this is another

1719
01:23:27,300 --> 01:23:31,920
area for the for the courts to ride on

1720
01:23:29,520 --> 01:23:33,480
and for us to have to go to court on and

1721
01:23:31,920 --> 01:23:35,370
it may take ten years before we even

1722
01:23:33,480 --> 01:23:37,469
know where we are is that correct the

1723
01:23:35,370 --> 01:23:39,540
world must toss them back of course

1724
01:23:37,469 --> 01:23:42,540
that's entirely possible you might not

1725
01:23:39,540 --> 01:23:44,850
know for a hundred years if there's no

1726
01:23:42,540 --> 01:23:46,650
litigation on it uh evidently it would

1727
01:23:44,850 --> 01:23:49,020
not be a very significant thing unless

1728
01:23:46,650 --> 01:23:50,940
there were some litigation on it but I

1729
01:23:49,020 --> 01:23:52,949
think that by a reasonable

1730
01:23:50,940 --> 01:23:55,050
interpretation of this language you know

1731
01:23:52,949 --> 01:23:56,909
fairly well where you would stand on now

1732
01:23:55,050 --> 01:23:59,190
mr. Hale let's talk about what the law

1733
01:23:56,909 --> 01:24:01,920
is today on this subject now

1734
01:23:59,190 --> 01:24:05,489
if today there was a hidden latent

1735
01:24:01,920 --> 01:24:08,370
defect and the hidden latent defect was

1736
01:24:05,489 --> 01:24:10,500
not discovered for twelve years and it

1737
01:24:08,370 --> 01:24:13,560
was discovered as a result of somebody

1738
01:24:10,500 --> 01:24:15,719
being injured what would what would the

1739
01:24:13,560 --> 01:24:19,020
action be barred at this time under the

1740
01:24:15,719 --> 01:24:20,820
present law no sir I didn't and how long

1741
01:24:19,020 --> 01:24:24,030
would the individual have to bring a

1742

01:24:20,820 --> 01:24:25,770
lawsuit on this particular defect as a

1743
01:24:24,030 --> 01:24:28,380
result of the injury that was suffered

1744
01:24:25,770 --> 01:24:30,960
two years from the date of the engi so

1745
01:24:28,380 --> 01:24:33,030
what you will do is you will cut off an

1746
01:24:30,960 --> 01:24:35,520
individual say for instance there is a

1747
01:24:33,030 --> 01:24:37,710
latent defect it's a type of defect that

1748
01:24:35,520 --> 01:24:41,130
can't be seen let's say it's behind the

1749
01:24:37,710 --> 01:24:43,170
walls or it's a poor insulation or it's

1750
01:24:41,130 --> 01:24:46,290
under cement and it's something that the

1751
01:24:43,170 --> 01:24:49,110
ordinary eye cannot perceive and it is

1752
01:24:46,290 --> 01:24:51,750
not apparent until stress or strain or

1753
01:24:49,110 --> 01:24:55,199
our some sort of accident occurs it

1754
01:24:51,750 --> 01:24:57,420
brings it to the forefront what you

1755
01:24:55,199 --> 01:24:59,730
would do if this particular occurrence

1756
01:24:57,420 --> 01:25:01,949
occurred after ten years you would be

1757
01:24:59,730 --> 01:25:05,250
prohibiting that individual who is

1758
01:25:01,949 --> 01:25:06,630
injured could possibly be dead maimed be

1759
01:25:05,250 --> 01:25:08,280
injured for life they would have no

1760
01:25:06,630 --> 01:25:10,350
cause of action under this bill is that

1761
01:25:08,280 --> 01:25:13,050
correct no sir that's not correct

1762
01:25:10,350 --> 01:25:14,940
their cause of action would be against

1763
01:25:13,050 --> 01:25:16,650
the owner of the building but they would

1764
01:25:14,940 --> 01:25:19,320
not have a cause of action against the

1765
01:25:16,650 --> 01:25:21,480
individual who constructed that building

1766
01:25:19,320 --> 01:25:23,390
that's true and if you could not show

1767
01:25:21,480 --> 01:25:25,580
that the owner of the building was

1768
01:25:23,390 --> 01:25:27,350
in some way they could not recover

1769

01:25:25,580 --> 01:25:28,910
against that owner is that right well I

1770
01:25:27,350 --> 01:25:30,980
would be true even in the case of the

1771
01:25:28,910 --> 01:25:32,660
contractor all these suits are based on

1772
01:25:30,980 --> 01:25:34,370
negligence must toss them back what

1773
01:25:32,660 --> 01:25:36,380
happen what happens if the owner is the

1774
01:25:34,370 --> 01:25:38,630
injured party he can't see himself

1775
01:25:36,380 --> 01:25:40,280
unless you can show negligence you can't

1776
01:25:38,630 --> 01:25:42,020
recover on any of these type of

1777
01:25:40,280 --> 01:25:44,090
accidents well that's correct but if you

1778
01:25:42,020 --> 01:25:46,130
have a latent defect most of the time

1779
01:25:44,090 --> 01:25:48,560
the person that's responsible for the

1780
01:25:46,130 --> 01:25:50,450
latent defect and is negligent is the

1781
01:25:48,560 --> 01:25:52,040
contractor rather than the owner so a

1782
01:25:50,450 --> 01:25:53,750
lawsuit against the owner it'd be just

1783
01:25:52,040 --> 01:25:54,560
like having a lawsuit against the wall

1784
01:25:53,750 --> 01:25:56,990
over here

1785
01:25:54,560 --> 01:25:59,600
no I don't think that's necessarily true

1786
01:25:56,990 --> 01:26:02,000
if you'll find then the few lawsuits

1787
01:25:59,600 --> 01:26:04,250
that have been filed in this area which

1788
01:26:02,000 --> 01:26:06,890
I'm a wire generally names both of them

1789
01:26:04,250 --> 01:26:09,140
as defendants let's toss them back let

1790
01:26:06,890 --> 01:26:13,160
me just give you a few statistics on

1791
01:26:09,140 --> 01:26:15,800
this there were hearings conducted on

1792
01:26:13,160 --> 01:26:18,590
some bills in Congress in the general

1793
01:26:15,800 --> 01:26:20,930
area of this subject and they developed

1794
01:26:18,590 --> 01:26:23,300
some statistics there which I have and

1795
01:26:20,930 --> 01:26:27,020
they show that within a ten year period

1796

01:26:23,300 --> 01:26:28,610
this is a study was tossed in back are

1797
01:26:27,020 --> 01:26:31,160
you listening to him yes unless mr.

1798
01:26:28,610 --> 01:26:34,220
alright I want you to be sure and get

1799
01:26:31,160 --> 01:26:37,460
this that within the within a period of

1800
01:26:34,220 --> 01:26:40,040
ten years on all the loss this was a

1801
01:26:37,460 --> 01:26:43,160
survey of lawsuits filed as a result of

1802
01:26:40,040 --> 01:26:47,810
construction work and during the first

1803
01:26:43,160 --> 01:26:49,280
year all claim there were 30 set of all

1804
01:26:47,810 --> 01:26:50,930
claims that were presented on

1805
01:26:49,280 --> 01:26:54,710
construction work and included within

1806
01:26:50,930 --> 01:26:57,530
this this massive study 37 percent of

1807
01:26:54,710 --> 01:26:59,900
them were filed within one year another

1808
01:26:57,530 --> 01:27:02,960
18 percent within the second year

1809
01:26:59,900 --> 01:27:05,300
another 16 percent within the third year

1810
01:27:02,960 --> 01:27:08,690
and another 11th percent within the

1811
01:27:05,300 --> 01:27:10,730
fourth year so within four years 84

1812
01:27:08,690 --> 01:27:13,400
percent of all claims that were ever

1813
01:27:10,730 --> 01:27:16,100
filed were filed within four years now

1814
01:27:13,400 --> 01:27:19,760
the the study goes ahead and extends

1815
01:27:16,100 --> 01:27:21,830
that up to 15 years and for instance

1816
01:27:19,760 --> 01:27:23,420
there were no claims filed and he were

1817
01:27:21,830 --> 01:27:27,470
in this study that was the light of the

1818
01:27:23,420 --> 01:27:30,110
longest period of time was 14 years if

1819
01:27:27,470 --> 01:27:33,980
you put a 10-year statute on there under

1820
01:27:30,110 --> 01:27:35,460
these statistics 99 and 6/10 percent of

1821
01:27:33,980 --> 01:27:38,460
all claims that were

1822
01:27:35,460 --> 01:27:40,260
out of this construction work were filed

1823

01:27:38,460 --> 01:27:43,790
within ten years from the date of

1824
01:27:40,260 --> 01:27:47,250
completion of the construction so that

1825
01:27:43,790 --> 01:27:50,880
statistically you're talking about only

1826
01:27:47,250 --> 01:27:52,920
that rash bird situation now in return

1827
01:27:50,880 --> 01:27:55,770
for that you have to weigh the equities

1828
01:27:52,920 --> 01:27:59,250
here in return for protecting that rare

1829
01:27:55,770 --> 01:28:02,130
bird case that's situation four tenths

1830
01:27:59,250 --> 01:28:04,290
of one percent of claims you've got to

1831
01:28:02,130 --> 01:28:06,510
require every contractor and every

1832
01:28:04,290 --> 01:28:09,420
builder in state of Texas to continue to

1833
01:28:06,510 --> 01:28:12,300
pay and carry some type of liability

1834
01:28:09,420 --> 01:28:14,700
insurance during his entire lifetime in

1835
01:28:12,300 --> 01:28:18,360
order to protect himself against that

1836
01:28:14,700 --> 01:28:21,480
possibility now admittedly any statute

1837
01:28:18,360 --> 01:28:23,550
of limitations is arbitrary with but

1838
01:28:21,480 --> 01:28:25,860
we've had statutes of limitations on the

1839
01:28:23,550 --> 01:28:27,960
books for years I've had people come

1840
01:28:25,860 --> 01:28:29,670
into my office in a lot of filed suit on

1841
01:28:27,960 --> 01:28:31,950
automobile collisions where they were

1842
01:28:29,670 --> 01:28:33,660
badly injured but unfortunately the

1843
01:28:31,950 --> 01:28:35,280
accident happened more than two years

1844
01:28:33,660 --> 01:28:37,620
before they talked to me and I had to

1845
01:28:35,280 --> 01:28:39,900
tell them your claim is barred you

1846
01:28:37,620 --> 01:28:42,300
waited too long you've got to do it

1847
01:28:39,900 --> 01:28:44,490
within a certain period of time and the

1848
01:28:42,300 --> 01:28:46,650
reason for the statutes of limitation is

1849
01:28:44,490 --> 01:28:49,200
public policy they said we need to have

1850

01:28:46,650 --> 01:28:51,770
a termination point somewhere where a

1851
01:28:49,200 --> 01:28:54,270
person can say I can forget this matter

1852
01:28:51,770 --> 01:28:56,400
and that's the reason for a statute of

1853
01:28:54,270 --> 01:28:57,930
limitations mr. Hale I have no argument

1854
01:28:56,400 --> 01:28:59,940
with you about the statute of

1855
01:28:57,930 --> 01:29:02,340
limitations but I don't think it's fair

1856
01:28:59,940 --> 01:29:05,700
for statute of limitations to start

1857
01:29:02,340 --> 01:29:07,800
running until someone has discovered the

1858
01:29:05,700 --> 01:29:11,420
defect now let me ask you this question

1859
01:29:07,800 --> 01:29:14,340
wouldn't this bill in essence encourage

1860
01:29:11,420 --> 01:29:17,670
amongst our builders and our contractors

1861
01:29:14,340 --> 01:29:20,370
a kind of built-in 10-year obsolescence

1862
01:29:17,670 --> 01:29:22,860
program you know we've always prided

1863
01:29:20,370 --> 01:29:25,440
ourselves on the permanency and the and

1864
01:29:22,860 --> 01:29:27,660
the solidity of the structures that we

1865
01:29:25,440 --> 01:29:29,700
put up not only in this state but in all

1866
01:29:27,660 --> 01:29:33,720
of the United States and wouldn't this

1867
01:29:29,700 --> 01:29:38,030
in essence encourage sort of a 10-year

1868
01:29:33,720 --> 01:29:38,030
built in obsolescence in our structures

1869
01:29:38,150 --> 01:29:42,840
no sir it hadn't worked out that way in

1870
01:29:40,980 --> 01:29:45,180
the thirty states that have this type of

1871
01:29:42,840 --> 01:29:46,469
statute mr. huh stand back according to

1872
01:29:45,180 --> 01:29:50,130
the information I have

1873
01:29:46,469 --> 01:29:51,630
what it will do of course it's going to

1874
01:29:50,130 --> 01:29:54,870
encourage the owner of the building to

1875
01:29:51,630 --> 01:29:56,820
keep it in good required after 10 years

1876
01:29:54,870 --> 01:29:58,620
if there's any structural defect in the

1877

01:29:56,820 --> 01:30:00,630
Bellamy you gonna it's gonna repair

1878
01:29:58,620 --> 01:30:03,780
within 10 years much tossing back why do

1879
01:30:00,630 --> 01:30:05,610
we need to build in because of the

1880
01:30:03,780 --> 01:30:07,890
towards the case we wouldn't need to

1881
01:30:05,610 --> 01:30:10,500
build because of the four tenths of one

1882
01:30:07,890 --> 01:30:13,380
percent of these claims that are filed

1883
01:30:10,500 --> 01:30:15,239
after 10 years and every contractor

1884
01:30:13,380 --> 01:30:19,260
fears he might be the one affected by

1885
01:30:15,239 --> 01:30:23,880
mr. Peters gentleman yield gentleman

1886
01:30:19,260 --> 01:30:25,980
yield Metro do it in stating any person

1887
01:30:23,880 --> 01:30:28,760
performing or furnishing construction or

1888
01:30:25,980 --> 01:30:31,530
repair would that include an architect

1889
01:30:28,760 --> 01:30:35,310
providing plans and specifications which

1890
01:30:31,530 --> 01:30:38,010
are followed by a contractor no sir

1891
01:30:35,310 --> 01:30:40,080
because architects and engineers already

1892
01:30:38,010 --> 01:30:43,770
have a ten-year statute limitations that

1893
01:30:40,080 --> 01:30:45,449
we passed in 1969 mr. Reynolds and they

1894
01:30:43,770 --> 01:30:49,710
already are afforded this protection

1895
01:30:45,449 --> 01:30:52,739
under article 55 36 a of the revised

1896
01:30:49,710 --> 01:30:54,719
statute the reason I've been my

1897
01:30:52,739 --> 01:30:57,660
experience that you have more problems

1898
01:30:54,719 --> 01:30:59,880
with latent defects due to design or

1899
01:30:57,660 --> 01:31:02,489
plans and specifications than you do in

1900
01:30:59,880 --> 01:31:04,230
the constructing process that's true and

1901
01:31:02,489 --> 01:31:07,290
that was brought out in the Judiciary

1902
01:31:04,230 --> 01:31:09,510
Committee hearings in 1969 when this

1903
01:31:07,290 --> 01:31:11,580
architect and engineer limitation bill

1904

01:31:09,510 --> 01:31:13,590
is before the committee but they already

1905
01:31:11,580 --> 01:31:15,330
have the ten years but that they already

1906
01:31:13,590 --> 01:31:17,219
have the protection of this ten-year

1907
01:31:15,330 --> 01:31:19,110
statute and I think it's only fair that

1908
01:31:17,219 --> 01:31:20,250
we extend it to the contractor for don't

1909
01:31:19,110 --> 01:31:22,380
give it to the architect and the

1910
01:31:20,250 --> 01:31:22,710
engineer mr. spiegle will the gentleman

1911
01:31:22,380 --> 01:31:25,739
yield

1912
01:31:22,710 --> 01:31:29,250
I'll be happy to you representing

1913
01:31:25,739 --> 01:31:33,390
another visualize Garcia I'm trying to

1914
01:31:29,250 --> 01:31:34,949
visualize a situation that I imagine

1915
01:31:33,390 --> 01:31:39,030
would be encompassed by this particular

1916
01:31:34,949 --> 01:31:44,370
bill and that is a situation that say on

1917
01:31:39,030 --> 01:31:46,320
January the 1st of 1974 a building or a

1918
01:31:44,370 --> 01:31:50,610
construction had been substantially

1919
01:31:46,320 --> 01:31:53,520
completed January 1st 1974 one year

1920
01:31:50,610 --> 01:31:56,400
thereafter an individual suffers an

1921
01:31:53,520 --> 01:31:58,059
accidental injury now do I understand

1922
01:31:56,400 --> 01:31:59,949
that that person has

1923
01:31:58,059 --> 01:32:03,429
ten years within which to bring the

1924
01:31:59,949 --> 01:32:05,619
action or nine years uh assuming that

1925
01:32:03,429 --> 01:32:09,539
had been substantially completed or

1926
01:32:05,619 --> 01:32:09,539
January 1st of 1974

1927
01:32:10,230 --> 01:32:15,159
do you follow yes sir but I think you're

1928
01:32:13,360 --> 01:32:18,280
going to find that the two-year statute

1929
01:32:15,159 --> 01:32:24,039
of limitations on the books now which is

1930
01:32:18,280 --> 01:32:26,920
article 55 26 is going to govern once

1931

01:32:24,039 --> 01:32:31,289
the accident occurs if you'll look on

1932
01:32:26,920 --> 01:32:33,820
page 2 of the bill lines 15 through 18

1933
01:32:31,289 --> 01:32:35,860
you'll see language in there that

1934
01:32:33,820 --> 01:32:37,719
provides that nothing in this section

1935
01:32:35,860 --> 01:32:40,420
will be construed is extending that

1936
01:32:37,719 --> 01:32:42,699
period of limitation so that once the

1937
01:32:40,420 --> 01:32:45,039
accident occurs the 2-year statute is

1938
01:32:42,699 --> 01:32:47,679
going to automatically apply now the

1939
01:32:45,039 --> 01:32:49,329
reason for the extension provisions in

1940
01:32:47,679 --> 01:32:51,400
here is in the event the accident

1941
01:32:49,329 --> 01:32:53,710
happens within the last two years of the

1942
01:32:51,400 --> 01:32:56,889
ten year period we wanted to guarantee

1943
01:32:53,710 --> 01:32:58,659
them about two years from the date of

1944
01:32:56,889 --> 01:33:01,929
the accident and that's the purpose of

1945
01:32:58,659 --> 01:33:05,230
these expenses so then so then the the

1946
01:33:01,929 --> 01:33:08,760
thrust of this particular bill is to

1947
01:33:05,230 --> 01:33:11,500
observe contractors or builders of

1948
01:33:08,760 --> 01:33:13,000
responsibility for any defects which are

1949
01:33:11,500 --> 01:33:15,389
not discovered within the first ten

1950
01:33:13,000 --> 01:33:19,239
years or accidents resulting therefrom

1951
01:33:15,389 --> 01:33:21,280
that would be true and of course it

1952
01:33:19,239 --> 01:33:25,420
would change it would change a long line

1953
01:33:21,280 --> 01:33:28,960
of case law that relates to those

1954
01:33:25,420 --> 01:33:31,599
matters dealing with latent ambiguities

1955
01:33:28,960 --> 01:33:34,030
or latent errors in construction would

1956
01:33:31,599 --> 01:33:37,000
have done well not to the same extent

1957
01:33:34,030 --> 01:33:39,880
that the 1969 Act has done that with

1958

01:33:37,000 --> 01:33:42,039
respect to architects and engineers and

1959
01:33:39,880 --> 01:33:45,280
to the same extent that any statute of

1960
01:33:42,039 --> 01:33:47,820
limitations abrogates a cause of action

1961
01:33:45,280 --> 01:33:49,840
if you don't come and comply with the

1962
01:33:47,820 --> 01:33:51,789
requirements of the statute in other

1963
01:33:49,840 --> 01:33:53,139
words the theory behind this bill is

1964
01:33:51,789 --> 01:33:54,940
we've given it to architects and

1965
01:33:53,139 --> 01:33:56,980
engineers now let's give it to the

1966
01:33:54,940 --> 01:34:00,280
contractor I think it's a matter of

1967
01:33:56,980 --> 01:34:02,260
equity as any statute of limitations or

1968
01:34:00,280 --> 01:34:04,630
the statute of frauds you can go into

1969
01:34:02,260 --> 01:34:06,789
any of these areas where we have

1970
01:34:04,630 --> 01:34:09,579
arbitrarily said a person's not liable

1971
01:34:06,789 --> 01:34:10,539
you go into any area that's covered by

1972
01:34:09,579 --> 01:34:12,579
the statute

1973
01:34:10,539 --> 01:34:14,800
mr. Garcia and I know you've had a

1974
01:34:12,579 --> 01:34:17,289
lawsuits in connection with that it's a

1975
01:34:14,800 --> 01:34:18,969
very arbitrary statute it deprives a

1976
01:34:17,289 --> 01:34:21,010
person of a cause of action that they

1977
01:34:18,969 --> 01:34:23,260
would otherwise have but what the

1978
01:34:21,010 --> 01:34:25,780
legislature does in passing these type

1979
01:34:23,260 --> 01:34:27,280
of laws limitation laws and Sherman

1980
01:34:25,780 --> 01:34:29,170
raises point of order gentleman's time

1981
01:34:27,280 --> 01:34:33,579
expired point of ordered well taken and

1982
01:34:29,170 --> 01:34:35,889
sustained at doorkeeper message from the

1983
01:34:33,579 --> 01:34:39,730
Senate mr. speaker had meant to

1984
01:34:35,889 --> 01:34:41,409
messenger mr. speaker I'm directed by

1985

01:34:39,730 --> 01:34:43,480
the Senate to inform the house that the

1986
01:34:41,409 --> 01:34:45,760
Senate has refused to concur in house

1987
01:34:43,480 --> 01:34:47,829
amendments to Senate bill 360 and

1988
01:34:45,760 --> 01:34:49,510
request the appointment of a conference

1989
01:34:47,829 --> 01:34:51,849
committee to adjust the differences

1990
01:34:49,510 --> 01:34:53,170
between the two houses the following

1991
01:34:51,849 --> 01:34:56,079
have been appointed on the part of the

1992
01:34:53,170 --> 01:35:05,980
Senate Senators Eiken Sonny Stephen

1993
01:34:56,079 --> 01:35:07,750
pants Williams and Farabee members let

1994
01:35:05,980 --> 01:35:10,630
me have your attention for just a minute

1995
01:35:07,750 --> 01:35:13,630
before we lay out the committee

1996
01:35:10,630 --> 01:35:16,389
amendment number one tomorrow we're

1997
01:35:13,630 --> 01:35:20,019
going to try a new procedure when we

1998
01:35:16,389 --> 01:35:21,789
have messages from the Senate as the

1999
01:35:20,019 --> 01:35:24,400
messenger comes over we're going to

2000
01:35:21,789 --> 01:35:27,130
admit the messenger and receive the

2001
01:35:24,400 --> 01:35:28,780
message here at the front and distribute

2002
01:35:27,130 --> 01:35:31,329
copies of the message to you on your

2003
01:35:28,780 --> 01:35:33,849
desk that way it will take up less time

2004
01:35:31,329 --> 01:35:37,539
and you'll have a printed copy of what

2005
01:35:33,849 --> 01:35:39,070
those actions were by the Senate we've

2006
01:35:37,539 --> 01:35:40,630
talked this over with the Senate they're

2007
01:35:39,070 --> 01:35:44,139
going to apply the same thing on the

2008
01:35:40,630 --> 01:35:47,199
Senate side following committee minute

2009
01:35:44,139 --> 01:35:49,389
to clerk to read the amendment committee

2010
01:35:47,199 --> 01:35:53,349
amendment number 1 by Hale amend House

2011
01:35:49,389 --> 01:35:55,170
bill 11 a tale to explain element the

2012

01:35:53,349 --> 01:36:00,190
bill which I originally introduced

2013
01:35:55,170 --> 01:36:03,849
included alt had an exclusion here on on

2014
01:36:00,190 --> 01:36:06,010
single-family dwellings and it was taken

2015
01:36:03,849 --> 01:36:08,139
from a bill that had been introduced two

2016
01:36:06,010 --> 01:36:11,110
years ago at the Judiciary Committee

2017
01:36:08,139 --> 01:36:13,030
hearings the committee felt and voted

2018
01:36:11,110 --> 01:36:14,800
unanimously that if we were going to

2019
01:36:13,030 --> 01:36:16,780
give the 10-year protection it ought

2020
01:36:14,800 --> 01:36:18,429
apply to those two and this amendment

2021
01:36:16,780 --> 01:36:21,820
simply does that and I move it stuff

2022
01:36:18,429 --> 01:36:23,530
let's figure what German us to use in

2023
01:36:21,820 --> 01:36:25,840
the toilets what the hell

2024
01:36:23,530 --> 01:36:27,280
and this is what this bill really does

2025
01:36:25,840 --> 01:36:29,110
there's a daughter you've got an

2026
01:36:27,280 --> 01:36:31,390
architect you've got an engineer and

2027
01:36:29,110 --> 01:36:33,670
you've got a contractor building these

2028
01:36:31,390 --> 01:36:36,550
buildings and under the present law the

2029
01:36:33,670 --> 01:36:38,560
architect and the engineer only have a

2030
01:36:36,550 --> 01:36:40,360
ten year statute of limitations for

2031
01:36:38,560 --> 01:36:42,520
which they have to have insurance and

2032
01:36:40,360 --> 01:36:44,110
there's a discrimination at present

2033
01:36:42,520 --> 01:36:46,239
against the contractor and your bill

2034
01:36:44,110 --> 01:36:48,190
simply removes that is that right that's

2035
01:36:46,239 --> 01:36:52,179
right because the contractor has to keep

2036
01:36:48,190 --> 01:36:54,070
caring insurance till he dies I move

2037
01:36:52,179 --> 01:36:55,179
adoption of the amount question members

2038
01:36:54,070 --> 01:36:56,440
on the adoption of the committee

2039

01:36:55,179 --> 01:36:59,830
amendment number one is there objection

2040
01:36:56,440 --> 01:37:01,360
to its adoption there is objection all

2041
01:36:59,830 --> 01:37:07,270
those in favor of adoptions amendment

2042
01:37:01,360 --> 01:37:09,870
say aye all opposed no vote I vote no at

2043
01:37:07,270 --> 01:37:09,870
Division vote

2044
01:37:18,650 --> 01:37:29,780
distractible what the amendment is

2045
01:37:20,420 --> 01:37:32,770
adopted mister hosing back to speak

2046
01:37:29,780 --> 01:37:32,770
against passage of the bill

2047
01:37:38,290 --> 01:37:43,300
mr. speaker members the argument that

2048
01:37:41,500 --> 01:37:45,880
that if we don't do this it's

2049
01:37:43,300 --> 01:37:47,650
discriminatory if that's the case why

2050
01:37:45,880 --> 01:37:50,830
don't we just take this type of

2051
01:37:47,650 --> 01:37:52,930
situation and extend it to anybody in

2052
01:37:50,830 --> 01:37:55,210
everybody that has anything to do with

2053
01:37:52,930 --> 01:37:56,860
anytime someone gets hurt or someone

2054
01:37:55,210 --> 01:38:00,100
gets injured or there's negligence

2055
01:37:56,860 --> 01:38:01,270
involved just because two groups have it

2056
01:38:00,100 --> 01:38:03,400
doesn't make it right for the third

2057
01:38:01,270 --> 01:38:05,080
group but give it to the third group the

2058
01:38:03,400 --> 01:38:06,460
fourth fifth sixth seventh eighth ninth

2059
01:38:05,080 --> 01:38:08,620
tenth group is gonna be up here before

2060
01:38:06,460 --> 01:38:10,210
you know it you're going to do away with

2061
01:38:08,620 --> 01:38:12,190
the rights of people who have been

2062
01:38:10,210 --> 01:38:15,190
injured because of the negligence others

2063
01:38:12,190 --> 01:38:17,500
to even have the right of recovery I'm

2064
01:38:15,190 --> 01:38:20,320
gonna let me just sum sum it up by

2065
01:38:17,500 --> 01:38:22,840
saying this this legislature this house

2066

01:38:20,320 --> 01:38:24,670
has been knocking over special interest

2067
01:38:22,840 --> 01:38:26,230
legislation from today we've come up

2068
01:38:24,670 --> 01:38:29,080
here this session and I'm proud of this

2069
01:38:26,230 --> 01:38:31,150
house this is another example of special

2070
01:38:29,080 --> 01:38:32,920
interest legislation and I ask you just

2071
01:38:31,150 --> 01:38:34,540
to vote no on the bill and let's just

2072
01:38:32,920 --> 01:38:36,880
kill it and move on to our business well

2073
01:38:34,540 --> 01:38:38,440
the gentleman he'll do one question yes

2074
01:38:36,880 --> 01:38:41,770
gentleman yields mr. Garcia

2075
01:38:38,440 --> 01:38:44,980
representative Howe Steinbach in in your

2076
01:38:41,770 --> 01:38:47,890
practice are you familiar with matters

2077
01:38:44,980 --> 01:38:50,170
that have as a basis for a cause of

2078
01:38:47,890 --> 01:38:52,540
action a latent ambiguity and

2079
01:38:50,170 --> 01:38:54,700
construction that has resulted in injury

2080
01:38:52,540 --> 01:38:57,040
to people where the construction has

2081
01:38:54,700 --> 01:38:59,320
existed for a period over 10 or 12 years

2082
01:38:57,040 --> 01:39:02,470
well I haven't been in a practice of

2083
01:38:59,320 --> 01:39:04,450
love very long mr. Garcia but in the

2084
01:39:02,470 --> 01:39:06,190
case law never do I am familiar with the

2085
01:39:04,450 --> 01:39:07,480
case law because I've studied it in law

2086
01:39:06,190 --> 01:39:09,880
school I have never had a case

2087
01:39:07,480 --> 01:39:11,710
personally like this up there but it's

2088
01:39:09,880 --> 01:39:13,720
just not right when you have a hidden

2089
01:39:11,710 --> 01:39:16,090
defect and it doesn't appear for 12

2090
01:39:13,720 --> 01:39:18,790
years and let's say someone's child is

2091
01:39:16,090 --> 01:39:21,160
crushed or mean forever and they don't

2092
01:39:18,790 --> 01:39:23,920
have any they have no know off they have

2093

01:39:21,160 --> 01:39:26,260
no recovery no way to get paid back for

2094
01:39:23,920 --> 01:39:29,140
the for the latent defect plus you're

2095
01:39:26,260 --> 01:39:31,600
encouraging shoddy construction all

2096
01:39:29,140 --> 01:39:34,420
right that was the next point that I

2097
01:39:31,600 --> 01:39:37,330
wanted to bring out that contractors

2098
01:39:34,420 --> 01:39:39,130
that they can conceal for a period of 10

2099
01:39:37,330 --> 01:39:41,290
years then they're out of the woods

2100
01:39:39,130 --> 01:39:43,840
they're safer they none that's right

2101
01:39:41,290 --> 01:39:45,790
present law will require them to comply

2102
01:39:43,840 --> 01:39:47,890
with contracts and will make them

2103
01:39:45,790 --> 01:39:49,450
responsible for any injury that occurs

2104
01:39:47,890 --> 01:39:51,940
regardless of what

2105
01:39:49,450 --> 01:39:54,100
it occurs if the defect is latent or

2106
01:39:51,940 --> 01:39:58,080
hidden that's true thank you I think

2107
01:39:54,100 --> 01:40:04,990
bill I urge you to vote no on the bill

2108
01:39:58,080 --> 01:40:06,580
mr. Hale too close on his bill mr.

2109
01:40:04,990 --> 01:40:09,940
speaker members of the house I'll make

2110
01:40:06,580 --> 01:40:13,000
my remarks very brief it's a bill of

2111
01:40:09,940 --> 01:40:16,090
this type enviable involves an adjusting

2112
01:40:13,000 --> 01:40:18,430
of equities you can always point out to

2113
01:40:16,090 --> 01:40:21,070
the rare exception worse perhaps an

2114
01:40:18,430 --> 01:40:23,290
injustice is being done what you have to

2115
01:40:21,070 --> 01:40:26,290
do though is way that rare case of

2116
01:40:23,290 --> 01:40:28,990
injustice against the present injustice

2117
01:40:26,290 --> 01:40:31,180
and inequity of requiring all of these

2118
01:40:28,990 --> 01:40:32,830
contractors to carry insurance for the

2119
01:40:31,180 --> 01:40:34,390
rest of their lives even though they may

2120

01:40:32,830 --> 01:40:36,580
be completely out of the construction

2121
01:40:34,390 --> 01:40:39,700
business because of that potential

2122
01:40:36,580 --> 01:40:42,010
liability every statute of limitations

2123
01:40:39,700 --> 01:40:45,100
and Evers provision of the statute of

2124
01:40:42,010 --> 01:40:47,740
frauds is an arbitrary determination by

2125
01:40:45,100 --> 01:40:50,800
a legislative body somewhere that we're

2126
01:40:47,740 --> 01:40:52,390
going to rule out a potential claim here

2127
01:40:50,800 --> 01:40:55,600
because of a balancing of the equities

2128
01:40:52,390 --> 01:40:57,400
we feel that the the assets on this side

2129
01:40:55,600 --> 01:40:59,800
outweigh the liabilities on the other

2130
01:40:57,400 --> 01:41:02,980
side that was the reasoning of course

2131
01:40:59,800 --> 01:41:04,540
that we passed the statute in 1969 where

2132
01:41:02,980 --> 01:41:06,940
we gave this protection to the

2133
01:41:04,540 --> 01:41:08,440
architects and the engineers and as was

2134
01:41:06,940 --> 01:41:11,920
pointed out in the Judiciary Committee

2135
01:41:08,440 --> 01:41:13,450
hearings in 1969 most of the latent

2136
01:41:11,920 --> 01:41:15,700
defects that have ever arisen in

2137
01:41:13,450 --> 01:41:18,280
lawsuits have been architectural defects

2138
01:41:15,700 --> 01:41:20,140
or the contractor performed according to

2139
01:41:18,280 --> 01:41:22,180
the plans and specifications but the

2140
01:41:20,140 --> 01:41:24,640
plans were faulty but we've already

2141
01:41:22,180 --> 01:41:27,340
crossed that bridge we've given them

2142
01:41:24,640 --> 01:41:29,200
this 10-year statute of limitations but

2143
01:41:27,340 --> 01:41:31,810
we didn't include the contractors and I

2144
01:41:29,200 --> 01:41:33,700
feel it's only fair and only right as we

2145
01:41:31,810 --> 01:41:35,650
balance these equities on one hand that

2146
01:41:33,700 --> 01:41:37,330
we do the same thing for the contractors

2147

01:41:35,650 --> 01:41:39,070
for that reason I hope you'll go down

2148
01:41:37,330 --> 01:41:42,970
the passage this bill thank you very

2149
01:41:39,070 --> 01:41:44,950
much question now occurs on passage to

2150
01:41:42,970 --> 01:41:47,650
engross Little House bill 11:05 all

2151
01:41:44,950 --> 01:41:49,210
those in favor passes in grossmutter the

2152
01:41:47,650 --> 01:41:51,219
House bill 1105 of old

2153
01:41:49,210 --> 01:41:53,670
vote no it's a record vote the clerk

2154
01:41:51,219 --> 01:41:53,670
will ring the bell

2155
01:42:10,749 --> 01:42:13,320
yeah

2156
01:42:13,829 --> 01:42:18,559
if all members voted show mez wedding

2157
01:42:16,050 --> 01:42:18,559
and voting on

2158
01:42:24,530 --> 01:42:27,700
all members voted

2159
01:42:59,430 --> 01:43:04,770
they're being 74 i-16 old one friend not

2160
01:43:02,400 --> 01:43:08,910
voting House bill 11:05 his pastor and

2161
01:43:04,770 --> 01:43:11,460
Grossman Shirley is out on second

2162
01:43:08,910 --> 01:43:16,980
reading House bill 771 the clerk will

2163
01:43:11,460 --> 01:43:18,930
read the bill House bill 771 by powers

2164
01:43:16,980 --> 01:43:22,350
relating to venue and civil actions and

2165
01:43:18,930 --> 01:43:25,700
declaring an emergency powers explain

2166
01:43:22,350 --> 01:43:29,820
this bill mr. speaker members House bill

2167
01:43:25,700 --> 01:43:34,320
771 is a major proposal of the State Bar

2168
01:43:29,820 --> 01:43:36,510
of Texas pertaining to article 1995 of

2169
01:43:34,320 --> 01:43:39,390
present Texas statutes which governs

2170
01:43:36,510 --> 01:43:42,000
venue where law suits are tried in civil

2171
01:43:39,390 --> 01:43:43,950
matters in Texas venue has always been

2172
01:43:42,000 --> 01:43:45,960
important in the Texas practice and

2173
01:43:43,950 --> 01:43:50,600
always will be because of the size and

2174

01:43:45,960 --> 01:43:53,870
diversity of our 254 counties however

2175
01:43:50,600 --> 01:43:56,340
Texas venue statute is not based on any

2176
01:43:53,870 --> 01:43:58,110
consistent systematic approach to the

2177
01:43:56,340 --> 01:44:01,440
problem of selecting an appropriate

2178
01:43:58,110 --> 01:44:03,150
trial forum at the present time and the

2179
01:44:01,440 --> 01:44:05,550
black statutes which are the Vernon's

2180
01:44:03,150 --> 01:44:09,540
annotated Texas statutes you will find

2181
01:44:05,550 --> 01:44:12,110
some 550 pages of case law or decisions

2182
01:44:09,540 --> 01:44:15,090
have been handed down under article 1995

2183
01:44:12,110 --> 01:44:18,360
this bill attempts to remedy or correct

2184
01:44:15,090 --> 01:44:20,580
that problem and reflects a lot of work

2185
01:44:18,360 --> 01:44:22,680
by a committee of the State Bar and

2186
01:44:20,580 --> 01:44:24,660
ultimately endorsed by the board of

2187
01:44:22,680 --> 01:44:27,270
directors of State Bar which attempts to

2188
01:44:24,660 --> 01:44:29,700
bring some order out of chaos this bill

2189
01:44:27,270 --> 01:44:33,270
is the members of the committee and the

2190
01:44:29,700 --> 01:44:35,670
bar field look for a principle on which

2191
01:44:33,270 --> 01:44:37,560
to justify the maintaining of a suit

2192
01:44:35,670 --> 01:44:39,030
outside the home county the defendant

2193
01:44:37,560 --> 01:44:41,820
right down under this bill there are

2194
01:44:39,030 --> 01:44:45,030
some 29 or 30 different exceptions to

2195
01:44:41,820 --> 01:44:46,800
that particular rule we believe that

2196
01:44:45,030 --> 01:44:49,440
that we should look to the common

2197
01:44:46,800 --> 01:44:51,690
principle on which to do this and they

2198
01:44:49,440 --> 01:44:53,460
we have concluded that fairness and the

2199
01:44:51,690 --> 01:44:56,130
balancing of legitimate interests of

2200
01:44:53,460 --> 01:44:58,620
both parties to a lawsuit require a

2201

01:44:56,130 --> 01:45:01,110
combination of two elements as minimum

2202
01:44:58,620 --> 01:45:03,240
venue facts number one that there be

2203
01:45:01,110 --> 01:45:06,120
some fact or circumstance connecting the

2204
01:45:03,240 --> 01:45:07,830
suit with the county and secondly some

2205
01:45:06,120 --> 01:45:11,880
factor circumstance connecting the

2206
01:45:07,830 --> 01:45:12,810
defendant with the suit this is a bill

2207
01:45:11,880 --> 01:45:15,450
it's attempted

2208
01:45:12,810 --> 01:45:18,840
to correct or resolve the problems of

2209
01:45:15,450 --> 01:45:21,390
two lawsuits being tried or appealed in

2210
01:45:18,840 --> 01:45:23,700
each case a lot of defendants now file

2211
01:45:21,390 --> 01:45:26,220
these things under nine a of the present

2212
01:45:23,700 --> 01:45:29,190
law simply to have a discovery procedure

2213
01:45:26,220 --> 01:45:32,190
it's the feeling of the Bar of Texas

2214
01:45:29,190 --> 01:45:33,900
that that the number of trials should be

2215
01:45:32,190 --> 01:45:35,400
cut back and that the number of trials

2216
01:45:33,900 --> 01:45:37,140
should be reduced to those on their

2217
01:45:35,400 --> 01:45:39,540
merits so this is one proposal that

2218
01:45:37,140 --> 01:45:41,250
we've sought to rectify in this major

2219
01:45:39,540 --> 01:45:44,820
comprehensive reform of the state's

2220
01:45:41,250 --> 01:45:46,620
venue laws we have a couple of non

2221
01:45:44,820 --> 01:45:48,690
committee amendments and then a couple

2222
01:45:46,620 --> 01:45:51,090
of corrective amendments I'll yield to

2223
01:45:48,690 --> 01:45:53,550
mr. Evans now if he likes or we can talk

2224
01:45:51,090 --> 01:45:55,440
about the amendment says we Charlie

2225
01:45:53,550 --> 01:45:57,570
would you prefer to go ahead and lay

2226
01:45:55,440 --> 01:45:58,800
those out I want to talk about some

2227
01:45:57,570 --> 01:46:00,810
general questions mr. speaker with

2228

01:45:58,800 --> 01:46:04,770
gentleman yield gentlemen you'll note

2229
01:46:00,810 --> 01:46:07,260
Evans first pipe let me let me say this

2230
01:46:04,770 --> 01:46:11,970
that you point out that there are 550

2231
01:46:07,260 --> 01:46:14,190
pages of venue case law however the

2232
01:46:11,970 --> 01:46:17,850
statute is very short is that correct

2233
01:46:14,190 --> 01:46:21,450
thanks on article 1995 is rather short

2234
01:46:17,850 --> 01:46:23,430
but you have 550 pages of case law is

2235
01:46:21,450 --> 01:46:26,070
that correct that's that's essentially

2236
01:46:23,430 --> 01:46:28,740
correct and in effect you're basically

2237
01:46:26,070 --> 01:46:32,520
changing the venue statutes throughout

2238
01:46:28,740 --> 01:46:34,560
the state as far as litigants go in the

2239
01:46:32,520 --> 01:46:37,110
courthouse is that correct well it

2240
01:46:34,560 --> 01:46:40,770
doesn't change at all Charles as you

2241
01:46:37,110 --> 01:46:42,570
know I understand that we tried to recon

2242
01:46:40,770 --> 01:46:44,460
a fie and reassemble and things like

2243
01:46:42,570 --> 01:46:46,440
land suits are completely undisturbed

2244
01:46:44,460 --> 01:46:48,210
there in the county of suit where the

2245
01:46:46,440 --> 01:46:50,490
land is located and that's the way it's

2246
01:46:48,210 --> 01:46:53,580
always been so this is an attempt to

2247
01:46:50,490 --> 01:46:55,380
place the lawsuit where you know where

2248
01:46:53,580 --> 01:46:57,480
the facts where the occurrence occurred

2249
01:46:55,380 --> 01:47:01,500
and not have it go 88 directions based

2250
01:46:57,480 --> 01:47:03,480
upon you know who may be defendants and

2251
01:47:01,500 --> 01:47:05,550
I try to approach the nature of the case

2252
01:47:03,480 --> 01:47:08,210
rather than the nature of the parties

2253
01:47:05,550 --> 01:47:11,850
litigant now you make the statement that

2254
01:47:08,210 --> 01:47:14,430
what you're attempting to do is to keep

2255

01:47:11,850 --> 01:47:16,500
from filing two lawsuits is that correct

2256
01:47:14,430 --> 01:47:18,270
that's that's one problem yes sir we're

2257
01:47:16,500 --> 01:47:19,590
trying to rectify I mean at the present

2258
01:47:18,270 --> 01:47:21,390
time when a plea of privilege is

2259
01:47:19,590 --> 01:47:22,800
actually filed you're saying that there

2260
01:47:21,390 --> 01:47:25,080
are two lawsuits

2261
01:47:22,800 --> 01:47:27,360
correct in many instances that's correct

2262
01:47:25,080 --> 01:47:31,410
and are you saying that this bill House

2263
01:47:27,360 --> 01:47:36,150
bill 7-7 one keeps a plaintiff or

2264
01:47:31,410 --> 01:47:38,310
defendant from filing two lawsuits no

2265
01:47:36,150 --> 01:47:39,900
sir I can't guarantee that in the

2266
01:47:38,310 --> 01:47:42,120
strictest sense of the word because any

2267
01:47:39,900 --> 01:47:43,980
kind of plea in abatement could be filed

2268
01:47:42,120 --> 01:47:45,630
special appearances or a number of other

2269
01:47:43,980 --> 01:47:47,400
problems that it could occur

2270
01:47:45,630 --> 01:47:49,890
jurisdictionally in any case Charlie

2271
01:47:47,400 --> 01:47:51,810
agenda is what we're trying to obviate

2272
01:47:49,890 --> 01:47:53,460
is the isn't a necessity for the

2273
01:47:51,810 --> 01:47:56,580
plaintiff having to prove a cause of

2274
01:47:53,460 --> 01:47:58,470
action all the way through one time go

2275
01:47:56,580 --> 01:48:00,090
up on appeal to determine the merit of

2276
01:47:58,470 --> 01:48:02,550
his venue case and then come back and

2277
01:48:00,090 --> 01:48:04,770
have to try the same case all we require

2278
01:48:02,550 --> 01:48:06,420
of him under Section three a of this act

2279
01:48:04,770 --> 01:48:08,370
is that he prove that the accident

2280
01:48:06,420 --> 01:48:09,810
occurred in that county and that the

2281
01:48:08,370 --> 01:48:11,490
defendant its agent servants or

2282

01:48:09,810 --> 01:48:12,930
employees had some connection with it

2283
01:48:11,490 --> 01:48:15,420
which is quite different than the old

2284
01:48:12,930 --> 01:48:17,430
line age I understand that it's

2285
01:48:15,420 --> 01:48:19,350
completely different but what I wanted

2286
01:48:17,430 --> 01:48:23,280
wanted to point out very quickly was

2287
01:48:19,350 --> 01:48:25,470
that your law your bill does not curtail

2288
01:48:23,280 --> 01:48:27,900
the filing of two lawsuits as a matter

2289
01:48:25,470 --> 01:48:31,260
of fact it allows them in certain areas

2290
01:48:27,900 --> 01:48:33,900
and on page nine entire cross-transfer

2291
01:48:31,260 --> 01:48:36,150
where it says when venue is successfully

2292
01:48:33,900 --> 01:48:37,980
challenged you actually set out and

2293
01:48:36,150 --> 01:48:40,860
allow the two lawsuits is that not

2294
01:48:37,980 --> 01:48:42,420
correct yes sir so you're not you're

2295
01:48:40,860 --> 01:48:44,040
telling the house that you're trying to

2296
01:48:42,420 --> 01:48:46,980
curtail two lawsuits when you're

2297
01:48:44,040 --> 01:48:49,410
actually allowing two lawsuits that's

2298
01:48:46,980 --> 01:48:52,230
present time is that's only the interest

2299
01:48:49,410 --> 01:48:53,970
of justice of the total lawsuit the

2300
01:48:52,230 --> 01:48:55,740
first problem that I stressed is the

2301
01:48:53,970 --> 01:48:57,390
more common occurrence as you know mr.

2302
01:48:55,740 --> 01:48:59,160
Evans and that's when a plaintiff is

2303
01:48:57,390 --> 01:49:01,110
required after a plea of privilege is

2304
01:48:59,160 --> 01:49:03,150
filed to come in and prove his cause of

2305
01:49:01,110 --> 01:49:04,830
action that's entirely separate than

2306
01:49:03,150 --> 01:49:07,410
than what you've referred to on page

2307
01:49:04,830 --> 01:49:09,600
nine I thought let me go to some

2308
01:49:07,410 --> 01:49:14,010
specific questions for you mr. powers

2309

01:49:09,600 --> 01:49:16,350
number one on page two I want to kind of

2310
01:49:14,010 --> 01:49:17,790
set up a hypothetical situation for you

2311
01:49:16,350 --> 01:49:20,640
if you don't mind and I'm talking about

2312
01:49:17,790 --> 01:49:24,690
section subsection D under Section 2

2313
01:49:20,640 --> 01:49:26,350
line 25 that whole section there wherein

2314
01:49:24,690 --> 01:49:29,530
you state that

2315
01:49:26,350 --> 01:49:33,340
any department head of the state where

2316
01:49:29,530 --> 01:49:35,740
we mandamus will be filed in the in the

2317
01:49:33,340 --> 01:49:37,840
county of Travis is that correct yes sir

2318
01:49:35,740 --> 01:49:40,270
that's why I've what what if we had a

2319
01:49:37,840 --> 01:49:43,150
judge of the 8th Judicial District who

2320
01:49:40,270 --> 01:49:46,030
was not signing a judgment and all of my

2321
01:49:43,150 --> 01:49:48,430
witnesses and the judge reside in in the

2322
01:49:46,030 --> 01:49:50,560
county wherever that may be

2323
01:49:48,430 --> 01:49:54,370
would I have to come to Travis County to

2324
01:49:50,560 --> 01:49:55,840
file my venue I don't believe so I don't

2325
01:49:54,370 --> 01:49:58,540
think he would be construed to be a head

2326
01:49:55,840 --> 01:50:01,000
of state government I pray he would not

2327
01:49:58,540 --> 01:50:02,560
be a head of state department yes sir

2328
01:50:01,000 --> 01:50:05,110
that's what I mean in other words he's

2329
01:50:02,560 --> 01:50:07,330
the presiding judge of the 8th Judicial

2330
01:50:05,110 --> 01:50:09,430
District I don't know 3 I don't construe

2331
01:50:07,330 --> 01:50:10,960
him to be covered mr. Evans the would

2332
01:50:09,430 --> 01:50:13,300
you accept an amendment that he would

2333
01:50:10,960 --> 01:50:15,790
not be covered I don't let me go to

2334
01:50:13,300 --> 01:50:19,660
another question what if we in some time

2335
01:50:15,790 --> 01:50:22,210
in the future Tec was transferred the

2336

01:50:19,660 --> 01:50:25,990
whole agency was transferred to Dallas

2337
01:50:22,210 --> 01:50:27,790
County and when I make it turn just so

2338
01:50:25,990 --> 01:50:29,980
it'll sound right Tarrant County or

2339
01:50:27,790 --> 01:50:32,950
wherever they may be or Jefferson County

2340
01:50:29,980 --> 01:50:35,680
and the Department Dec refused to pay

2341
01:50:32,950 --> 01:50:38,800
someone is unemployment compensation and

2342
01:50:35,680 --> 01:50:41,200
the man the claimant who was attempting

2343
01:50:38,800 --> 01:50:43,810
to get his unemployment compensation was

2344
01:50:41,200 --> 01:50:46,540
also from Tarrant County are you saying

2345
01:50:43,810 --> 01:50:49,540
that to mandamus the TEC in the

2346
01:50:46,540 --> 01:50:51,640
department head and everybody that forum

2347
01:50:49,540 --> 01:50:53,740
conviens was in Tarrant County I'd

2348
01:50:51,640 --> 01:50:57,010
come to Travis County to follow my

2349
01:50:53,740 --> 01:50:58,390
mandamus mr. Evans I'm not trying to

2350
01:50:57,010 --> 01:51:00,970
nitpick with you but I think you're

2351
01:50:58,390 --> 01:51:03,250
you're a pathetic way far afield I don't

2352
01:51:00,970 --> 01:51:05,050
know you know that the decision that

2353
01:51:03,250 --> 01:51:06,460
isn't that true though under this

2354
01:51:05,050 --> 01:51:07,900
provision of this bill that's right and

2355
01:51:06,460 --> 01:51:09,910
if you work up an amendment to correct

2356
01:51:07,900 --> 01:51:12,040
that situation I'll be glad to accept it

2357
01:51:09,910 --> 01:51:14,440
down I have no quarrel with that I don't

2358
01:51:12,040 --> 01:51:17,440
think the bill is intended to put that

2359
01:51:14,440 --> 01:51:19,980
kind of structure on what may occur and

2360
01:51:17,440 --> 01:51:23,350
I would point out to the house that that

2361
01:51:19,980 --> 01:51:26,770
mandamus is a very rare procedure only

2362
01:51:23,350 --> 01:51:29,020
rarely invoked let me go to another

2363

01:51:26,770 --> 01:51:31,420
section mr. powers on page three section

2364
01:51:29,020 --> 01:51:33,550
three were you talking about permissive

2365
01:51:31,420 --> 01:51:36,600
venue would you explain to the house

2366
01:51:33,550 --> 01:51:40,070
what you mean by conduct and activity

2367
01:51:36,600 --> 01:51:41,480
conduct over activity well I

2368
01:51:40,070 --> 01:51:44,780
you know I think that you understand

2369
01:51:41,480 --> 01:51:46,280
basic tort law mr. Evans and I this

2370
01:51:44,780 --> 01:51:49,579
doesn't deal with tort law necessarily

2371
01:51:46,280 --> 01:51:51,440
this deals with all types of actions mr.

2372
01:51:49,579 --> 01:51:53,210
Pires and I'm not sure what con well now

2373
01:51:51,440 --> 01:51:56,030
wait a second mr. Evans let me finish

2374
01:51:53,210 --> 01:51:58,460
that then a tort as you know is a civil

2375
01:51:56,030 --> 01:52:00,560
wrong outside the criminal field and so

2376
01:51:58,460 --> 01:52:03,260
we're talking about a torturous activity

2377
01:52:00,560 --> 01:52:04,730
conduct or activity on the part of a you

2378
01:52:03,260 --> 01:52:07,190
know an individual whether or not he be

2379
01:52:04,730 --> 01:52:09,230
a person or whether or not he'd be a

2380
01:52:07,190 --> 01:52:11,840
corporation and so we're just talking

2381
01:52:09,230 --> 01:52:14,119
about generally tort law and that's

2382
01:52:11,840 --> 01:52:16,099
what's in Section three a of this bill

2383
01:52:14,119 --> 01:52:18,170
is really what's covered under old an a

2384
01:52:16,099 --> 01:52:19,550
of 1995 yes

2385
01:52:18,170 --> 01:52:23,090
all right now when we're talking about

2386
01:52:19,550 --> 01:52:26,210
conduct and activity all you say in that

2387
01:52:23,090 --> 01:52:28,520
section a is that all that I am as the

2388
01:52:26,210 --> 01:52:30,949
plaintiff is required to prove is that

2389
01:52:28,520 --> 01:52:33,980
there is a conduct or activity of some

2390

01:52:30,949 --> 01:52:36,320
type in that particular County not that

2391
01:52:33,980 --> 01:52:38,119
there's a cause of action but only there

2392
01:52:36,320 --> 01:52:39,650
is one more element that the plaintiff

2393
01:52:38,119 --> 01:52:41,750
is required to prove and that is the

2394
01:52:39,650 --> 01:52:44,210
defendant it's agent servants or

2395
01:52:41,750 --> 01:52:45,909
employees or had some connection with

2396
01:52:44,210 --> 01:52:50,710
the conduct or activity

2397
01:52:45,909 --> 01:52:54,440
no sir on line 16 you say that but only

2398
01:52:50,710 --> 01:52:56,960
those words but only basically look but

2399
01:52:54,440 --> 01:52:59,420
that the conduct or activity occurred in

2400
01:52:56,960 --> 01:53:01,489
the county of suit and was the conduct

2401
01:52:59,420 --> 01:53:04,190
or activity of defendant or his agent or

2402
01:53:01,489 --> 01:53:05,900
employee period well do not say I have a

2403
01:53:04,190 --> 01:53:08,480
cause of action you just say that there

2404
01:53:05,900 --> 01:53:09,920
must be some conduct or activity that's

2405
01:53:08,480 --> 01:53:11,329
what I said I don't it doesn't say

2406
01:53:09,920 --> 01:53:13,250
anything about cause of action you're

2407
01:53:11,329 --> 01:53:15,619
right yeah I suppose to that says that

2408
01:53:13,250 --> 01:53:18,550
opens it up so that if you have any type

2409
01:53:15,619 --> 01:53:23,389
of conduct or activity whatsoever that's

2410
01:53:18,550 --> 01:53:24,530
254 counties of venue that's for mr.

2411
01:53:23,389 --> 01:53:27,409
Evans I don't understand your question

2412
01:53:24,530 --> 01:53:29,540
this begins a situation there let me let

2413
01:53:27,409 --> 01:53:32,179
me let me say to you that this is one of

2414
01:53:29,540 --> 01:53:33,920
the major ills what with the old 1995

2415
01:53:32,179 --> 01:53:36,409
and the complaint with lawyers on both

2416
01:53:33,920 --> 01:53:38,780
sides then let me if they had to prove a

2417

01:53:36,409 --> 01:53:40,550
whole case instead of just having in the

2418
01:53:38,780 --> 01:53:43,340
occurrence and some connection with it

2419
01:53:40,550 --> 01:53:45,290
let me give you an I'm you understand

2420
01:53:43,340 --> 01:53:47,179
that don't yes sir I sure do let me just

2421
01:53:45,290 --> 01:53:49,159
show you what I'm speaking about let's

2422
01:53:47,179 --> 01:53:50,020
say that I lease a construction elevator

2423
01:53:49,159 --> 01:53:53,110
and down

2424
01:53:50,020 --> 01:53:56,020
County to be used in Tarrant County and

2425
01:53:53,110 --> 01:53:59,670
I have that move from Dallas to Travis

2426
01:53:56,020 --> 01:54:02,350
County subsequent to that point the

2427
01:53:59,670 --> 01:54:05,350
elevator failed for some reason or other

2428
01:54:02,350 --> 01:54:07,390
my conduct or activity can be in any

2429
01:54:05,350 --> 01:54:09,790
County which I transferred that elevator

2430
01:54:07,390 --> 01:54:12,100
that's possible not probable but

2431
01:54:09,790 --> 01:54:14,200
possible under this particular suit

2432
01:54:12,100 --> 01:54:16,810
and I could file a lawsuit in McLennan

2433
01:54:14,200 --> 01:54:19,180
County because the defendant had some

2434
01:54:16,810 --> 01:54:20,740
type of conduct or activity and that's

2435
01:54:19,180 --> 01:54:23,290
all I have to prove

2436
01:54:20,740 --> 01:54:25,840
subsequent to that point then all I have

2437
01:54:23,290 --> 01:54:29,140
to do is amend my petition so that I

2438
01:54:25,840 --> 01:54:32,020
have damages arising in Travis County

2439
01:54:29,140 --> 01:54:34,690
and my lawsuit is maintainable - in

2440
01:54:32,020 --> 01:54:36,850
McLennan County isn't that correct your

2441
01:54:34,690 --> 01:54:39,190
are you trying to say you like 9a the

2442
01:54:36,850 --> 01:54:41,590
way it is now no sir it is this is

2443
01:54:39,190 --> 01:54:42,910
completely different from 9a well no

2444

01:54:41,590 --> 01:54:45,030
wait a second are you trying to say that

2445
01:54:42,910 --> 01:54:47,710
you like to prove your whole case twice

2446
01:54:45,030 --> 01:54:55,750
well I usually I'm the defendant when

2447
01:54:47,710 --> 01:54:57,670
I'm trying - all right let me go on look

2448
01:54:55,750 --> 01:54:59,620
I don't think that's I don't think that

2449
01:54:57,670 --> 01:55:03,370
I think what you're Charlie and I'm not

2450
01:54:59,620 --> 01:55:04,900
criticizing your hypothetical matter a

2451
01:55:03,370 --> 01:55:08,050
plaintiff is not going to file a lawsuit

2452
01:55:04,900 --> 01:55:10,060
in a County and you and I know it you

2453
01:55:08,050 --> 01:55:12,430
know ninety nine out of you know

2454
01:55:10,060 --> 01:55:14,320
and well ninety nine thousand out of a

2455
01:55:12,430 --> 01:55:15,820
hundred thousand times they're going to

2456
01:55:14,320 --> 01:55:16,870
have a cause of action or they wouldn't

2457
01:55:15,820 --> 01:55:19,180
have any business filing the lawsuit

2458
01:55:16,870 --> 01:55:21,700
thing but that is possible is it now

2459
01:55:19,180 --> 01:55:23,500
certainly in spa that's the main thing I

2460
01:55:21,700 --> 01:55:26,440
wanted to get across now when you're

2461
01:55:23,500 --> 01:55:28,000
talking about breach of duty you say

2462
01:55:26,440 --> 01:55:30,160
that the plaintiff is not required to

2463
01:55:28,000 --> 01:55:32,620
prove his breach but only in Performa

2464
01:55:30,160 --> 01:55:35,260
belen the county of the lawsuit at the

2465
01:55:32,620 --> 01:55:37,960
present time 1995 says that all you have

2466
01:55:35,260 --> 01:55:39,820
to prove is that the defendant is suable

2467
01:55:37,960 --> 01:55:43,500
in the county is that not correct

2468
01:55:39,820 --> 01:55:46,990
all right let's say for example that I

2469
01:55:43,500 --> 01:55:48,850
called you in Jefferson County and we

2470
01:55:46,990 --> 01:55:52,420
make a contract and I'm talking in

2471

01:55:48,850 --> 01:55:54,730
Tarrant County or in Dallas County and I

2472
01:55:52,420 --> 01:55:57,610
I purchased some goods from you and

2473
01:55:54,730 --> 01:55:59,800
travel in Jefferson County and you

2474
01:55:57,610 --> 01:56:01,219
deliver them to me there's no written

2475
01:55:59,800 --> 01:56:03,739
contract you know

2476
01:56:01,219 --> 01:56:06,170
we just we made a contract on the phone

2477
01:56:03,739 --> 01:56:07,790
and I think you and I both aware of what

2478
01:56:06,170 --> 01:56:11,590
contracts on the phone the offer

2479
01:56:07,790 --> 01:56:14,540
acceptance etc where is that lawsuit

2480
01:56:11,590 --> 01:56:17,330
should you deliver the goods and should

2481
01:56:14,540 --> 01:56:21,350
I not pay for the services or for the

2482
01:56:17,330 --> 01:56:24,920
goods wondering where is that the venue

2483
01:56:21,350 --> 01:56:28,190
on that case well wherever you construe

2484
01:56:24,920 --> 01:56:31,910
you know the the duty of the defendant

2485
01:56:28,190 --> 01:56:33,890
to be performing I think that that this

2486
01:56:31,910 --> 01:56:35,540
is once again another easing in the

2487
01:56:33,890 --> 01:56:37,489
venue statutes to make it more workable

2488
01:56:35,540 --> 01:56:39,260
to let the courts solve the problems

2489
01:56:37,489 --> 01:56:40,730
without having to go up on appeal every

2490
01:56:39,260 --> 01:56:42,440
word you're gonna allow the court to

2491
01:56:40,730 --> 01:56:45,050
just put it anyplace they won't do is

2492
01:56:42,440 --> 01:56:46,910
that correct no sir no sir we're we're

2493
01:56:45,050 --> 01:56:49,130
not talking about the trial of the cause

2494
01:56:46,910 --> 01:56:51,710
of action Charlie I think once again you

2495
01:56:49,130 --> 01:56:53,810
you're confusing unduly the cause of

2496
01:56:51,710 --> 01:56:56,090
action with the venue part of the case

2497
01:56:53,810 --> 01:56:57,730
that we're trying to to make the to as

2498

01:56:56,090 --> 01:57:00,199
much as we can

2499
01:56:57,730 --> 01:57:02,949
workable for a change I just think that

2500
01:57:00,199 --> 01:57:06,680
the whole process has been misused

2501
01:57:02,949 --> 01:57:10,190
alright let's go to page 4 on section C

2502
01:57:06,680 --> 01:57:13,280
line 10 were there in worrying there

2503
01:57:10,190 --> 01:57:15,770
you're talking about an action for

2504
01:57:13,280 --> 01:57:18,110
injury or damages and then you go on and

2505
01:57:15,770 --> 01:57:20,900
talk about consumption use operation

2506
01:57:18,110 --> 01:57:25,100
contact with a product what do you mean

2507
01:57:20,900 --> 01:57:27,410
by contact with well those those are all

2508
01:57:25,100 --> 01:57:30,070
that's a products liability section as

2509
01:57:27,410 --> 01:57:32,810
you know mr. Evans and it's designed to

2510
01:57:30,070 --> 01:57:35,060
try to set up some basis for determining

2511
01:57:32,810 --> 01:57:37,010
liability and products liability let's

2512
01:57:35,060 --> 01:57:40,580
say that we buy a chevrolet automobile

2513
01:57:37,010 --> 01:57:43,520
and and the chevrolet fails in Hidalgo

2514
01:57:40,580 --> 01:57:46,489
County for example are you saying that I

2515
01:57:43,520 --> 01:57:48,140
must file this lawsuit in in Arlington

2516
01:57:46,489 --> 01:57:50,570
or trinitarian County because you

2517
01:57:48,140 --> 01:57:53,510
believe was made there you set that out

2518
01:57:50,570 --> 01:57:58,340
you say that we rely on a rated made

2519
01:57:53,510 --> 01:57:59,840
built created or contact with well if

2520
01:57:58,340 --> 01:58:01,790
you notice it says the plaintiff is not

2521
01:57:59,840 --> 01:58:05,320
requiring to prove the injury damage

2522
01:58:01,790 --> 01:58:05,320
causation or liability

2523
01:58:05,420 --> 01:58:10,530
so you could put it in held I'll go

2524
01:58:07,739 --> 01:58:12,330
County if you wanted to Charlie I don't

2525

01:58:10,530 --> 01:58:15,239
understand the thrust to your questions

2526
01:58:12,330 --> 01:58:17,520
I really don't well what I'm saying is

2527
01:58:15,239 --> 01:58:20,100
you're opening up the venue statute for

2528
01:58:17,520 --> 01:58:22,739
almost any county in this state on any

2529
01:58:20,100 --> 01:58:24,510
cause of action except for about the

2530
01:58:22,739 --> 01:58:27,360
four little areas that you're setting

2531
01:58:24,510 --> 01:58:28,890
out that are mandatory venue that's

2532
01:58:27,360 --> 01:58:32,670
right they're permissive instead of

2533
01:58:28,890 --> 01:58:34,739
mandatory and as you as you notice back

2534
01:58:32,670 --> 01:58:37,590
at the back we're allowing the courts

2535
01:58:34,739 --> 01:58:38,880
the flexibility to to move the case if

2536
01:58:37,590 --> 01:58:41,790
it's inconvenient forum for the

2537
01:58:38,880 --> 01:58:43,200
witnesses we're trying to allow the

2538
01:58:41,790 --> 01:58:45,960
courts to better address these problems

2539
01:58:43,200 --> 01:58:48,120
and to give the party litigants a better

2540
01:58:45,960 --> 01:58:50,250
quality of justice and they usually do

2541
01:58:48,120 --> 01:58:52,770
you agree that if I have an agent or

2542
01:58:50,250 --> 01:58:55,830
employee and he makes a statement which

2543
01:58:52,770 --> 01:58:58,200
is may be harmful to someone that I

2544
01:58:55,830 --> 01:59:00,000
should be liable for that we have an

2545
01:58:58,200 --> 01:59:01,020
amendment on the libel slander section

2546
01:59:00,000 --> 01:59:02,610
which is coming up

2547
01:59:01,020 --> 01:59:06,060
do you have amendment on the statement

2548
01:59:02,610 --> 01:59:08,670
or representation the article no sir it

2549
01:59:06,060 --> 01:59:12,210
says where an agent or employee whether

2550
01:59:08,670 --> 01:59:16,140
or not acting that's on page four down

2551
01:59:12,210 --> 01:59:20,640
line 23 whether or not acting within the

2552

01:59:16,140 --> 01:59:22,500
scope of his authority mr. Atkinson

2553
01:59:20,640 --> 01:59:23,969
raised the part or order the gentleman's

2554
01:59:22,500 --> 01:59:26,250
time expired point of order to well

2555
01:59:23,969 --> 01:59:28,469
taken and sustained I'll be glad to

2556
01:59:26,250 --> 01:59:29,610
discuss that section where you filing

2557
01:59:28,469 --> 01:59:31,730
amendment the clerk will read the

2558
01:59:29,610 --> 01:59:31,730
amendment

2559
01:59:32,570 --> 01:59:40,230
amendment by power some in House bill

2560
01:59:35,070 --> 01:59:43,830
number 771 by deleting the Mr power zone

2561
01:59:40,230 --> 01:59:44,820
as authors perfecting amendment mr.

2562
01:59:43,830 --> 01:59:50,250
speaker and members

2563
01:59:44,820 --> 01:59:53,100
this amends sections of section 3 on

2564
01:59:50,250 --> 01:59:55,560
libel and slander and modifies the

2565
01:59:53,100 --> 01:59:57,600
language of the bill now to read libel

2566
01:59:55,560 --> 02:00:00,000
slander and invasion of privacy in

2567
01:59:57,600 --> 02:00:01,650
action for libel slander or invasion of

2568
02:00:00,000 --> 02:00:04,410
privacy shall be brought in the county

2569
02:00:01,650 --> 02:00:06,030
of the plaintiffs or residents or in the

2570
02:00:04,410 --> 02:00:08,910
county and the defendants residence

2571
02:00:06,030 --> 02:00:12,360
that's the amendment this speaker though

2572
02:00:08,910 --> 02:00:12,969
read I'm sorry gentleman yield in a

2573
02:00:12,360 --> 02:00:15,969
minute

2574
02:00:12,969 --> 02:00:18,849
the bill is currently drafted under

2575
02:00:15,969 --> 02:00:22,210
Section three requires that libel and

2576
02:00:18,849 --> 02:00:24,039
slander could be filed any count work in

2577
02:00:22,210 --> 02:00:26,050
any County where the damage occurred and

2578
02:00:24,039 --> 02:00:29,769
mr. Allred is a farmer a newspaper

2579

02:00:26,050 --> 02:00:31,869
person this has been submitted to us by

2580
02:00:29,769 --> 02:00:35,409
the by the working press and is designed

2581
02:00:31,869 --> 02:00:36,969
to hear their objections and will

2582
02:00:35,409 --> 02:00:39,400
obviate the problem that maybe you're

2583
02:00:36,969 --> 02:00:41,559
going to ask me about it yes sir one of

2584
02:00:39,400 --> 02:00:43,090
my problems or one of my questions did

2585
02:00:41,559 --> 02:00:48,219
deal with venue in a libel or slander

2586
02:00:43,090 --> 02:00:50,229
case which I think you cure here by

2587
02:00:48,219 --> 02:00:51,760
requiring as I read it that it has to be

2588
02:00:50,229 --> 02:00:54,940
solely in the county of Plenty for

2589
02:00:51,760 --> 02:00:58,050
defendants residence correct I'm still

2590
02:00:54,940 --> 02:01:02,199
concerned about the words that gave mr.

2591
02:00:58,050 --> 02:01:04,570
Evans concerned a minute ago are you

2592
02:01:02,199 --> 02:01:06,699
changing the libel or slander statute

2593
02:01:04,570 --> 02:01:08,979
here by saying the defendant his agent

2594
02:01:06,699 --> 02:01:11,969
or employee whether or not acting in the

2595
02:01:08,979 --> 02:01:16,329
scope of his authority or employment

2596
02:01:11,969 --> 02:01:18,429
made the statement and so forth no

2597
02:01:16,329 --> 02:01:19,900
that's just a venue determination David

2598
02:01:18,429 --> 02:01:21,460
and that's that's that and that alone

2599
02:01:19,900 --> 02:01:23,860
that does not change the libel and

2600
02:01:21,460 --> 02:01:26,889
slander law I'm sorry I didn't follow

2601
02:01:23,860 --> 02:01:28,659
you this only affects the venue part of

2602
02:01:26,889 --> 02:01:30,969
the case where the case will be tried it

2603
02:01:28,659 --> 02:01:32,679
does not in any way Top Sider bottom

2604
02:01:30,969 --> 02:01:37,449
touch the merits of the libel slander

2605
02:01:32,679 --> 02:01:41,559
case you understand yes I follow you

2606

02:01:37,449 --> 02:01:45,030
there thank you sir yes the amendment is

2607
02:01:41,559 --> 02:01:45,030
acceptable the offer mr. speaker

2608
02:01:45,479 --> 02:01:48,699
questions on the adoption of the

2609
02:01:47,409 --> 02:01:51,789
amendment is there objection to its

2610
02:01:48,699 --> 02:01:54,579
adoption cheers no and the amendment is

2611
02:01:51,789 --> 02:01:57,300
adopted following committee amendment

2612
02:01:54,579 --> 02:01:57,300
the clerk will read the amendment

2613
02:01:58,229 --> 02:02:04,510
committee member 1 by maloney

2614
02:02:00,579 --> 02:02:06,579
amend health master powers of mr.

2615
02:02:04,510 --> 02:02:08,860
Maloney mr. powers explaining the

2616
02:02:06,579 --> 02:02:10,840
committee amendment yes sir mr. speaker

2617
02:02:08,860 --> 02:02:14,739
this amendment simply makes the

2618
02:02:10,840 --> 02:02:16,479
effective date of the Act January 1 1976

2619
02:02:14,739 --> 02:02:18,699
in order that all parties will have

2620
02:02:16,479 --> 02:02:20,229
ample notice that that the law will be

2621
02:02:18,699 --> 02:02:21,729
changed there was a committee amendments

2622
02:02:20,229 --> 02:02:24,099
acceptable to all the authors of the

2623
02:02:21,729 --> 02:02:25,059
bill questions only adopting the

2624
02:02:24,099 --> 02:02:26,749
committee amendment is there objection

2625
02:02:25,059 --> 02:02:28,739
to adopt

2626
02:02:26,749 --> 02:02:31,379
Jarrid on the committee amendment is

2627
02:02:28,739 --> 02:02:35,219
adopted following amendment a clerk will

2628
02:02:31,379 --> 02:02:39,239
read the amendment amendment by Florence

2629
02:02:35,219 --> 02:02:45,539
um in House bill 771 section mr. powers

2630
02:02:39,239 --> 02:02:47,809
on the amendment mr. speaker members

2631
02:02:45,539 --> 02:02:52,979
this is an amendment by mr. Florence

2632
02:02:47,809 --> 02:02:55,469
which adds in section 1 for dealing with

2633

02:02:52,979 --> 02:02:58,079
executives administrators guardians to

2634
02:02:55,469 --> 02:03:00,719
allow in those instances where the

2635
02:02:58,079 --> 02:03:02,369
person sued was a decedent or Ward and

2636
02:03:00,719 --> 02:03:04,829
therefore an administration or a state

2637
02:03:02,369 --> 02:03:06,389
problem came up to allow that suit to be

2638
02:03:04,829 --> 02:03:09,089
filed in the county of the occurrence

2639
02:03:06,389 --> 02:03:10,679
under 3a of the bill mr. Florence was

2640
02:03:09,089 --> 02:03:13,079
concerned about this because of several

2641
02:03:10,679 --> 02:03:14,639
problems and he has a bill pending so we

2642
02:03:13,079 --> 02:03:16,260
drafted this amendment to meet his

2643
02:03:14,639 --> 02:03:19,260
problem and it is acceptable to the

2644
02:03:16,260 --> 02:03:20,579
author question occurs on the adoption

2645
02:03:19,260 --> 02:03:25,049
of the amendment is there objection to

2646
02:03:20,579 --> 02:03:28,530
adoption sure here's none the amendment

2647
02:03:25,049 --> 02:03:32,309
is adopted following amendment clerk

2648
02:03:28,530 --> 02:03:35,819
will read the amendment amendment by

2649
02:03:32,309 --> 02:03:38,899
host him back amend House bill 771 by

2650
02:03:35,819 --> 02:03:43,429
deleting section 4 G on pages 9 and 10

2651
02:03:38,899 --> 02:03:43,429
mr. Hostin back to explain his amendment

2652
02:03:59,080 --> 02:04:07,250
mr. speaker members all this simply does

2653
02:04:03,590 --> 02:04:08,930
is eliminate the section I I think this

2654
02:04:07,250 --> 02:04:11,870
bill is a good bill I'm going to vote

2655
02:04:08,930 --> 02:04:13,910
for the bill but it does this particular

2656
02:04:11,870 --> 02:04:16,699
amendment eliminates the section on

2657
02:04:13,910 --> 02:04:20,030
forum non conveniens now we do not

2658
02:04:16,699 --> 02:04:23,060
presently in Texas law have forum non

2659
02:04:20,030 --> 02:04:26,030
conveniens and what it simply does is if

2660

02:04:23,060 --> 02:04:28,430
you if you have venue as established by

2661
02:04:26,030 --> 02:04:30,230
the statute and you file it under the

2662
02:04:28,430 --> 02:04:32,989
permissive section of this statute and

2663
02:04:30,230 --> 02:04:35,390
someone comes in and says the forum is

2664
02:04:32,989 --> 02:04:37,310
non convenient and we can't get the

2665
02:04:35,390 --> 02:04:41,000
witnesses or we can't get the defendant

2666
02:04:37,310 --> 02:04:43,250
here the judge in his discretion can

2667
02:04:41,000 --> 02:04:44,989
change the menu and this is something

2668
02:04:43,250 --> 02:04:46,880
that we don't have in Texas I don't

2669
02:04:44,989 --> 02:04:49,880
think it's a something that we should

2670
02:04:46,880 --> 02:04:51,770
start in Texas if you look on pages it's

2671
02:04:49,880 --> 02:04:55,070
at the bottom of page nine and top of

2672
02:04:51,770 --> 02:04:56,660
page ten I think the rest of the bill is

2673
02:04:55,070 --> 02:04:59,590
an excellent bill and if we'll take out

2674
02:04:56,660 --> 02:05:02,390
this particular little section I think

2675
02:04:59,590 --> 02:05:03,680
it would be a very good bill that we

2676
02:05:02,390 --> 02:05:06,770
should be able to give almost a hundred

2677
02:05:03,680 --> 02:05:08,989
percent support to now if you listen to

2678
02:05:06,770 --> 02:05:11,510
some of the arguments that mr. Evans

2679
02:05:08,989 --> 02:05:13,820
made from the back mic you will

2680
02:05:11,510 --> 02:05:16,100
understand and it's a difficult thing

2681
02:05:13,820 --> 02:05:18,800
for non lawyers to understand but you

2682
02:05:16,100 --> 02:05:22,130
would understand why we do not need this

2683
02:05:18,800 --> 02:05:24,560
particular section one example I could

2684
02:05:22,130 --> 02:05:29,270
think of is when you start talking about

2685
02:05:24,560 --> 02:05:30,890
two or more defendants and it really

2686
02:05:29,270 --> 02:05:35,330
could be almost get into a political

2687

02:05:30,890 --> 02:05:37,690
situation on where the judge is going to

2688
02:05:35,330 --> 02:05:40,730
end up putting the the venue of a case

2689
02:05:37,690 --> 02:05:44,030
and and I think that it would just be

2690
02:05:40,730 --> 02:05:47,030
wise to even avoid this possibility and

2691
02:05:44,030 --> 02:05:48,199
if you think if you think that it

2692
02:05:47,030 --> 02:05:51,170
doesn't make any difference where

2693
02:05:48,199 --> 02:05:55,780
lawsuit is located you're far wrong

2694
02:05:51,170 --> 02:05:58,400
because many times your whole fight is

2695
02:05:55,780 --> 02:06:02,989
where the lawsuit is going to be fought

2696
02:05:58,400 --> 02:06:04,730
if you will remember some of the

2697
02:06:02,989 --> 02:06:06,500
Watergate defendants were complaining

2698
02:06:04,730 --> 02:06:08,390
that they were having to be tried in

2699
02:06:06,500 --> 02:06:10,170
Washington DC because they said the

2700
02:06:08,390 --> 02:06:13,140
juries were politically

2701
02:06:10,170 --> 02:06:15,989
prejudice in this particular in this

2702
02:06:13,140 --> 02:06:18,239
particular community and actually what

2703
02:06:15,989 --> 02:06:20,010
you would be allowing to happen if you

2704
02:06:18,239 --> 02:06:22,500
allow this forum non-convenience and

2705
02:06:20,010 --> 02:06:24,210
don't keep in the the permissive and

2706
02:06:22,500 --> 02:06:26,340
mandatory sections and don't allow the

2707
02:06:24,210 --> 02:06:29,550
judge discretion you're going to

2708
02:06:26,340 --> 02:06:32,100
basically in many instances give him the

2709
02:06:29,550 --> 02:06:33,989
right just arbitrarily because there's

2710
02:06:32,100 --> 02:06:35,910
no law in this subject we don't have any

2711
02:06:33,989 --> 02:06:37,980
law and pulling on conveniens in Texas

2712
02:06:35,910 --> 02:06:39,600
and with it it's another area we're

2713
02:06:37,980 --> 02:06:42,150
gonna have to just completely rewrite

2714

02:06:39,600 --> 02:06:44,160
the law and have new law written so for

2715
02:06:42,150 --> 02:06:47,760
the sake of precedent and for the sake

2716
02:06:44,160 --> 02:06:50,610
of of keeping some permanency in our

2717
02:06:47,760 --> 02:06:52,710
judicial system let's pass the bill but

2718
02:06:50,610 --> 02:06:55,860
let's take out this particular second

2719
02:06:52,710 --> 02:06:58,560
section on forum non conveniens that's a

2720
02:06:55,860 --> 02:07:00,449
gauger speak against the amendment will

2721
02:06:58,560 --> 02:07:02,160
the gentleman yield up you know we're

2722
02:07:00,449 --> 02:07:04,199
not you you know not yield at this time

2723
02:07:02,160 --> 02:07:07,969
majority well he yield when he completes

2724
02:07:04,199 --> 02:07:11,610
I will not yield I believe not he is

2725
02:07:07,969 --> 02:07:13,980
murmurs this mister hosebag is correct

2726
02:07:11,610 --> 02:07:15,929
this is a new feature in our law but let

2727
02:07:13,980 --> 02:07:19,020
me point out to you the language of it

2728
02:07:15,929 --> 02:07:21,030
the court in its discretion in order to

2729
02:07:19,020 --> 02:07:23,130
avoid hardship or substantial

2730
02:07:21,030 --> 02:07:25,650
inconvenience to parties and witnesses

2731
02:07:23,130 --> 02:07:27,870
may transfer the action to a County

2732
02:07:25,650 --> 02:07:31,370
which has venue on a ground other than

2733
02:07:27,870 --> 02:07:35,449
residence of a defendant now mister

2734
02:07:31,370 --> 02:07:38,250
hosting back I think wants to deny the

2735
02:07:35,449 --> 02:07:39,870
ability to transfer the cases when it is

2736
02:07:38,250 --> 02:07:41,310
convenient to the parties he assumes

2737
02:07:39,870 --> 02:07:44,910
that the courts going to do this and

2738
02:07:41,310 --> 02:07:48,600
some vindictive manner he talks about

2739
02:07:44,910 --> 02:07:51,690
the politics of the court it's simply a

2740
02:07:48,600 --> 02:07:53,969
question of the the discretion of the

2741

02:07:51,690 --> 02:07:57,690
court it doesn't apply to criminal cases

2742
02:07:53,969 --> 02:07:59,400
it's at civil cases only and there's

2743
02:07:57,690 --> 02:08:02,670
always an appeal when there is an abuse

2744
02:07:59,400 --> 02:08:06,140
of discretion I hope that you will vote

2745
02:08:02,670 --> 02:08:06,140
with me speak no gentleman yield

2746
02:08:06,320 --> 02:08:13,469
gentlemen speak mr. Geiger let me see if

2747
02:08:10,410 --> 02:08:16,530
I can figure out the real reason why we

2748
02:08:13,469 --> 02:08:21,110
would want not to go with mr. Hostin

2749
02:08:16,530 --> 02:08:26,139
backs amendment if I was representing

2750
02:08:21,110 --> 02:08:26,139
a large corporate defendant that

2751
02:08:26,260 --> 02:08:33,909
bankrolled the judge in his election

2752
02:08:30,590 --> 02:08:37,190
since we do elect our state judges and

2753
02:08:33,909 --> 02:08:38,989
that corporate defendant wanted to move

2754
02:08:37,190 --> 02:08:40,969
out to a little County where he knows

2755
02:08:38,989 --> 02:08:43,940
that the juries are going to render a

2756
02:08:40,969 --> 02:08:45,739
much smaller damage than they do say in

2757
02:08:43,940 --> 02:08:47,840
a large candle mr. Veeck he wouldn't be

2758
02:08:45,739 --> 02:08:49,639
able to select which county he wanted to

2759
02:08:47,840 --> 02:08:52,190
transfer to it have to be to another

2760
02:08:49,639 --> 02:08:55,159
County having venue he wasn't tribal to

2761
02:08:52,190 --> 02:08:57,560
take any one of the 254 counties but if

2762
02:08:55,159 --> 02:08:59,690
there was a choice for example another

2763
02:08:57,560 --> 02:09:01,670
County having venue would be saying

2764
02:08:59,690 --> 02:09:03,770
where the plaintiff was from or where

2765
02:09:01,670 --> 02:09:06,679
the tort occurred or any of the other

2766
02:09:03,770 --> 02:09:08,570
reasons that you can obtain venue but

2767
02:09:06,679 --> 02:09:10,540
anyway the judge would be able to in

2768

02:09:08,570 --> 02:09:13,699
fact as mr. Holsten bank points out

2769
02:09:10,540 --> 02:09:17,290
consider the from a political standpoint

2770
02:09:13,699 --> 02:09:19,940
now you and I both know that these large

2771
02:09:17,290 --> 02:09:22,790
law firms that represent the corporate

2772
02:09:19,940 --> 02:09:25,460
defendants do in fact at times show

2773
02:09:22,790 --> 02:09:27,590
favoritism and I think mr. Holsten Bank

2774
02:09:25,460 --> 02:09:29,480
does have a point now and I want you to

2775
02:09:27,590 --> 02:09:32,780
bless you and vote no on the motion to

2776
02:09:29,480 --> 02:09:35,719
table I want to illustrate the the

2777
02:09:32,780 --> 02:09:39,560
reason for it with my reason experience

2778
02:09:35,719 --> 02:09:43,190
I had a case word an injunction had been

2779
02:09:39,560 --> 02:09:46,280
obtained at a cross action was filed all

2780
02:09:43,190 --> 02:09:48,020
of the parties in the main suit resided

2781
02:09:46,280 --> 02:09:54,190
here in Travis County but the suit was

2782
02:09:48,020 --> 02:09:58,429
pending in Dallas County with this the

2783
02:09:54,190 --> 02:10:01,040
the language of this section 4 G the

2784
02:09:58,429 --> 02:10:01,460
case could be transferred to Travis

2785
02:10:01,040 --> 02:10:04,989
County

2786
02:10:01,460 --> 02:10:07,460
even though Travis County was not the

2787
02:10:04,989 --> 02:10:09,199
county where the cause of action arose

2788
02:10:07,460 --> 02:10:11,090
but it was for the convenience of the

2789
02:10:09,199 --> 02:10:12,949
parties and it's for that reason I think

2790
02:10:11,090 --> 02:10:15,020
it is necessary to keep the provision

2791
02:10:12,949 --> 02:10:18,590
like or to put a provision like this in

2792
02:10:15,020 --> 02:10:20,750
our statute this bigger tires for the

2793
02:10:18,590 --> 02:10:23,290
gentleman you younger gentleman yields

2794
02:10:20,750 --> 02:10:25,760
my tires well judge Geiger how do you

2795

02:10:23,290 --> 02:10:29,619
put an issue how do you raise an issue

2796
02:10:25,760 --> 02:10:29,619
over this section to a plea of privilege

2797
02:10:29,960 --> 02:10:38,300
I would think mr. Harris that it would

2798
02:10:33,830 --> 02:10:41,210
be done by emotion it could be done I

2799
02:10:38,300 --> 02:10:45,590
suppose by a plea of privilege quite

2800
02:10:41,210 --> 02:10:47,660
frankly I supposed to be by emotion and

2801
02:10:45,590 --> 02:10:50,620
it could either be agreed to by the

2802
02:10:47,660 --> 02:10:52,790
parties or it could be controversy then

2803
02:10:50,620 --> 02:10:56,420
decided like other controverted issues

2804
02:10:52,790 --> 02:10:59,830
are decided well now do you anticipate

2805
02:10:56,420 --> 02:11:01,910
that if the motion is is granted by the

2806
02:10:59,830 --> 02:11:04,430
judge of the court in which the action

2807
02:11:01,910 --> 02:11:07,100
is filed and it's transferred to the

2808
02:11:04,430 --> 02:11:10,430
other County with the judge there have

2809
02:11:07,100 --> 02:11:12,530
any any right to decide any power to

2810
02:11:10,430 --> 02:11:14,420
decide that maybe it would be more

2811
02:11:12,530 --> 02:11:16,970
convenient to go back to the initial

2812
02:11:14,420 --> 02:11:19,370
side of the trial or the promise there's

2813
02:11:16,970 --> 02:11:21,080
I don't think that the court could do it

2814
02:11:19,370 --> 02:11:23,660
on its own motion I think it would have

2815
02:11:21,080 --> 02:11:29,780
to be initiated by one or the other of

2816
02:11:23,660 --> 02:11:31,340
the parties mr. speaker mr. Lehri well

2817
02:11:29,780 --> 02:11:33,590
gentlemen you here miss garden are you

2818
02:11:31,340 --> 02:11:35,210
gentleman yields McClure think I'm just

2819
02:11:33,590 --> 02:11:37,190
trying to understand this section now in

2820
02:11:35,210 --> 02:11:40,610
your example you used to film in few

2821
02:11:37,190 --> 02:11:42,320
minutes ago now the present law could

2822

02:11:40,610 --> 02:11:43,760
you not by agreement of the parties move

2823
02:11:42,320 --> 02:11:44,330
to travis county if it was more

2824
02:11:43,760 --> 02:11:47,600
convenient

2825
02:11:44,330 --> 02:11:51,230
yes all right so we must be doing

2826
02:11:47,600 --> 02:11:53,600
something more than your example that's

2827
02:11:51,230 --> 02:11:55,520
correct this could be done by motion and

2828
02:11:53,600 --> 02:11:59,960
if it's controverted be decided by the

2829
02:11:55,520 --> 02:12:02,210
court in its discretion be based upon in

2830
02:11:59,960 --> 02:12:03,620
order to avoid hardship or substantial

2831
02:12:02,210 --> 02:12:08,780
inconvenience to the parties and

2832
02:12:03,620 --> 02:12:10,550
witnesses well now is this going on I'm

2833
02:12:08,780 --> 02:12:13,550
just trying to I was looking over here

2834
02:12:10,550 --> 02:12:17,570
at the section that contains written

2835
02:12:13,550 --> 02:12:22,220
contracts notes this kind of thing the

2836
02:12:17,570 --> 02:12:26,030
section said that basically the payment

2837
02:12:22,220 --> 02:12:30,170
of an obligation or failure to pay in a

2838
02:12:26,030 --> 02:12:31,790
county doesn't necessarily give rise to

2839
02:12:30,170 --> 02:12:35,150
unless it spelled out and what if you

2840
02:12:31,790 --> 02:12:38,810
got a note it says payment in Austin

2841
02:12:35,150 --> 02:12:40,180
Texas on October the 1st 1975 and the

2842
02:12:38,810 --> 02:12:42,770
guy didn't make it

2843
02:12:40,180 --> 02:12:46,760
in that situation is the

2844
02:12:42,770 --> 02:12:48,530
jurisdiction the venue fixed absolutely

2845
02:12:46,760 --> 02:12:51,590
in Travis County or could you come under

2846
02:12:48,530 --> 02:12:55,880
this inconvenient farm and seek to move

2847
02:12:51,590 --> 02:12:58,640
if this would be permissive venue now of

2848
02:12:55,880 --> 02:13:00,080
course if this was a note involving a

2849

02:12:58,640 --> 02:13:02,240
consumer transaction

2850
02:13:00,080 --> 02:13:04,700
it would not be permissive venues I'm

2851
02:13:02,240 --> 02:13:06,140
assuming it's a you know a commercial no

2852
02:13:04,700 --> 02:13:07,670
it's coming under in other words I

2853
02:13:06,140 --> 02:13:09,470
understand the note is that it would be

2854
02:13:07,670 --> 02:13:10,630
under Section three permissive venue is

2855
02:13:09,470 --> 02:13:14,420
that right

2856
02:13:10,630 --> 02:13:17,750
say that again the note a non-commercial

2857
02:13:14,420 --> 02:13:20,060
transaction no non UCC transaction a

2858
02:13:17,750 --> 02:13:22,370
commercial transaction not involving a

2859
02:13:20,060 --> 02:13:24,800
consumer would be under state for miss a

2860
02:13:22,370 --> 02:13:27,530
venue under Section under Section three

2861
02:13:24,800 --> 02:13:31,670
they aren't and my note names Travis

2862
02:13:27,530 --> 02:13:34,100
County First National Bank convincing

2863
02:13:31,670 --> 02:13:36,080
Congress Austin Texas Travis County

2864
02:13:34,100 --> 02:13:37,640
Texas for the payment of the note and I

2865
02:13:36,080 --> 02:13:40,310
reside in Dallas County and you're gonna

2866
02:13:37,640 --> 02:13:42,980
sue me right now you consume in Travis

2867
02:13:40,310 --> 02:13:46,730
County right could you come under this

2868
02:13:42,980 --> 02:13:48,110
forum in convenient form Carl walked off

2869
02:13:46,730 --> 02:13:51,350
my deal so I don't remember exactly

2870
02:13:48,110 --> 02:13:54,620
what's in and change the venue under the

2871
02:13:51,350 --> 02:13:58,190
inconvenient forum section you could if

2872
02:13:54,620 --> 02:14:00,470
you can show to the court that it would

2873
02:13:58,190 --> 02:14:02,240
work a substantial hardship or an

2874
02:14:00,470 --> 02:14:04,700
inconvenience to the parties and

2875
02:14:02,240 --> 02:14:05,570
witnesses for the case to remain in

2876

02:14:04,700 --> 02:14:08,270

Travis County

2877

02:14:05,570 --> 02:14:08,870

it could be transferred in aren't Dallas

2878

02:14:08,270 --> 02:14:10,220

County

2879

02:14:08,870 --> 02:14:12,170

it can only be transferred to another

2880

02:14:10,220 --> 02:14:14,300

County having venue it couldn't be

2881

02:14:12,170 --> 02:14:17,630

transferred to any I don't understand

2882

02:14:14,300 --> 02:14:20,330

that but now here's my point I won sure

2883

02:14:17,630 --> 02:14:23,090

would operate like it had to ask you do

2884

02:14:20,330 --> 02:14:25,690

we really want in situations like this

2885

02:14:23,090 --> 02:14:30,860

work to parties in their original

2886

02:14:25,690 --> 02:14:32,150

negotiations agree upon a venue invent

2887

02:14:30,860 --> 02:14:36,560

something usually in effect what the

2888

02:14:32,150 --> 02:14:40,790

payment does do we really want to agree

2889

02:14:36,560 --> 02:14:43,850

that that agreement can be violated at a

2890
02:14:40,790 --> 02:14:45,260
future date if while the parties is

2891
02:14:43,850 --> 02:14:47,270
still interesting while the parts of the

2892
02:14:45,260 --> 02:14:50,060
contract still won't sit in Travis

2893
02:14:47,270 --> 02:14:52,340
County and then we're saying whoops

2894
02:14:50,060 --> 02:14:54,560
two or three years from now if you

2895
02:14:52,340 --> 02:14:55,800
default on that thing you come in and

2896
02:14:54,560 --> 02:14:59,190
you really don't have venue

2897
02:14:55,800 --> 02:15:02,159
like you thought you did well it would

2898
02:14:59,190 --> 02:15:05,270
be a matter for the court to disco to

2899
02:15:02,159 --> 02:15:07,320
decide the court to use its discretion

2900
02:15:05,270 --> 02:15:09,360
I'm just talking about the public policy

2901
02:15:07,320 --> 02:15:12,540
here because it's got some attraction to

2902
02:15:09,360 --> 02:15:14,520
me but I see some downside to it - I'm

2903

02:15:12,540 --> 02:15:16,139
just wonder whether we really want the

2904
02:15:14,520 --> 02:15:18,960
public policy come in and say that

2905
02:15:16,139 --> 02:15:20,400
contracts people enter into really don't

2906
02:15:18,960 --> 02:15:23,340
mean what I say

2907
02:15:20,400 --> 02:15:27,420
let's take a case where perhaps it

2908
02:15:23,340 --> 02:15:29,900
occurs or it happens that in a remote

2909
02:15:27,420 --> 02:15:34,260
County of West Texas there's a collision

2910
02:15:29,900 --> 02:15:38,790
the defendant and the plaintiff both

2911
02:15:34,260 --> 02:15:44,690
live in Harris County and all the

2912
02:15:38,790 --> 02:15:47,340
witnesses are now in Harris County the

2913
02:15:44,690 --> 02:15:51,300
that would be a case where it might be

2914
02:15:47,340 --> 02:15:53,460
convenient and should be transferred to

2915
02:15:51,300 --> 02:15:57,599
Harris County for the convenience of the

2916
02:15:53,460 --> 02:15:59,730
parties and witnesses even though the

2917
02:15:57,599 --> 02:16:01,500
other party to the transaction had

2918
02:15:59,730 --> 02:16:04,079
relied upon the written agreement we're

2919
02:16:01,500 --> 02:16:07,020
talking about a tort action okay excuse

2920
02:16:04,079 --> 02:16:09,239
me I'm the collision occurs in a remote

2921
02:16:07,020 --> 02:16:11,790
County and all the parties and witnesses

2922
02:16:09,239 --> 02:16:13,800
reside you know I can appreciate would

2923
02:16:11,790 --> 02:16:15,750
permit the transfer of the case I can

2924
02:16:13,800 --> 02:16:17,190
really appreciate that and see the value

2925
02:16:15,750 --> 02:16:19,530
of this in here but I'm worried about

2926
02:16:17,190 --> 02:16:21,510
these notes and written contracts that

2927
02:16:19,530 --> 02:16:24,059
were also going to be transferred around

2928
02:16:21,510 --> 02:16:25,860
because usually it's been my experience

2929
02:16:24,059 --> 02:16:28,290
that when you negotiate one of these

2930

02:16:25,860 --> 02:16:30,329
things that you're negotiating venue and

2931
02:16:28,290 --> 02:16:32,519
everybody understands it well miss Clara

2932
02:16:30,329 --> 02:16:34,800
where ma'am you know we're going to have

2933
02:16:32,519 --> 02:16:36,510
to you're if you're the ones thinking to

2934
02:16:34,800 --> 02:16:39,290
change the venue you're going to have to

2935
02:16:36,510 --> 02:16:41,819
carry a burden of showing substantial

2936
02:16:39,290 --> 02:16:43,380
inconvenience that Sherman raised for

2937
02:16:41,819 --> 02:16:45,450
Nevada gentleman time expired this

2938
02:16:43,380 --> 02:16:48,870
underwater world I can't sustain I move

2939
02:16:45,450 --> 02:16:51,380
the table after holding back those on

2940
02:16:48,870 --> 02:16:51,380
his amendment

2941
02:16:53,510 --> 02:16:57,949
I will mr. speaker will the gentleman

2942
02:16:57,590 --> 02:17:02,739
yield

2943
02:16:57,949 --> 02:17:06,109
I you gentleman yield my cigars there

2944
02:17:02,739 --> 02:17:07,609
mr. posted mark of course we have we

2945
02:17:06,109 --> 02:17:11,329
have under our Federal Rules of

2946
02:17:07,609 --> 02:17:13,939
Procedure the federal provision on forum

2947
02:17:11,329 --> 02:17:15,789
non conveniens or the forum not being

2948
02:17:13,939 --> 02:17:18,769
convenient for the trial of the case and

2949
02:17:15,789 --> 02:17:20,960
it is discretionary with the judge as to

2950
02:17:18,769 --> 02:17:23,510
whether or not he will transfer the

2951
02:17:20,960 --> 02:17:25,369
trial of that case to another forum is

2952
02:17:23,510 --> 02:17:28,670
that not correct that's true mr. Kummer

2953
02:17:25,369 --> 02:17:29,239
so to our federal system and I might be

2954
02:17:28,670 --> 02:17:31,760
upsetting

2955
02:17:29,239 --> 02:17:34,010
mr. Whitehead but the federal judges are

2956
02:17:31,760 --> 02:17:36,289
appointed rather than elected that's

2957

02:17:34,010 --> 02:17:38,329
true and in this particular situation as

2958
02:17:36,289 --> 02:17:41,029
in all others where a judge has

2959
02:17:38,329 --> 02:17:43,279
discretion many times that discretion

2960
02:17:41,029 --> 02:17:44,989
works that the detriment of a certain

2961
02:17:43,279 --> 02:17:47,359
class and for the benefit of another

2962
02:17:44,989 --> 02:17:49,729
does it not that's true and our state

2963
02:17:47,359 --> 02:17:52,399
judges of course are all like we

2964
02:17:49,729 --> 02:17:54,739
political animals and dependent upon our

2965
02:17:52,399 --> 02:17:56,869
constituency to assist us when we run

2966
02:17:54,739 --> 02:17:59,529
for reelection oh that's definitely true

2967
02:17:56,869 --> 02:18:02,359
are you concerned that giving one more

2968
02:17:59,529 --> 02:18:05,510
discretion to a district judge might

2969
02:18:02,359 --> 02:18:08,539
result in in equities resulting to

2970
02:18:05,510 --> 02:18:11,829
certain people or class of people and a

2971
02:18:08,539 --> 02:18:14,599
judge favoring maybe the wrong thing you

2972
02:18:11,829 --> 02:18:16,880
concerned about this this could be a

2973
02:18:14,599 --> 02:18:19,639
possibility I'm not concerned just in

2974
02:18:16,880 --> 02:18:23,269
that particular area but it opens the

2975
02:18:19,639 --> 02:18:26,029
Pandora's Box in many areas in granting

2976
02:18:23,269 --> 02:18:28,789
a discretionary power such as this one

2977
02:18:26,029 --> 02:18:31,099
mr. Garcia not only is this thing going

2978
02:18:28,789 --> 02:18:32,840
to be a very costly proposition because

2979
02:18:31,099 --> 02:18:36,279
it's going to involve the writing of new

2980
02:18:32,840 --> 02:18:39,769
law it's going to involve the the very

2981
02:18:36,279 --> 02:18:41,630
many times as I stated before the whole

2982
02:18:39,769 --> 02:18:43,399
lawsuits going to turn on where you end

2983
02:18:41,630 --> 02:18:46,010
up trying to case correct the cause of

2984

02:18:43,399 --> 02:18:48,800
the nature of the various communities

2985
02:18:46,010 --> 02:18:52,369
and and it lends itself mad any good

2986
02:18:48,800 --> 02:18:56,059
lawyer who advises his client will avail

2987
02:18:52,369 --> 02:18:59,239
himself of the best forum possible under

2988
02:18:56,059 --> 02:19:01,039
the law and and if we take out the forum

2989
02:18:59,239 --> 02:19:04,219
non-convenience or the inconvenient

2990
02:19:01,039 --> 02:19:06,079
forum as they've labeled it then the

2991
02:19:04,219 --> 02:19:07,219
client and the attorney will be able to

2992
02:19:06,079 --> 02:19:08,479
avail themselves

2993
02:19:07,219 --> 02:19:11,569
the law they won't get any special

2994
02:19:08,479 --> 02:19:15,080
privileges or advantages of the best for

2995
02:19:11,569 --> 02:19:17,450
impossible but if you allow this section

2996
02:19:15,080 --> 02:19:19,939
to remain in the bill then you are

2997
02:19:17,450 --> 02:19:22,370
subjecting yourself to what's known am

2998
02:19:19,939 --> 02:19:26,510
heard it all lawyers have heard it the

2999
02:19:22,370 --> 02:19:28,340
hometown your are they put you in a

3000
02:19:26,510 --> 02:19:30,109
position where there ain't no way you

3001
02:19:28,340 --> 02:19:31,670
can win the lawsuit no matter how how

3002
02:19:30,109 --> 02:19:33,739
good the facts are in your waiver you

3003
02:19:31,670 --> 02:19:36,170
mean you mean to tell me that if I filed

3004
02:19:33,739 --> 02:19:37,969
a lawsuit and came to Odessa to try it

3005
02:19:36,170 --> 02:19:39,469
you were on the other side that you

3006
02:19:37,969 --> 02:19:41,559
would be in a preferred position mr.

3007
02:19:39,469 --> 02:19:44,120
Osterberg despite my abilities

3008
02:19:41,559 --> 02:19:45,679
definitely I think I would be in that's

3009
02:19:44,120 --> 02:19:48,200
that's the point I'm trying to make

3010
02:19:45,679 --> 02:19:51,560
let's let's dissect it for a moment

3011

02:19:48,200 --> 02:19:55,250
let's dissect the last phrase in this

3012
02:19:51,560 --> 02:19:58,399
particular amendment it says to a County

3013
02:19:55,250 --> 02:20:00,920
which has venue on a ground other than

3014
02:19:58,399 --> 02:20:02,270
residence of a defendant you know the

3015
02:20:00,920 --> 02:20:04,640
more I read this thing the more I'm

3016
02:20:02,270 --> 02:20:06,739
convinced it does nothing but if it does

3017
02:20:04,640 --> 02:20:09,260
nothing it should come out that's right

3018
02:20:06,739 --> 02:20:11,930
because this bill addresses itself to

3019
02:20:09,260 --> 02:20:15,260
venue in two categories that is

3020
02:20:11,930 --> 02:20:17,689
permissive and mandatory mandatory means

3021
02:20:15,260 --> 02:20:20,450
that the case must be tried at a

3022
02:20:17,689 --> 02:20:22,850
particular forum permissive is that you

3023
02:20:20,450 --> 02:20:25,010
can elect but if you elect on a

3024
02:20:22,850 --> 02:20:27,770
permissive basis and it states where the

3025
02:20:25,010 --> 02:20:30,529
suit shall be filed if the judge of the

3026
02:20:27,770 --> 02:20:34,069
theory of inconvenient forum desires to

3027
02:20:30,529 --> 02:20:36,950
transfer it he has to transfer to a

3028
02:20:34,069 --> 02:20:39,439
County which has venue on a ground other

3029
02:20:36,950 --> 02:20:42,439
than the residency of the defendant so

3030
02:20:39,439 --> 02:20:44,300
where could it be transferred to well

3031
02:20:42,439 --> 02:20:45,830
your your point is well-taken mr.

3032
02:20:44,300 --> 02:20:49,970
Carsley and this is what I've been

3033
02:20:45,830 --> 02:20:53,720
trying to tell the house this law does

3034
02:20:49,970 --> 02:20:57,370
not exist in Texas at this time there is

3035
02:20:53,720 --> 02:20:59,810
no reason for this law and and to to

3036
02:20:57,370 --> 02:21:02,300
amend this section out will do no harm

3037
02:20:59,810 --> 02:21:04,670
to this bill as a matter of fact it will

3038

02:21:02,300 --> 02:21:06,229
improve this bill I think the pike and

3039
02:21:04,670 --> 02:21:08,750
his co-authors have done a beautiful job

3040
02:21:06,229 --> 02:21:12,439
on this venue bill except for this one

3041
02:21:08,750 --> 02:21:15,350
paragraph which I feel does nothing

3042
02:21:12,439 --> 02:21:16,790
at first blush but it may be very

3043
02:21:15,350 --> 02:21:18,590
detrimental depending on its

3044
02:21:16,790 --> 02:21:19,160
construction and I think that we could

3045
02:21:18,590 --> 02:21:22,040
be

3046
02:21:19,160 --> 02:21:24,470
a much-needed piece of legislation by

3047
02:21:22,040 --> 02:21:26,510
leaving this in it I agree mr. Garcia

3048
02:21:24,470 --> 02:21:32,270
and I urge you to vote no on the motion

3049
02:21:26,510 --> 02:21:37,070
to table okay members mr. halston back

3050
02:21:32,270 --> 02:21:39,860
sends up an amendment mr. Geiger moves

3051
02:21:37,070 --> 02:21:41,479
the table question recurs on a motion to

3052
02:21:39,860 --> 02:21:43,130
table all those in favor the motion to

3053
02:21:41,479 --> 02:21:45,050
table of vote aye all those opposed to

3054
02:21:43,130 --> 02:21:47,530
vote no it's a record vote the clerk

3055
02:21:45,050 --> 02:21:47,530
will ring the bell

3056
02:22:13,760 --> 02:22:17,330
all members voted

3057
02:22:21,279 --> 02:22:24,600
all members voted

3058
02:22:42,039 --> 02:22:56,550
mr. powers this amendment going to be

3059
02:22:44,350 --> 02:22:56,550
acceptable No

3060
02:23:01,550 --> 02:23:05,079
so meant I wasn't voting No

3061
02:23:09,200 --> 02:23:14,780
there being 37 eyes 101 nose one

3062
02:23:12,020 --> 02:23:20,300
president not voting the motion to table

3063
02:23:14,780 --> 02:23:21,650
fails mr. powers and farms a chair that

3064
02:23:20,300 --> 02:23:23,210
the host and bike amendment is

3065

02:23:21,650 --> 02:23:27,200
acceptable is there objection to its

3066
02:23:23,210 --> 02:23:29,530
adoption see here none the amendment is

3067
02:23:27,200 --> 02:23:29,530
adopted

3068
02:23:31,540 --> 02:23:37,939
okay members the question now occurs on

3069
02:23:34,340 --> 02:23:39,560
passage engrossment of House bills 771

3070
02:23:37,939 --> 02:23:42,670
all those in favor of encroachment will

3071
02:23:39,560 --> 02:23:48,800
say aye all opposed no

3072
02:23:42,670 --> 02:23:51,979
House bill 771 is engrossed remember we

3073
02:23:48,800 --> 02:23:53,900
have a few vote votes will request to be

3074
02:23:51,979 --> 02:23:55,970
recorded these are not vote changes it

3075
02:23:53,900 --> 02:23:57,380
will not change the results of any of

3076
02:23:55,970 --> 02:23:59,689
the records taken this morning is there

3077
02:23:57,380 --> 02:24:04,820
objection to them being recorded chair

3078
02:23:59,689 --> 02:24:09,800
here's done remember we have three

3079
02:24:04,820 --> 02:24:16,430
requests for vote changes are the there

3080
02:24:09,800 --> 02:24:17,720
is if there is objection following bills

3081
02:24:16,430 --> 02:24:20,890
on first reading in reverence of

3082
02:24:17,720 --> 02:24:20,890
committee the clerk will read the bills

3083
02:24:21,189 --> 02:24:24,310
Senate bill

3084
02:24:34,080 --> 02:24:38,430
Senate bill 309 by Snelson related to

3085
02:24:37,140 --> 02:24:40,770
the authority of the Texas Board of

3086
02:24:38,430 --> 02:24:42,979
Medical Examiner's referred to the

3087
02:24:40,770 --> 02:24:46,350
Committee on Health and Welfare

3088
02:24:42,979 --> 02:24:47,910
Senate bill 405 by Sherman relating to

3089
02:24:46,350 --> 02:24:49,800
the certification and licensing of

3090
02:24:47,910 --> 02:24:51,720
psychologist and declaring an emergency

3091
02:24:49,800 --> 02:24:53,720
refer to the Committee on health and

3092

02:24:51,720 --> 02:24:58,590
welfare

3093
02:24:53,720 --> 02:25:00,210
Senate bill 422 by Myer amending VAP C

3094
02:24:58,590 --> 02:25:01,800
providing for an offensive theft of

3095
02:25:00,210 --> 02:25:07,380
service referred to the Committee on

3096
02:25:01,800 --> 02:25:10,500
criminal jurisprudence Senate bill 436

3097
02:25:07,380 --> 02:25:12,930
by Swartz revising the Texas disaster

3098
02:25:10,500 --> 02:25:16,520
Act of 1973 in declaring an emergency

3099
02:25:12,930 --> 02:25:22,140
refer to the Committee on state affairs

3100
02:25:16,520 --> 02:25:23,760
Senate bill 1003 by mckennon authorizing

3101
02:25:22,140 --> 02:25:26,640
the parks and wildlife department to

3102
02:25:23,760 --> 02:25:28,560
charge entrance hour gate fees at state

3103
02:25:26,640 --> 02:25:29,670
parks and declaring an emergency refer

3104
02:25:28,560 --> 02:25:33,290
to the Committee on Environmental

3105
02:25:29,670 --> 02:25:35,819
Affairs Senate bill 1041 by more

3106
02:25:33,290 --> 02:25:37,710
gratifying confirming approving and

3107
02:25:35,819 --> 02:25:39,359
validating the creation and organization

3108
02:25:37,710 --> 02:25:42,300
of Brazos County medical utility

3109
02:25:39,359 --> 02:25:47,910
district number 1 refer to the Committee

3110
02:25:42,300 --> 02:25:50,760
on intergovernmental affairs ok members

3111
02:25:47,910 --> 02:25:54,990
we've got any motions if not it's

3112
02:25:50,760 --> 02:25:57,540
commercial time sure members we're going

3113
02:25:54,990 --> 02:25:59,720
to adjourn today the remainder of the

3114
02:25:57,540 --> 02:26:02,550
day so some of our committees can work

3115
02:25:59,720 --> 02:26:07,140
come back and complete calendars in the

3116
02:26:02,550 --> 02:26:10,530
morning chair recognizes members someone

3117
02:26:07,140 --> 02:26:14,420
left one of the black statutes up here I

3118
02:26:10,530 --> 02:26:14,420
believe it was lifted up here yesterday

3119

02:26:14,780 --> 02:26:22,859
volume 19 and a half somebody whoever

3120
02:26:18,359 --> 02:26:24,540
left it that's commercial time chair

3121
02:26:22,859 --> 02:26:27,300
recognize mr. Kate's for an announcement

3122
02:26:24,540 --> 02:26:28,920
mr. speaker members the pollution

3123
02:26:27,300 --> 02:26:31,229
subcommittee of the Environmental

3124
02:26:28,920 --> 02:26:34,340
Affairs Committee which is scheduled a

3125
02:26:31,229 --> 02:26:36,859
formal hearing upon adjournment today

3126
02:26:34,340 --> 02:26:41,930
the this committee hearing will be

3127
02:26:36,859 --> 02:26:41,930
postponed till Thursday evening at 7:30

3128
02:26:43,770 --> 02:26:47,829
she recognized the mr. president for an

3129
02:26:46,210 --> 02:26:51,930
announcement this big American

3130
02:26:47,829 --> 02:26:51,930
preparations committee at 2 p.m. 2 p.m.

3131
02:26:55,829 --> 02:27:00,699
chair recognizes mr. Maloney burning up

3132
02:26:58,149 --> 02:27:04,359
but speaker and members subcommittee of

3133
02:27:00,699 --> 02:27:06,939
liquor regulation on Senate bill 471

3134
02:27:04,359 --> 02:27:11,560
will meet on adjournment in my office

3135
02:27:06,939 --> 02:27:13,779
room what on I'd ever meant to her for

3136
02:27:11,560 --> 02:27:16,600
an announcement with speaker members

3137
02:27:13,779 --> 02:27:19,300
took millions of state affairs committee

3138
02:27:16,600 --> 02:27:21,699
on House bill 781 consisting of Mitchell

3139
02:27:19,300 --> 02:27:25,960
cartilage mr. Brown will meet at my desk

3140
02:27:21,699 --> 02:27:27,399
on a German mr. Columbo for an

3141
02:27:25,960 --> 02:27:29,949
announcement Subcommittee on financial

3142
02:27:27,399 --> 02:27:31,329
institutions hearing the House bill for

3143
02:27:29,949 --> 02:27:34,989
the two will be at my desk upon

3144
02:27:31,329 --> 02:27:37,510
adjournment local consent calendar

3145
02:27:34,989 --> 02:27:44,199
meeting committee will meet in the local

3146

02:27:37,510 --> 02:27:46,510
at 2:30 mister barone announcement mr.

3147
02:27:44,199 --> 02:27:49,420
speaker and members this is a Fiesta

3148
02:27:46,510 --> 02:27:52,600
announcement you all have have or should

3149
02:27:49,420 --> 02:27:55,510
have received invitations for the night

3150
02:27:52,600 --> 02:27:58,600
and old San Antonio Thursday evening if

3151
02:27:55,510 --> 02:28:01,390
you would please RSVP to this and if you

3152
02:27:58,600 --> 02:28:04,119
have not received your invitation please

3153
02:28:01,390 --> 02:28:05,649
contact either myself or any member of

3154
02:28:04,119 --> 02:28:08,890
the Barrow delegation who will be

3155
02:28:05,649 --> 02:28:10,869
pleased to assist you okay miss McGee

3156
02:28:08,890 --> 02:28:13,500
fun announcement mr. speaker and members

3157
02:28:10,869 --> 02:28:16,180
the election Subcommittee on House bill

3158
02:28:13,500 --> 02:28:19,210
1939 will meet at 2 o'clock this

3159
02:28:16,180 --> 02:28:22,510
afternoon in my office that's a short

3160
02:28:19,210 --> 02:28:24,159
for motion mr. Baker members I need to

3161
02:28:22,510 --> 02:28:27,510
make a motion to spend the five day

3162
02:28:24,159 --> 02:28:31,329
posting rule on Senate bill five 2558

3163
02:28:27,510 --> 02:28:34,060
this is a local bill for mr. hench

3164
02:28:31,329 --> 02:28:35,859
district on juvenile board and also I

3165
02:28:34,060 --> 02:28:38,829
need suspend the rules on Senate bill

3166
02:28:35,859 --> 02:28:40,510
459 up we have already took up

3167
02:28:38,829 --> 02:28:42,279
considered and passed out of

3168
02:28:40,510 --> 02:28:44,680
intergovernmental affairs a comfortable

3169
02:28:42,279 --> 02:28:46,989
bill for this particular bill we need to

3170
02:28:44,680 --> 02:28:48,120
hear this afternoon okay you heard the

3171
02:28:46,989 --> 02:28:50,490
motion as objects

3172
02:28:48,120 --> 02:28:53,311
suspension of the posting rules chair

3173

02:28:50,490 --> 02:28:54,840
here Dundas pension is granted chair

3174
02:28:53,311 --> 02:28:56,250
recognize mr. Howell for an announcement

3175
02:28:54,840 --> 02:28:58,110
there'll be a meeting of the

3176
02:28:56,250 --> 02:29:00,290
redistricting Subcommittee on House bill

3177
02:28:58,110 --> 02:29:02,700
1065 this congressional redistricting

3178
02:29:00,290 --> 02:29:04,440
will meet right now at my desk in the

3179
02:29:02,700 --> 02:29:06,420
back of the hall members of that

3180
02:29:04,440 --> 02:29:11,040
committee include Bigham Henderson

3181
02:29:06,420 --> 02:29:13,561
Kubiak Ragsdale Reynolds okay mister

3182
02:29:11,040 --> 02:29:15,090
cartlidge for an announcement mr.

3183
02:29:13,561 --> 02:29:16,200
speaker members there'll be a meeting of

3184
02:29:15,090 --> 02:29:18,390
the subcommittee of state affairs

3185
02:29:16,200 --> 02:29:22,710
committee consisting of mr. Simpson mr.

3186
02:29:18,390 --> 02:29:24,811
green myself when HB 6 669 at my desk

3187
02:29:22,710 --> 02:29:28,021
immediately after the session it's Adams

3188
02:29:24,811 --> 02:29:29,521
for an announcement legislative

3189
02:29:28,021 --> 02:29:32,780
redistricting committee will meet today

3190
02:29:29,521 --> 02:29:35,040
at 3 o'clock in Bob Johnson's office the

3191
02:29:32,780 --> 02:29:39,210
Subcommittee on public school finance

3192
02:29:35,040 --> 02:29:42,300
will meet tomorrow night okay members

3193
02:29:39,210 --> 02:29:44,160
any other announcements if not mr.

3194
02:29:42,300 --> 02:29:46,500
shermin moves at the house and adjourn

3195
02:29:44,160 --> 02:29:47,250
until 9:30 a.m. in the morning is there

3196
02:29:46,500 --> 02:29:49,260
objection

3197
02:29:47,250 --> 02:29:52,970
sir here none and accordingly the house

3198
02:29:49,260 --> 02:29:52,970
stands adjourned until 9:30 a.m.

3199
02:29:53,750 --> 02:30:02,990
Wednesday April 23rd 1975 house

3200

02:30:00,150 --> 02:30:02,990
representatives

3201
02:30:04,190 --> 02:30:09,140
the house will come to order the members

3202
02:30:06,600 --> 02:30:09,140
will please register

3203
02:31:56,300 --> 02:31:59,500
all members registered

3204
02:32:16,490 --> 02:32:19,660
seemed like it

3205
02:32:22,920 --> 02:32:28,271
mr. speaker parliamentary inquiry take

3206
02:32:26,080 --> 02:32:29,890
the acquirements coil I was discussing a

3207
02:32:28,271 --> 02:32:33,700
problem with the bear County delegation

3208
02:32:29,890 --> 02:32:35,980
I understand from them that their people

3209
02:32:33,700 --> 02:32:37,811
didn't think the legislature was doing

3210
02:32:35,980 --> 02:32:39,521
too well and I was out going to ask if

3211
02:32:37,811 --> 02:32:43,090
it's ever been if it be a president be

3212
02:32:39,521 --> 02:32:45,990
set since it's a house through an entire

3213
02:32:43,090 --> 02:32:45,990
delegation out

3214
02:32:53,620 --> 02:32:56,850
bombers registered

3215
02:33:12,590 --> 02:33:22,880
but good pretty good David yes sir we

3216
02:33:20,159 --> 02:33:22,880
get \$30 today

3217
02:33:41,380 --> 02:33:48,649
mr. speaker mr. I appear to respond to a

3218
02:33:46,670 --> 02:33:51,319
fellow colleague that was making

3219
02:33:48,649 --> 02:33:53,930
derogatory remarks about the bear County

3220
02:33:51,319 --> 02:33:55,939
delegation and I thought it might be

3221
02:33:53,930 --> 02:33:58,540
well worth noting that even a BRE back

3222
02:33:55,939 --> 02:33:58,540
was speechless

3223
02:34:02,410 --> 02:34:06,100
as all members registered

3224
02:34:36,720 --> 02:34:39,720
okay

3225
02:34:40,080 --> 02:34:47,470
quorum is present Houseman gal will rise

3226
02:34:45,130 --> 02:34:49,450
for the invocation be given by the

3227

02:34:47,470 --> 02:34:56,790
Reverend Jimmy Phillips University Hills

3228
02:34:49,450 --> 02:34:59,620
Baptist Church may we pray Almighty God

3229
02:34:56,790 --> 02:35:01,240
again these men and women come to

3230
02:34:59,620 --> 02:35:04,090
perform the tasks for which they've been

3231
02:35:01,240 --> 02:35:06,850
chosen as representatives of people of

3232
02:35:04,090 --> 02:35:08,380
the state of Texas and again they must

3233
02:35:06,850 --> 02:35:10,540
acknowledge their own inability to

3234
02:35:08,380 --> 02:35:13,300
function wisely without your daily

3235
02:35:10,540 --> 02:35:15,040
guidance so give each of them clear

3236
02:35:13,300 --> 02:35:19,030
minds and high motives as they face

3237
02:35:15,040 --> 02:35:21,340
today's work and God help us their

3238
02:35:19,030 --> 02:35:22,990
constituents who also have attached to

3239
02:35:21,340 --> 02:35:26,229
perform as citizens of the state of

3240
02:35:22,990 --> 02:35:29,350
Texas may we accept our responsibilities

3241
02:35:26,229 --> 02:35:30,670
as citizens never let us forget God that

3242
02:35:29,350 --> 02:35:34,360
our privilege to be a part of the

3243
02:35:30,670 --> 02:35:37,560
governing process is valid for each only

3244
02:35:34,360 --> 02:35:39,880
to the degree with which we participate

3245
02:35:37,560 --> 02:35:43,090
many Imported issues faced this

3246
02:35:39,880 --> 02:35:46,090
legislature many of US citizens clamor

3247
02:35:43,090 --> 02:35:49,360
for our own interest we each lobby in

3248
02:35:46,090 --> 02:35:52,390
our own way it remains the task of these

3249
02:35:49,360 --> 02:35:54,160
your servants to discern correctly what

3250
02:35:52,390 --> 02:35:56,920
is the best for the largest number of

3251
02:35:54,160 --> 02:35:59,560
our people in Texas god this is a

3252
02:35:56,920 --> 02:36:01,720
tremendous task for men and women but

3253
02:35:59,560 --> 02:36:05,050
with your grace and wisdom all things

3254

02:36:01,720 --> 02:36:07,510
are possible but in the midst of our own

3255
02:36:05,050 --> 02:36:10,600
local needs let us not forget our

3256
02:36:07,510 --> 02:36:12,450
tattered nation and world we pray for a

3257
02:36:10,600 --> 02:36:15,790
strong economy and a strong government

3258
02:36:12,450 --> 02:36:17,590
not so we can dominate the world but

3259
02:36:15,790 --> 02:36:19,720
rather so we can spread Brotherhood and

3260
02:36:17,590 --> 02:36:22,810
improve social conditions for the

3261
02:36:19,720 --> 02:36:25,930
teeming masses never let us forget dear

3262
02:36:22,810 --> 02:36:28,870
God the poverty that exists even in the

3263
02:36:25,930 --> 02:36:31,360
midst of Plenty therefore we offer a

3264
02:36:28,870 --> 02:36:33,880
special prayer for all the hungry and

3265
02:36:31,360 --> 02:36:36,670
needy people around the world it is only

3266
02:36:33,880 --> 02:36:40,360
by your grace of God that we are here

3267
02:36:36,670 --> 02:36:43,390
not there thank you for our fortune but

3268
02:36:40,360 --> 02:36:46,410
let us not be selfish with it and grant

3269
02:36:43,390 --> 02:36:48,230
us wisdom for the living of these days

3270
02:36:46,410 --> 02:36:52,400
amen

3271
02:36:48,230 --> 02:36:52,400
jerilyn ir excuse for absent members

3272
02:37:04,430 --> 02:37:10,680
mr. speaker excuse representative Bigham

3273
02:37:09,180 --> 02:37:11,699
for important business on emotion

3274
02:37:10,680 --> 02:37:12,359
representative Matt Lee is there

3275
02:37:11,699 --> 02:37:19,609
objection

3276
02:37:12,359 --> 02:37:19,609
chair here's nine thirty dollar gamble

3277
02:37:21,979 --> 02:37:26,609
their speaker for what purpose miss

3278
02:37:24,210 --> 02:37:30,300
Sullivan have you figured out whether

3279
02:37:26,609 --> 02:37:32,909
that new raise is 32 cents an hour or

3280
02:37:30,300 --> 02:37:36,380
not that's what I my figures indicated

3281

02:37:32,909 --> 02:37:36,380
whatever it is it's better than it was

3282
02:37:37,399 --> 02:37:42,739
national speak up miss dilky burr we

3283
02:37:40,890 --> 02:37:46,279
have a message from the Senate

3284
02:37:42,739 --> 02:37:46,279
send up the message

3285
02:38:03,819 --> 02:38:10,840
cheer signs the president's the house

3286
02:38:05,500 --> 02:38:14,399
the following house concurrent

3287
02:38:10,840 --> 02:38:14,399
resolution 103

3288
02:38:49,659 --> 02:38:53,260
excuse representative Washington because

3289
02:38:51,850 --> 02:38:55,000
of the important Venice on a motion of

3290
02:38:53,260 --> 02:38:57,750
representative Delco is there objection

3291
02:38:55,000 --> 02:38:57,750
chair here's not

3292
02:39:43,449 --> 02:39:46,739
see I recognize mr. Fox for affirmation

3293
02:39:45,580 --> 02:39:49,120
Dennett Isabelle

3294
02:39:46,739 --> 02:39:50,770
mr. speaker let loose how to ask your

3295
02:39:49,120 --> 02:39:54,040
permission to introduce a bill it

3296
02:39:50,770 --> 02:39:56,050
relates to the authority granting

3297
02:39:54,040 --> 02:39:59,949
authority to the Department of Health to

3298
02:39:56,050 --> 02:40:04,600
define to regulate and control certain

3299
02:39:59,949 --> 02:40:06,670
noise from stationary sources okay

3300
02:40:04,600 --> 02:40:08,640
members you've heard the request is

3301
02:40:06,670 --> 02:40:13,229
there objection to granting commission

3302
02:40:08,640 --> 02:40:13,229
chair here's none permission is granted

3303
02:40:13,859 --> 02:40:17,310
mr. Preston

3304
02:40:18,870 --> 02:40:22,649
mr. Preston on the floor

3305
02:40:31,470 --> 02:40:35,789
mr. speaker members I moved to grant the

3306
02:40:34,289 --> 02:40:38,340
Senate's request that we appoint a

3307
02:40:35,789 --> 02:40:40,920
conference committee on Senate bill 360

3308

02:40:38,340 --> 02:40:44,100
explain what the bill is mr. president

3309
02:40:40,920 --> 02:40:46,619
Senate bill 360 is the tuition that

3310
02:40:44,100 --> 02:40:49,909
junior colleges on their County

3311
02:40:46,619 --> 02:40:52,199
districts that are not countywide

3312
02:40:49,909 --> 02:40:53,220
okay members you've heard the quest is

3313
02:40:52,199 --> 02:40:55,609
there objection to grant information

3314
02:40:53,220 --> 02:40:59,130
appointment of a conference committee

3315
02:40:55,609 --> 02:41:01,939
chair here none come and lays out the

3316
02:40:59,130 --> 02:41:05,149
following conference committee

3317
02:41:01,939 --> 02:41:10,529
conference committee on Senate bill 360

3318
02:41:05,149 --> 02:41:13,939
Preston chairman short Atkinson Mankins

3319
02:41:10,529 --> 02:41:13,939
Hall of Webb

3320
02:41:51,930 --> 02:41:54,829
mr. Baker

3321
02:41:58,020 --> 02:42:02,340
that speaker that's McAlister

3322
02:41:59,940 --> 02:42:04,140
parliamentary enquiry states you inquire

3323
02:42:02,340 --> 02:42:07,020
mr. McAllister now that our credibility

3324
02:42:04,140 --> 02:42:09,600
has been validated by the vote yesterday

3325
02:42:07,020 --> 02:42:13,260
shouldn't we be more concerned about our

3326
02:42:09,600 --> 02:42:15,420
image I'd hope that we will win anyway

3327
02:42:13,260 --> 02:42:16,680
it's been reported that there was an

3328
02:42:15,420 --> 02:42:18,570
alley pot this morning between

3329
02:42:16,680 --> 02:42:20,760
representative urine represented power

3330
02:42:18,570 --> 02:42:26,040
box over who's going to appreciate the

3331
02:42:20,760 --> 02:42:29,300
football game on May 7 well we let them

3332
02:42:26,040 --> 02:42:29,300
flip a coin mr. McAllister

3333
02:42:49,381 --> 02:42:54,330
okay Luther

3334
02:42:51,870 --> 02:42:59,311
chair recognizes mr. Jones far motion

3335

02:42:54,330 --> 02:43:00,840
mr. speaker and members I move that the

3336
02:42:59,311 --> 02:43:03,811
house instruct the calendars committee

3337
02:43:00,840 --> 02:43:06,030
to reassign House bill 392 from the

3338
02:43:03,811 --> 02:43:08,670
general state calendar to the major

3339
02:43:06,030 --> 02:43:10,800
state calendar II and I make this motion

3340
02:43:08,670 --> 02:43:12,030
in this form because I've been advised

3341
02:43:10,800 --> 02:43:14,221
by the parliamentarian that it's

3342
02:43:12,030 --> 02:43:16,410
improper to move to instruct the

3343
02:43:14,221 --> 02:43:18,000
calendars committee to put a bill on the

3344
02:43:16,410 --> 02:43:19,471
daily house calendar I would prefer to

3345
02:43:18,000 --> 02:43:20,880
make that motion but I've been advised

3346
02:43:19,471 --> 02:43:22,891
by the parliamentarian that it would be

3347
02:43:20,880 --> 02:43:27,630
out of order so at this time I move to

3348
02:43:22,891 --> 02:43:29,190
reassign House bill 392 from the general

3349
02:43:27,630 --> 02:43:31,200
state calendar to the major state

3350
02:43:29,190 --> 02:43:33,420
calendar and I'd like to be heard on the

3351
02:43:31,200 --> 02:43:35,460
motion I'd like to the right to close

3352
02:43:33,420 --> 02:43:36,900
mr. speaker are you may be hurt on your

3353
02:43:35,460 --> 02:43:38,730
motion to mr. Jones if you'd like to

3354
02:43:36,900 --> 02:43:46,200
speak on your motion mr. speaker I'd

3355
02:43:38,730 --> 02:43:52,500
like to write like close all right chair

3356
02:43:46,200 --> 02:43:55,021
recognize miss Davis speak against this

3357
02:43:52,500 --> 02:43:57,960
speaker members I hesitate to oppose mr.

3358
02:43:55,021 --> 02:43:58,620
Jones's motion but I do so on a matter

3359
02:43:57,960 --> 02:44:01,860
of principle

3360
02:43:58,620 --> 02:44:04,290
House bill 392 is a bill which relates

3361
02:44:01,860 --> 02:44:05,880
to increase in the service fees charged

3362

02:44:04,290 --> 02:44:07,860
by our constables and sheriffs in the

3363
02:44:05,880 --> 02:44:09,870
state of Texas the bill has been in the

3364
02:44:07,860 --> 02:44:13,141
calendars committee for some times it

3365
02:44:09,870 --> 02:44:15,990
has not been said the bill is not of the

3366
02:44:13,141 --> 02:44:17,521
substantial impact of a bill such as

3367
02:44:15,990 --> 02:44:19,710
public school finance which was the

3368
02:44:17,521 --> 02:44:21,780
major Nate bill who gentleman yield I

3369
02:44:19,710 --> 02:44:24,840
only have three minutes mr. Denson I'm

3370
02:44:21,780 --> 02:44:27,090
trying to you know cover it it's not at

3371
02:44:24,840 --> 02:44:29,040
this time is going to be the property

3372
02:44:27,090 --> 02:44:30,690
tax reform bill which is probably major

3373
02:44:29,040 --> 02:44:32,101
state legislation the appropriations

3374
02:44:30,690 --> 02:44:34,290
bill which is going to be major state

3375
02:44:32,101 --> 02:44:35,790
legislation matters and utility

3376
02:44:34,290 --> 02:44:37,530
commission which probably made your

3377
02:44:35,790 --> 02:44:40,200
state legislation it's not that

3378
02:44:37,530 --> 02:44:42,061
magnitude of bill there are almost no

3379
02:44:40,200 --> 02:44:43,891
bills so far which have been assigned in

3380
02:44:42,061 --> 02:44:46,170
major state calendar and it's all of you

3381
02:44:43,891 --> 02:44:48,240
know the calendar priority is that major

3382
02:44:46,170 --> 02:44:50,730
state bills when they're placed on the

3383
02:44:48,240 --> 02:44:52,891
calendar take preference over general

3384
02:44:50,730 --> 02:44:54,721
state bills I think that mr. Jones

3385
02:44:52,891 --> 02:44:56,420
doesn't understand that his motion is

3386
02:44:54,721 --> 02:45:00,090
not going to accomplish what he really

3387
02:44:56,420 --> 02:45:01,830
intends to do and the calendars

3388
02:45:00,090 --> 02:45:03,840
committee is proud to set the bills and

3389

02:45:01,830 --> 02:45:05,681
the order in which we lea received them

3390
02:45:03,840 --> 02:45:07,421
and I think that we

3391
02:45:05,681 --> 02:45:09,371
done personally a good job in trying to

3392
02:45:07,421 --> 02:45:11,230
get legislation to the floor and in fact

3393
02:45:09,371 --> 02:45:13,360
for the last two weeks I think that

3394
02:45:11,230 --> 02:45:14,771
we've probably moved out more bills than

3395
02:45:13,360 --> 02:45:16,421
the house has really had time to

3396
02:45:14,771 --> 02:45:18,761
consider we've got to carry over already

3397
02:45:16,421 --> 02:45:22,721
this week I think that you ought to vote

3398
02:45:18,761 --> 02:45:24,671
no on mr. Jones's is motion I think we

3399
02:45:22,721 --> 02:45:26,261
going to tell you ocean to table which I

3400
02:45:24,671 --> 02:45:27,881
make this time you mr. Davis

3401
02:45:26,261 --> 02:45:29,740
gentleman moves tabled and Andrews

3402
02:45:27,881 --> 02:45:33,371
himself on the floor mr. Widmark chair

3403
02:45:29,740 --> 02:45:34,990
recognize mr. speaker and members that

3404
02:45:33,371 --> 02:45:37,001
was a slick argument about a good lawyer

3405
02:45:34,990 --> 02:45:37,811
but I don't think the house is going to

3406
02:45:37,001 --> 02:45:39,791
go for it

3407
02:45:37,811 --> 02:45:42,280
since my bills bit my bill has been

3408
02:45:39,791 --> 02:45:43,931
through the committee process it was

3409
02:45:42,280 --> 02:45:45,881
receiving unanimous vote of the

3410
02:45:43,931 --> 02:45:47,740
subcommittee a unanimous vote of the

3411
02:45:45,881 --> 02:45:49,661
full committee it's been in the calendar

3412
02:45:47,740 --> 02:45:51,881
committee 27 days and since my bills

3413
02:45:49,661 --> 02:45:54,070
been in counter committee about 50 other

3414
02:45:51,881 --> 02:45:55,480
bills have gone through the calendars

3415
02:45:54,070 --> 02:45:57,521
committee and already been assigned to

3416

02:45:55,480 --> 02:45:59,411
the daily house calendar this bill is a

3417
02:45:57,521 --> 02:46:00,851
major statewide significance and as I

3418
02:45:59,411 --> 02:46:02,740
told you the only reason I'm making this

3419
02:46:00,851 --> 02:46:04,601
motion in this form is because the

3420
02:46:02,740 --> 02:46:06,551
parliamentarian told me I could not move

3421
02:46:04,601 --> 02:46:08,411
to instruct to put the bill on the daily

3422
02:46:06,551 --> 02:46:10,391
house calendar it's a major statewide

3423
02:46:08,411 --> 02:46:12,641
significance for two reasons and please

3424
02:46:10,391 --> 02:46:15,280
listen number one the taxpayers of this

3425
02:46:12,641 --> 02:46:16,900
state are subsidizing litigation to the

3426
02:46:15,280 --> 02:46:19,150
extent that the fees that are currently

3427
02:46:16,900 --> 02:46:21,161
being charged for service of process are

3428
02:46:19,150 --> 02:46:22,480
woefully inadequate to cover the cost if

3429
02:46:21,161 --> 02:46:24,641
you want to look at it from the

3430
02:46:22,480 --> 02:46:26,291
standpoint of the litigants in many

3431
02:46:24,641 --> 02:46:28,841
counties I've been advised by lawyers

3432
02:46:26,291 --> 02:46:31,541
all over the state papers are either not

3433
02:46:28,841 --> 02:46:33,371
being served timely or they're not

3434
02:46:31,541 --> 02:46:34,780
getting served at all because sheriff's

3435
02:46:33,371 --> 02:46:37,061
departments all over the state don't

3436
02:46:34,780 --> 02:46:39,070
have the money to hire the deputies to

3437
02:46:37,061 --> 02:46:40,661
serve the papers this bill has been

3438
02:46:39,070 --> 02:46:42,490
endorsed by the Texas sheriffs

3439
02:46:40,661 --> 02:46:44,171
Association by the Texas Association of

3440
02:46:42,490 --> 02:46:45,820
constables and justices of the peace

3441
02:46:44,171 --> 02:46:47,351
this is the major part of their

3442
02:46:45,820 --> 02:46:49,601
legislative program for this session

3443

02:46:47,351 --> 02:46:52,030
it's very difficult for me to go and

3444
02:46:49,601 --> 02:46:53,200
tell my sheriff from El Paso County who

3445
02:46:52,030 --> 02:46:55,631
wrote this bill and asked me to

3446
02:46:53,200 --> 02:46:57,280
introduce it but yes sheriff Sullivan I

3447
02:46:55,631 --> 02:46:59,081
got the bill through the count through

3448
02:46:57,280 --> 02:47:00,551
the committee process I worked hard and

3449
02:46:59,081 --> 02:47:03,190
I got it in two calendars committee and

3450
02:47:00,551 --> 02:47:04,721
now I can't get the bill before the

3451
02:47:03,190 --> 02:47:06,371
house because there's one member of the

3452
02:47:04,721 --> 02:47:08,501
counters to me doesn't like the bill and

3453
02:47:06,371 --> 02:47:10,091
he's going to hold it up I want you to

3454
02:47:08,501 --> 02:47:12,221
vote out with me to date members and I

3455
02:47:10,091 --> 02:47:14,081
want to send a message to the calendars

3456
02:47:12,221 --> 02:47:16,150
committee that is their duty to set the

3457
02:47:14,081 --> 02:47:16,630
orderly flow of business and not to hold

3458
02:47:16,150 --> 02:47:18,520
our

3459
02:47:16,630 --> 02:47:19,990
shows up on the merits mr. speaker the

3460
02:47:18,520 --> 02:47:23,500
gentleman yield yo miss Jones

3461
02:47:19,990 --> 02:47:25,450
no I will not yield I I want you to

3462
02:47:23,500 --> 02:47:27,280
please vote no on the motion to table

3463
02:47:25,450 --> 02:47:30,810
gentleman doesn't yield mr. Danson

3464
02:47:27,280 --> 02:47:34,570
question occurs on the motion to table

3465
02:47:30,810 --> 02:47:37,689
mr. Jones's motion to reassign a bill

3466
02:47:34,570 --> 02:47:39,670
from one counter to another all those in

3467
02:47:37,689 --> 02:47:41,410
favor of the motion to table will vote

3468
02:47:39,670 --> 02:47:42,729
aye all those opposed will vote no it's

3469
02:47:41,410 --> 02:47:44,880
a record vote the clerk will ring the

3470

02:47:42,729 --> 02:47:44,880
bell

3471
02:47:53,811 --> 02:47:58,820
you have many time to vote from your

3472
02:47:56,190 --> 02:47:58,820
desk members

3473
02:48:08,640 --> 02:48:20,460
yeah all members voted show that Olive

3474
02:48:14,859 --> 02:48:23,800
Oyl voting no-show mr. Hudson voting I

3475
02:48:20,460 --> 02:48:26,670
show mr. Halliwell voting no I mean Mr

3476
02:48:23,800 --> 02:48:26,670
Hudson voting No

3477
02:48:35,010 --> 02:48:49,940
all members voted so much neighbors

3478
02:48:40,620 --> 02:48:49,940
voting on all members voted

3479
02:49:03,160 --> 02:49:05,939
show me

3480
02:49:19,109 --> 02:49:22,850
showmance cartwright voting aye

3481
02:49:36,511 --> 02:49:44,370
there being 35 hours in 1906 president

3482
02:49:39,961 --> 02:49:48,690
not voting emotion to reassign the

3483
02:49:44,370 --> 02:49:53,030
motion to table fails question now

3484
02:49:48,690 --> 02:49:58,230
occurs on mr. Jones's motion to reassign

3485
02:49:53,030 --> 02:50:02,131
House bill 392 from general state

3486
02:49:58,230 --> 02:50:04,290
calendar to make your state counter all

3487
02:50:02,131 --> 02:50:07,681
those in favor of the motion will vote

3488
02:50:04,290 --> 02:50:13,940
aye all those opposed will vote no it's

3489
02:50:07,681 --> 02:50:13,940
a record vote clerk Orangeville

3490
02:50:25,850 --> 02:50:29,260
have all members voted

3491
02:50:34,140 --> 02:50:37,610
have all members voted

3492
02:50:48,080 --> 02:50:53,830
kill mr. Willis voting No all members

3493
02:50:51,530 --> 02:50:53,830
voted

3494
02:51:21,061 --> 02:51:26,761
are being 87 eyes 41 nose 3 president

3495
02:51:24,450 --> 02:51:29,311
not voting not voting the motion to

3496
02:51:26,761 --> 02:51:33,200
reassign House bill 392 from general

3497

02:51:29,311 --> 02:51:33,200
state to major state counter prevails

3498
02:51:34,041 --> 02:51:37,440
excuse representative a ã¶because of

3499
02:51:36,360 --> 02:51:39,301
imported Fitness on a motion

3500
02:51:37,440 --> 02:51:42,561
representative Harris is there objection

3501
02:51:39,301 --> 02:51:42,561
chair here is none

3502
02:52:10,409 --> 02:52:17,300
miss bigger at Widmar inquiry please

3503
02:52:15,000 --> 02:52:19,830
stay to inquire is it true mr.

3504
02:52:17,300 --> 02:52:22,890
MacDonald's anxiously waiting a record

3505
02:52:19,830 --> 02:52:25,520
of that last vote Sheriff not advised

3506
02:52:22,890 --> 02:52:25,520
mr. Widmark

3507
02:53:18,200 --> 02:53:21,291
skewed representative Park of Harris

3508
02:53:20,030 --> 02:53:22,761
because I'll be honest my family on a

3509
02:53:21,291 --> 02:53:24,051
motion to representative McDonnell if it

3510
02:53:22,761 --> 02:53:26,950
I'll go is there objection

3511
02:53:24,051 --> 02:53:26,950
chair here is done

3512
02:53:46,420 --> 02:53:50,750
Cheerilee it out on third reading and

3513
02:53:48,561 --> 02:53:58,130
final passage Senate bill 642 clerk will

3514
02:53:50,750 --> 02:54:00,200
read the bill Senate bill 640 by

3515
02:53:58,130 --> 02:54:02,630
McKnight an act relating to the

3516
02:54:00,200 --> 02:54:05,271
acquisition ownership operation and

3517
02:54:02,630 --> 02:54:07,280
financing of certain facilities of and

3518
02:54:05,271 --> 02:54:09,290
the performance of recognize mr.

3519
02:54:07,280 --> 02:54:11,930
hendricks explained the bill mr. speaker

3520
02:54:09,290 --> 02:54:14,360
members this bill passed on second

3521
02:54:11,930 --> 02:54:16,550
reading last Friday it is Senate bill

3522
02:54:14,360 --> 02:54:18,470
pertains to North Texas Municipal Water

3523
02:54:16,550 --> 02:54:20,450
District dealing with Lake LaVon in

3524

02:54:18,470 --> 02:54:23,240
Collin County Texas and I moved final

3525
02:54:20,450 --> 02:54:25,160
passage question now occurs on final

3526
02:54:23,240 --> 02:54:27,110
passage of House Bill 640 all those in

3527
02:54:25,160 --> 02:54:28,521
favor of passage of House Bill 640 or

3528
02:54:27,110 --> 02:54:30,350
vote aye all those opposed to vote no

3529
02:54:28,521 --> 02:54:32,500
it's a record vote the clerk will ring

3530
02:54:30,350 --> 02:54:32,500
the bell

3531
02:54:44,290 --> 02:54:50,971
she'll let the raggedy living I have all

3532
02:54:46,271 --> 02:54:50,971
members voted so much choreo floating I

3533
02:54:53,011 --> 02:54:58,171
show mr. your president voting eyes yo

3534
02:54:55,660 --> 02:55:00,551
mr. Hernandez voting aye

3535
02:54:58,171 --> 02:55:02,761
she'll measurement oh you present and

3536
02:55:00,551 --> 02:55:05,471
voting aye

3537
02:55:02,761 --> 02:55:09,030
show mr. Palumbo voting I show mr. C

3538
02:55:05,471 --> 02:55:09,030
most voting I have all members voted

3539
02:55:09,780 --> 02:55:16,561
show mr. Leland loading I show mr.

3540
02:55:12,280 --> 02:55:16,561
waters voting I'm all members voted

3541
02:55:22,580 --> 02:55:26,140
geometric age voting aye

3542
02:55:44,920 --> 02:55:53,790
a being 132 eyes one no to present not

3543
02:55:49,239 --> 02:55:53,790
voting Senate bill 640 is finally passed

3544
02:55:56,880 --> 02:56:02,109
miss Hendrick smooth form the captions

3545
02:56:00,520 --> 02:56:02,979
above the bill to the body the bill is

3546
02:56:02,109 --> 02:56:07,989
there objection

3547
02:56:02,979 --> 02:56:09,790
Jer here's nothing so ordered surely

3548
02:56:07,989 --> 02:56:12,310
that on third on second reading

3549
02:56:09,790 --> 02:56:15,970
House bill or Senate bill 243 to clerk

3550
02:56:12,310 --> 02:56:18,640
will read the bill Senate bill 243 by

3551

02:56:15,970 --> 02:56:20,920
AAG an act to be known as the hospital

3552
02:56:18,640 --> 02:56:24,220
project financing act and declaring an

3553
02:56:20,920 --> 02:56:26,399
emergency after you heard explain his

3554
02:56:24,220 --> 02:56:26,399
bill

3555
02:56:35,790 --> 02:56:41,700
mr. speaker the members Senate bill 243

3556
02:56:39,301 --> 02:56:43,620
is a bill that was filed in the Senate

3557
02:56:41,700 --> 02:56:47,431
which companion bills in the house that

3558
02:56:43,620 --> 02:56:51,360
I sponsored concept being is that today

3559
02:56:47,431 --> 02:56:54,000
with the increasing costs for hospital

3560
02:56:51,360 --> 02:56:56,820
construction funds being almost not

3561
02:56:54,000 --> 02:57:02,700
available except through bond issues now

3562
02:56:56,820 --> 02:57:10,051
by cannot hear can you hear now was true

3563
02:57:02,700 --> 02:57:13,761
on ok miss remember is less quieter down

3564
02:57:10,051 --> 02:57:13,761
just a little bit mr. Truong can't hear

3565
02:57:24,960 --> 02:57:30,460
there's true on can you hear me now

3566
02:57:28,170 --> 02:57:33,431
alright proceed mr. you're the speaker

3567
02:57:30,460 --> 02:57:36,040
members Senate bill 243 is a bill that's

3568
02:57:33,431 --> 02:57:37,540
file mr. Bob mr. OGG in the Senate and

3569
02:57:36,040 --> 02:57:40,330
the companion bill in the house was

3570
02:57:37,540 --> 02:57:44,561
filed on me basically it sets up a

3571
02:57:40,330 --> 02:57:47,381
procedure by which nonprofit hospital

3572
02:57:44,561 --> 02:57:49,931
organizations can by using the vehicle

3573
02:57:47,381 --> 02:57:52,990
of a local sponsorship of a political

3574
02:57:49,931 --> 02:57:55,181
subdivision enter into the bond market

3575
02:57:52,990 --> 02:57:57,341
at a lower cost and what presently can

3576
02:57:55,181 --> 02:58:00,580
be done by these folks going to the bond

3577
02:57:57,341 --> 02:58:05,141
market on their own the cost savings to

3578

02:58:00,580 --> 02:58:06,460
the hospital agency would be about one

3579
02:58:05,141 --> 02:58:07,841
and a half of two and a half percent

3580
02:58:06,460 --> 02:58:09,851
depending upon what the market

3581
02:58:07,841 --> 02:58:12,341
conditions may be at the time that the

3582
02:58:09,851 --> 02:58:14,110
bonds might be offered presently these

3583
02:58:12,341 --> 02:58:16,150
nonprofit organizations such as Memphis

3584
02:58:14,110 --> 02:58:19,450
hospital in Houston and Dallas San

3585
02:58:16,150 --> 02:58:22,240
Antonio can issue these tight bonds that

3586
02:58:19,450 --> 02:58:23,650
would be on the market these bonds would

3587
02:58:22,240 --> 02:58:27,450
sell the range of nine and a half ten

3588
02:58:23,650 --> 02:58:29,801
percent they are not tax-exempt bonds so

3589
02:58:27,450 --> 02:58:32,440
consequently they have been able to

3590
02:58:29,801 --> 02:58:34,960
maintain a higher rate of interest and

3591
02:58:32,440 --> 02:58:38,141
then bonds that are considered to be

3592
02:58:34,960 --> 02:58:40,931
municipal bonds this bill provides that

3593
02:58:38,141 --> 02:58:44,950
a local political subdivision can

3594
02:58:40,931 --> 02:58:47,980
sponsor as the issuing agent these type

3595
02:58:44,950 --> 02:58:50,730
of bonds for a nonprofit hospital

3596
02:58:47,980 --> 02:58:55,181
organization such as Methodist Hospital

3597
02:58:50,730 --> 02:58:57,101
that the sponsoring agency whatever it

3598
02:58:55,181 --> 02:58:58,841
might be was the city or hospital

3599
02:58:57,101 --> 02:59:01,150
district or whatever has no

3600
02:58:58,841 --> 02:59:03,490
responsibility to pay these bonds in the

3601
02:59:01,150 --> 02:59:05,881
event there is a default made this is

3602
02:59:03,490 --> 02:59:09,131
not a moral type bond commitment by the

3603
02:59:05,881 --> 02:59:11,500
sponsoring agency in fact if you'll read

3604
02:59:09,131 --> 02:59:15,311
the bill it says specifically that at no

3605

02:59:11,500 --> 02:59:18,280
time were the revenues of the mr.speaker

3606
02:59:15,311 --> 02:59:20,710
agency be used - just a minute mr.

3607
02:59:18,280 --> 02:59:22,660
Kubiak I'd like to raise a point of

3608
02:59:20,710 --> 02:59:29,431
order against further consideration of

3609
02:59:22,660 --> 02:59:32,710
Senate bill 243 my general order is that

3610
02:59:29,431 --> 02:59:35,891
section 17 of this bill grants a state

3611
02:59:32,710 --> 02:59:37,700
tax exemption thereby prevents money

3612
02:59:35,891 --> 02:59:39,620
from entering the state treasury

3613
02:59:37,700 --> 02:59:43,610
and since there is no physical note

3614
02:59:39,620 --> 02:59:46,930
attached to the Bell rule 19 section 30

3615
02:59:43,610 --> 02:59:51,700
sentence number 2 has been violated

3616
02:59:46,930 --> 02:59:51,700
bring your daughter down front mr. Kubik

3617
02:59:54,291 --> 02:59:57,251
were you talking about

3618
03:00:52,101 --> 03:00:54,730
yeah

3619
03:05:06,960 --> 03:05:12,390
Mitch speaker mr. Salem what are you

3620
03:05:11,430 --> 03:05:14,460
doing up there

3621
03:05:12,390 --> 03:05:16,560
phone orders have been raised but mr.

3622
03:05:14,460 --> 03:05:18,270
Kubiak we're trying to determine whether

3623
03:05:16,560 --> 03:05:20,130
it's valid enough how long they're gonna

3624
03:05:18,270 --> 03:05:22,290
take you to determine that mr. speaker

3625
03:05:20,130 --> 03:05:30,180
Proctor mr. Salem I'm not the one to

3626
03:05:22,290 --> 03:05:32,689
determine it I said we must say when

3627
03:05:30,180 --> 03:05:32,689
we're trying to determine

3628
03:06:56,380 --> 03:07:03,619
mr. speaker mr. speaker the real mr.

3629
03:07:01,729 --> 03:07:05,449
speaker over you you mr. speaker

3630
03:07:03,619 --> 03:07:07,579
mrs. I want to raise a point of order

3631
03:07:05,449 --> 03:07:09,439
that mr. white is not dressed properly

3632

03:07:07,579 --> 03:07:11,930
on the floor of the house with a

3633
03:07:09,439 --> 03:07:14,260
sergeant removed mr. Wyatt to get 16 get

3634
03:07:11,930 --> 03:07:14,260
his coat

3635
03:10:43,150 --> 03:10:47,790
that's Kubiak withdraws his pond of

3636
03:10:45,640 --> 03:10:47,790
water

3637
03:11:06,670 --> 03:11:15,890
continue messy you hear mr. speaker mr.

3638
03:11:14,270 --> 03:11:16,399
speaker it's salable will the gentleman

3639
03:11:15,890 --> 03:11:20,210
yield

3640
03:11:16,399 --> 03:11:22,159
he'll miss you audio miss bigger mr. let

3641
03:11:20,210 --> 03:11:25,460
me say if I understand what this bill

3642
03:11:22,159 --> 03:11:28,479
proposes to do am i right in assuming

3643
03:11:25,460 --> 03:11:32,210
that this bill proposes to allow

3644
03:11:28,479 --> 03:11:36,369
nonprofit corporations to issue revenue

3645
03:11:32,210 --> 03:11:40,279
bonds or notes to finance facilities

3646
03:11:36,369 --> 03:11:41,930
without going to the people or an

3647
03:11:40,279 --> 03:11:45,020
election of the people is this correct

3648
03:11:41,930 --> 03:11:47,029
no that's not correct well let me

3649
03:11:45,020 --> 03:11:49,670
explain it to you now if you let me ask

3650
03:11:47,029 --> 03:11:51,590
you this then when the other no do you

3651
03:11:49,670 --> 03:11:53,329
want to ask more questions I want to ask

3652
03:11:51,590 --> 03:11:56,029
another question please sir before you

3653
03:11:53,329 --> 03:11:58,609
answer an election could be called for

3654
03:11:56,029 --> 03:12:03,109
if a burdensome or cumbersome process

3655
03:11:58,609 --> 03:12:06,560
was gone through if they got 10% of the

3656
03:12:03,109 --> 03:12:11,420
qualified voters then a general election

3657
03:12:06,560 --> 03:12:13,340
could be called is this correct there is

3658
03:12:11,420 --> 03:12:15,590
a provision there is a provision in the

3659

03:12:13,340 --> 03:12:16,729
bill mr. Salem let me explain that to

3660
03:12:15,590 --> 03:12:18,770
you something then you can probably

3661
03:12:16,729 --> 03:12:21,319
understand it a little bit better the

3662
03:12:18,770 --> 03:12:25,300
way this system would work is to find

3663
03:12:21,319 --> 03:12:27,529
some means of getting money for

3664
03:12:25,300 --> 03:12:29,930
nonprofit hospitals now as you

3665
03:12:27,529 --> 03:12:31,790
understand nonprofit means that the the

3666
03:12:29,930 --> 03:12:33,949
organization is designed so that no

3667
03:12:31,790 --> 03:12:36,159
individual can receive any type of

3668
03:12:33,949 --> 03:12:39,380
benefit from the operation that facility

3669
03:12:36,159 --> 03:12:41,210
and some background information for your

3670
03:12:39,380 --> 03:12:43,279
use is that the hill Burton fund that

3671
03:12:41,210 --> 03:12:44,779
had been made available to the federal

3672
03:12:43,279 --> 03:12:47,329
government for the construction of

3673
03:12:44,779 --> 03:12:49,989
hospital facilities there is no longer

3674
03:12:47,329 --> 03:12:52,340
available so the problem has been for

3675
03:12:49,989 --> 03:12:56,180
hospitals both public and private to

3676
03:12:52,340 --> 03:12:58,159
find revenue sources to build these type

3677
03:12:56,180 --> 03:13:00,409
facilities if it's a nonprofit

3678
03:12:58,159 --> 03:13:01,760
organization presently they're paying

3679
03:13:00,409 --> 03:13:05,680
about one and a half to

3680
03:13:01,760 --> 03:13:05,680
halftimes a market rate for bond

3681
03:13:15,150 --> 03:13:17,210
you