

1
00:00:01,610 --> 00:00:06,500
the house will come to order the members

2
00:00:03,990 --> 00:00:06,500
will please register

3
00:01:02,609 --> 00:01:08,330
yes milk yes Fox

4
00:01:06,300 --> 00:01:08,330
Oh

5
00:02:01,350 --> 00:02:04,490
all members registered

6
00:03:51,069 --> 00:03:54,610
all members registered

7
00:04:27,510 --> 00:04:30,800
got my bill reintroduce

8
00:04:43,290 --> 00:04:49,650
a quorum is present the house and

9
00:04:46,470 --> 00:04:51,060
gallery will rise for the invocation be

10
00:04:49,650 --> 00:04:52,590
given by the dr. Jimmy Phil it was

11
00:04:51,060 --> 00:05:03,720
passed to the University Hills Baptist

12
00:04:52,590 --> 00:05:06,720
Church here in Austin maybe pray Holy

13
00:05:03,720 --> 00:05:10,260
Father creator of heaven and earth and

14

00:05:06,720 --> 00:05:12,150
all that dwells where within here are

15
00:05:10,260 --> 00:05:14,310
petitions as we beseech you for the

16
00:05:12,150 --> 00:05:17,670
divine guidance to live these days as

17
00:05:14,310 --> 00:05:19,560
your servants grant us the wisdom to

18
00:05:17,670 --> 00:05:22,770
make the best possible decisions in all

19
00:05:19,560 --> 00:05:24,480
situations of life we especially plead

20
00:05:22,770 --> 00:05:27,230
with you on behalf of these men and

21
00:05:24,480 --> 00:05:29,850
women who serve our state government

22
00:05:27,230 --> 00:05:32,460
give them that rare ability to choose

23
00:05:29,850 --> 00:05:35,160
decisively even when none of the

24
00:05:32,460 --> 00:05:36,900
alternatives are ideal even when they

25
00:05:35,160 --> 00:05:39,420
must choose between the lesser of two

26
00:05:36,900 --> 00:05:42,600
evils may they do the best with what

27
00:05:39,420 --> 00:05:45,750
they have and thank you God for the gift

28
00:05:42,600 --> 00:05:48,420
of new beginnings for the promise that

29
00:05:45,750 --> 00:05:52,230
you're with us in every situation giving

30
00:05:48,420 --> 00:05:54,930
us a fresh chance and you start so as we

31
00:05:52,230 --> 00:05:56,910
begin a new week let us do so with a

32
00:05:54,930 --> 00:05:59,720
commasurance that we have another

33
00:05:56,910 --> 00:06:03,540
chance to be another chance to serve

34
00:05:59,720 --> 00:06:06,030
another chance to make wise decisions so

35
00:06:03,540 --> 00:06:09,500
let us live and work in the name of

36
00:06:06,030 --> 00:06:12,470
Christ our Savior amen

37
00:06:09,500 --> 00:06:14,670
chairman our excuse for absent members

38
00:06:12,470 --> 00:06:16,080
excused representative Washington

39
00:06:14,670 --> 00:06:17,790
because of important business on a

40
00:06:16,080 --> 00:06:19,380
motion of representative Johnson excused

41

00:06:17,790 --> 00:06:21,270
representative Reyes because of illness

42
00:06:19,380 --> 00:06:23,070
to family on a motion a representative

43
00:06:21,270 --> 00:06:24,990
Leland excused representative rear back

44
00:06:23,070 --> 00:06:26,220
because of important business on a

45
00:06:24,990 --> 00:06:27,870
motion of representative Matt look

46
00:06:26,220 --> 00:06:29,190
excuse representative short because of

47
00:06:27,870 --> 00:06:30,690
illness my family on a motion of

48
00:06:29,190 --> 00:06:32,010
representative Bailey excuse

49
00:06:30,690 --> 00:06:33,210
representative Park because of the

50
00:06:32,010 --> 00:06:34,410
important events on a motion of

51
00:06:33,210 --> 00:06:36,300
representative rains excuse

52
00:06:34,410 --> 00:06:37,590
representative Mays because the

53
00:06:36,300 --> 00:06:42,020
important betters on a motion of

54
00:06:37,590 --> 00:06:45,500
representative McBee is there objection

55
00:06:42,020 --> 00:06:45,500
chair here is none

56
00:08:06,960 --> 00:08:10,520
mr. Hale on the flow of the house

57
00:09:35,580 --> 00:09:38,790
here he is

58
00:09:50,639 --> 00:09:56,589
she recognized mr. Wilson mr. speaker

59
00:09:54,730 --> 00:09:58,929
and members I want to give notice that

60
00:09:56,589 --> 00:10:01,359
it's my intention to recall a motion to

61
00:09:58,929 --> 00:10:03,459
reconsider House bill 622 from the

62
00:10:01,359 --> 00:10:06,299
journal after the expiration of one

63
00:10:03,459 --> 00:10:06,299
legislative day

64
00:10:07,439 --> 00:10:12,730
okay chair recognizes mr. huben act for

65
00:10:10,509 --> 00:10:16,449
motion speaker members of the house

66
00:10:12,730 --> 00:10:18,189
House bill 2195 was not posted on full

67
00:10:16,449 --> 00:10:20,439
hearing today and agriculture plant 1

68

00:10:18,189 --> 00:10:21,910
here it is clarifying the agricultural

69
00:10:20,439 --> 00:10:23,579
exemption on some other farm machinery

70
00:10:21,910 --> 00:10:27,549
liked to have it heard this afternoon

71
00:10:23,579 --> 00:10:29,049
2195 ok members you've heard the motion

72
00:10:27,549 --> 00:10:31,689
is there objection to suspension or

73
00:10:29,049 --> 00:10:34,299
5-day posting rules share here none the

74
00:10:31,689 --> 00:10:35,889
rules are suspended she I recognize mr.

75
00:10:34,299 --> 00:10:38,799
donalsen for information to introduce

76
00:10:35,889 --> 00:10:40,119
bill mr. speaker members I'd like to

77
00:10:38,799 --> 00:10:42,970
have this information of the house to

78
00:10:40,119 --> 00:10:45,369
introduce the bill creating the 246

79
00:10:42,970 --> 00:10:48,519
Judicial District in deaf County and

80
00:10:45,369 --> 00:10:50,379
Oldham counties all right you heard the

81
00:10:48,519 --> 00:10:53,879
motion for grant to grant probation

82
00:10:50,379 --> 00:10:53,879
introduce avail there's an objection

83
00:10:54,389 --> 00:10:58,739
share here's non permission is granted

84
00:12:09,570 --> 00:12:12,440
we need to do

85
00:12:13,500 --> 00:12:19,560
alright members the chair gives notice

86
00:12:16,190 --> 00:12:21,570
under Rule 24 section 10 after the

87
00:12:19,560 --> 00:12:23,940
expiration of one hour we're going to

88
00:12:21,570 --> 00:12:25,710
recognize mr. Hall of Harris for a

89
00:12:23,940 --> 00:12:29,120
suspension of the rules to take up and

90
00:12:25,710 --> 00:12:29,120
consider a citation motion

91
00:12:47,899 --> 00:12:52,860
she recognized mr. Houston back for

92
00:12:50,610 --> 00:12:54,470
permission to introduce a bill mr.

93
00:12:52,860 --> 00:12:58,800
speaker members I'd like permission to

94
00:12:54,470 --> 00:13:03,839
introduce a a bill make local option on

95

00:12:58,800 --> 00:13:05,190
30 sunday closing laws mr. house Burke

96
00:13:03,839 --> 00:13:08,430
maybe you better explain it just a

97
00:13:05,190 --> 00:13:11,550
little more better explain it just a

98
00:13:08,430 --> 00:13:16,699
little more it sounds like I would like

99
00:13:11,550 --> 00:13:22,709
to offer a bill which would allow me to

100
00:13:16,699 --> 00:13:25,620
offer a bill for local option for each

101
00:13:22,709 --> 00:13:27,269
County on Saturday sunday closing waters

102
00:13:25,620 --> 00:13:29,310
mr. picker will gentleman yield for

103
00:13:27,269 --> 00:13:31,589
question you you may talk back

104
00:13:29,310 --> 00:13:33,720
yes gentlemen it's Geiger most Americans

105
00:13:31,589 --> 00:13:35,130
you have House bill 163 already pending

106
00:13:33,720 --> 00:13:37,649
in the business and the industry right

107
00:13:35,130 --> 00:13:39,480
way to do the same thing no I wish you

108
00:13:37,649 --> 00:13:41,459
did it could be amended to do the same

109
00:13:39,480 --> 00:13:50,160
thing I can't I checked with mr. Kelly

110
00:13:41,459 --> 00:13:52,019
and he said it could not be I would

111
00:13:50,160 --> 00:13:54,480
really appreciate just giving me this

112
00:13:52,019 --> 00:13:56,009
opportunity members okay members you've

113
00:13:54,480 --> 00:13:58,380
heard the request is there objection to

114
00:13:56,009 --> 00:14:00,329
the granting of them there is objection

115
00:13:58,380 --> 00:14:01,889
all those in favor of granting

116
00:14:00,329 --> 00:14:03,449
permission to introduce available died

117
00:14:01,889 --> 00:14:06,829
all those opposed to vote no it's a

118
00:14:03,449 --> 00:14:06,829
record vote the clerk or ring the bell

119
00:14:15,800 --> 00:14:18,489
already

120
00:14:35,730 --> 00:14:38,730
yeah

121
00:15:03,920 --> 00:15:07,269
all members voted

122

00:15:13,829 --> 00:15:17,089
the whole members voted

123
00:15:42,050 --> 00:15:44,709
you need

124
00:15:45,770 --> 00:15:51,110
I'm paying fifty eight eyes fifty nose

125
00:15:47,960 --> 00:15:54,730
emotion to introduce their permission to

126
00:15:51,110 --> 00:15:54,730
introduce his fails

127
00:17:01,100 --> 00:17:05,209
chair recognizes mr. Atkinson for

128
00:17:03,259 --> 00:17:07,459
permission to introduce this speaker

129
00:17:05,209 --> 00:17:09,669
members I ask your permission to

130
00:17:07,459 --> 00:17:13,160
introduce this bill which would allow

131
00:17:09,669 --> 00:17:18,890
Mike in my home county Bullitt County in

132
00:17:13,160 --> 00:17:25,520
the city of Texarkana to jointly own and

133
00:17:18,890 --> 00:17:27,020
construct a Criminal Justice Center ok

134
00:17:25,520 --> 00:17:29,960
members are the objection to the

135
00:17:27,020 --> 00:17:33,220
permission to introduce the bill chair

136
00:17:29,960 --> 00:17:33,220
here is not permission is granted

137
00:17:33,640 --> 00:17:37,309
excused representative Newton because of

138
00:17:35,990 --> 00:17:38,780
illness on a motion of representative

139
00:17:37,309 --> 00:17:41,860
Andolan is there objection

140
00:17:38,780 --> 00:17:41,860
chair here is none

141
00:19:03,770 --> 00:19:14,510
chair signs and presents the house the

142
00:19:06,540 --> 00:19:20,070
following House bill 154 House bill 245

143
00:19:14,510 --> 00:19:25,650
house bill 493 House bill 513 House bill

144
00:19:20,070 --> 00:19:31,560
222 House bill 526 House bill 511 House

145
00:19:25,650 --> 00:19:38,120
bill 135 house built 985 House bill 865

146
00:19:31,560 --> 00:19:38,120
House bill 6:17 House bill 497

147
00:19:44,890 --> 00:19:55,740
cher signs the president asked the

148
00:19:46,600 --> 00:20:04,019
public HCR 12 House bill 361 House bill

149

00:19:55,740 --> 00:20:04,019
669 House bill 613 House bill 353

150
00:23:22,950 --> 00:23:25,460
yeah

151
00:24:02,580 --> 00:24:05,780
not like bail on

152
00:24:13,270 --> 00:24:16,179
following bill on first reading the

153
00:24:15,039 --> 00:24:21,600
reverence committee to clerk will read

154
00:24:16,179 --> 00:24:24,909
the bill House bill 2197 by Donaldson

155
00:24:21,600 --> 00:24:27,730
relating to the creation of the 246

156
00:24:24,909 --> 00:24:29,529
Judicial District composed of deaf Smith

157
00:24:27,730 --> 00:24:30,399
and Oldham counties in declaring an

158
00:24:29,529 --> 00:24:32,169
emergency

159
00:24:30,399 --> 00:24:40,360
refer to the Committee on Judicial

160
00:24:32,169 --> 00:24:43,240
Affairs okay there's mic me chair

161
00:24:40,360 --> 00:24:44,470
recognizes moves McBee on a motion mr.

162
00:24:43,240 --> 00:24:47,590
speaker and members

163
00:24:44,470 --> 00:24:50,470
I move that the house reconsider the

164
00:24:47,590 --> 00:24:53,500
vote by which they concurred in Senate

165
00:24:50,470 --> 00:24:54,880
amendments to House bill 784 and request

166
00:24:53,500 --> 00:25:00,880
the appointment of a conference

167
00:24:54,880 --> 00:25:03,820
committee House bill 784 if you remember

168
00:25:00,880 --> 00:25:05,409
is my voting precinct bill unfortunately

169
00:25:03,820 --> 00:25:07,630
when we concurred in the Senate

170
00:25:05,409 --> 00:25:10,120
amendment a portion of a sentence that

171
00:25:07,630 --> 00:25:12,460
is in current statute was omitted

172
00:25:10,120 --> 00:25:14,470
through a typographical error and we

173
00:25:12,460 --> 00:25:19,720
hope through the conference committee to

174
00:25:14,470 --> 00:25:21,340
alleviate this problem members you've

175
00:25:19,720 --> 00:25:24,059
heard the motion is our objection to the

176

00:25:21,340 --> 00:25:24,059
suspension the rules

177
00:25:30,490 --> 00:25:35,390
Desmond is McBee moves at the rules be

178
00:25:33,380 --> 00:25:38,060
suspended so then we reconsider the vote

179
00:25:35,390 --> 00:25:39,800
by which House bill or the House

180
00:25:38,060 --> 00:25:42,340
concurrent in sentiment mr. House bill

181
00:25:39,800 --> 00:25:45,200
784 is there objection

182
00:25:42,340 --> 00:25:47,390
chair here is none and the rules are

183
00:25:45,200 --> 00:25:49,010
suspended and the vote is reconsidered

184
00:25:47,390 --> 00:25:51,800
by which the house concurred in Senate

185
00:25:49,010 --> 00:25:53,540
amendments to House bill 784 there's

186
00:25:51,800 --> 00:25:56,270
McBee s the appointment of conference

187
00:25:53,540 --> 00:25:58,330
committee just the differences in House

188
00:25:56,270 --> 00:26:01,790
bill 784 is there objection

189
00:25:58,330 --> 00:26:07,430
chair here is none the chair appoints

190
00:26:01,790 --> 00:26:11,300
involving congress committee conference

191
00:26:07,430 --> 00:26:16,160
committee on House bill 784 Susan McBee

192
00:26:11,300 --> 00:26:19,660
chairperson Bend grant kam Larry Barry

193
00:26:16,160 --> 00:26:19,660
Tanner Joe Wyatt

194
00:26:40,070 --> 00:26:43,909
thank you very much members

195
00:32:48,160 --> 00:32:51,680
excuse representative Benson because of

196
00:32:50,480 --> 00:32:52,940
important business on a motion of

197
00:32:51,680 --> 00:32:53,630
representative caraway is there

198
00:32:52,940 --> 00:32:56,710
objection

199
00:32:53,630 --> 00:32:56,710
chair hears now

200
00:35:32,050 --> 00:35:38,410
Sharyl recognize mr. Massey for emotion

201
00:35:34,680 --> 00:35:41,410
mr. speaker members I want to request

202
00:35:38,410 --> 00:35:43,330
permission to waive the posting rule so

203

00:35:41,410 --> 00:35:46,720
that the Committee on public education

204
00:35:43,330 --> 00:35:49,060
can hear of County superintendents bill

205
00:35:46,720 --> 00:35:51,040
tomorrow along with some others that

206
00:35:49,060 --> 00:35:53,560
it's already scheduled now this one was

207
00:35:51,040 --> 00:35:58,720
overlooked in the posting it's a house

208
00:35:53,560 --> 00:36:01,750
bill of 548 by wife and I respectfully

209
00:35:58,720 --> 00:36:05,290
request to waive the the 5-day posting

210
00:36:01,750 --> 00:36:07,000
rule remembers you've heard the request

211
00:36:05,290 --> 00:36:08,310
for the suspension the piyo day posting

212
00:36:07,000 --> 00:36:12,600
rule is there objection

213
00:36:08,310 --> 00:36:12,600
chair here none the rules are suspended

214
00:38:06,319 --> 00:38:19,069
cheer signs in the president's house the

215
00:38:08,700 --> 00:38:23,069
following Senate bill 115 Senate bill 72

216
00:38:19,069 --> 00:38:30,200
Senate concurrent resolution 53 Senate

217
00:38:23,069 --> 00:38:30,200
bill 15 Senate bill 58 Senate bill 61

218
00:40:57,910 --> 00:41:01,230
postponing for an hour

219
00:41:30,540 --> 00:41:34,750
chair recognize mr. Davis for a motion

220
00:41:33,069 --> 00:41:38,349
mr. Baker members I move that we

221
00:41:34,750 --> 00:41:39,849
postpone the motion to reconsider the

222
00:41:38,349 --> 00:41:45,869
vote by which Senate bill five five nine

223
00:41:39,849 --> 00:41:48,940
failed of adoption to 11:55 a.m. today

224
00:41:45,869 --> 00:41:51,190
mr. Davis might explain what Senate bill

225
00:41:48,940 --> 00:41:52,960
five five nine is the emergency

226
00:41:51,190 --> 00:41:55,119
appropriation to the Texas Education

227
00:41:52,960 --> 00:41:57,099
Agency for their over expenditure of 2.8

228
00:41:55,119 --> 00:41:59,799
million dollars for purchases of

229
00:41:57,099 --> 00:42:02,950
textbooks with the bill was defeated on

230

00:41:59,799 --> 00:42:05,170
second reading last week and there is a

231
00:42:02,950 --> 00:42:07,540
motion to reconsider which has been

232
00:42:05,170 --> 00:42:09,970
postponed until I believe 10 o'clock

233
00:42:07,540 --> 00:42:11,740
today is before the house at this time

234
00:42:09,970 --> 00:42:15,520
I'm asked that the postponed for another

235
00:42:11,740 --> 00:42:18,069
13 minutes mr. speaker my gentleman

236
00:42:15,520 --> 00:42:20,829
yield gentleman yields mr. or what aware

237
00:42:18,069 --> 00:42:23,829
of us mr. Holroyd I understand that

238
00:42:20,829 --> 00:42:26,079
Commissioner Brock hat is in and about

239
00:42:23,829 --> 00:42:27,970
the the house chamber in the lobby and

240
00:42:26,079 --> 00:42:29,559
mr. president I were just fixing to go

241
00:42:27,970 --> 00:42:30,880
meet with him and we wanted to be able

242
00:42:29,559 --> 00:42:34,690
to let the house get on with other

243
00:42:30,880 --> 00:42:39,190
business rather than waiting you know to

244
00:42:34,690 --> 00:42:41,500
take up the motion to reconsider mr.

245
00:42:39,190 --> 00:42:47,200
speaker that's salem the gentleman won't

246
00:42:41,500 --> 00:42:49,030
you okay members you've heard the motion

247
00:42:47,200 --> 00:42:53,349
is there objection to the postponement

248
00:42:49,030 --> 00:42:54,819
until 12:00 55 1155 Jer hear none the

249
00:42:53,349 --> 00:42:58,079
motion to reconsider is postponed until

250
00:42:54,819 --> 00:42:58,079
11:55 a.m.

251
00:43:06,770 --> 00:43:11,090
Cheerilee is out Senate bill 165 on

252
00:43:09,650 --> 00:43:17,780
second reading the clerk will read the

253
00:43:11,090 --> 00:43:19,550
bill Senate bill 165 by AAG an act

254
00:43:17,780 --> 00:43:21,170
requiring use of bilingual election

255
00:43:19,550 --> 00:43:24,410
materials and voter registration

256
00:43:21,170 --> 00:43:28,030
materials in English mr. powers to

257

00:43:24,410 --> 00:43:32,060
explain the bill mr. speaker members

258
00:43:28,030 --> 00:43:35,680
Senate bill 165 is a bill which is

259
00:43:32,060 --> 00:43:39,290
passed the Senate by a vote of 30 to 1

260
00:43:35,680 --> 00:43:41,450
it mandates the bilingual election

261
00:43:39,290 --> 00:43:44,720
materials or voter registration

262
00:43:41,450 --> 00:43:47,780
materials in both english and spanish in

263
00:43:44,720 --> 00:43:49,070
certain areas in texas specifically in

264
00:43:47,780 --> 00:43:51,380
the first part of the bill it would

265
00:43:49,070 --> 00:43:55,760
require them in counties that have over

266
00:43:51,380 --> 00:43:58,870
5% of the inhabitants or persons being a

267
00:43:55,760 --> 00:44:02,150
Spanish origin or descent this morning I

268
00:43:58,870 --> 00:44:04,880
distributed at this map on your your

269
00:44:02,150 --> 00:44:07,790
desk and it shows in the white area of

270
00:44:04,880 --> 00:44:09,890
the non shaded area those counties which

271
00:44:07,790 --> 00:44:13,190
would have to comply with the Act the

272
00:44:09,890 --> 00:44:16,700
shaded areas under this act or bill

273
00:44:13,190 --> 00:44:19,630
would not have to furnish this bilingual

274
00:44:16,700 --> 00:44:24,410
material now this particular legislation

275
00:44:19,630 --> 00:44:28,370
also provides that the county in which

276
00:44:24,410 --> 00:44:30,170
the percentage factor is 5 percent would

277
00:44:28,370 --> 00:44:32,540
not have to have it if they go over that

278
00:44:30,170 --> 00:44:35,870
5% line in those counties where a

279
00:44:32,540 --> 00:44:37,040
specific precinct does not have the 5%

280
00:44:35,870 --> 00:44:39,110
of course the burden of establishing

281
00:44:37,040 --> 00:44:42,170
that would be on the authority holding

282
00:44:39,110 --> 00:44:43,390
the election mr. speaker let me go let

283
00:44:42,170 --> 00:44:45,590
me finish my brief presentation

284

00:44:43,390 --> 00:44:47,750
parliamentary inquiry states you inquire

285
00:44:45,590 --> 00:44:49,790
mr. Cohen as the chair advised that

286
00:44:47,750 --> 00:44:52,160
nobody from El Paso can vote for this

287
00:44:49,790 --> 00:44:56,150
bill since the map does it cuts El Paso

288
00:44:52,160 --> 00:44:57,710
County in half and and further that if

289
00:44:56,150 --> 00:44:59,090
members are going to cut parts of the

290
00:44:57,710 --> 00:45:03,410
map off we'd rather be over around

291
00:44:59,090 --> 00:45:09,470
Jefferson County I'll be glad to cut

292
00:45:03,410 --> 00:45:11,690
Jefferson County off and further in the

293
00:45:09,470 --> 00:45:14,600
bill he provides that instruction cards

294
00:45:11,690 --> 00:45:16,530
posted side by side and takes care of

295
00:45:14,600 --> 00:45:19,920
all the necessary provisions

296
00:45:16,530 --> 00:45:23,460
present to the spanish-speaking citizen

297
00:45:19,920 --> 00:45:25,140
voter the information in in Spanish so

298
00:45:23,460 --> 00:45:27,030
that he can see exactly what he's doing

299
00:45:25,140 --> 00:45:29,430
in the voting booth

300
00:45:27,030 --> 00:45:30,810
it also requires in the latter part of

301
00:45:29,430 --> 00:45:33,810
the bill that voter registration

302
00:45:30,810 --> 00:45:36,320
applications be in Spanish you know the

303
00:45:33,810 --> 00:45:38,850
fiscal implications of this bill are

304
00:45:36,320 --> 00:45:41,010
attached in a fiscal note and show that

305
00:45:38,850 --> 00:45:43,140
the bill will cost twenty seven thousand

306
00:45:41,010 --> 00:45:45,840
dollars a year for each of the next five

307
00:45:43,140 --> 00:45:51,360
years this particular legislation is a

308
00:45:45,840 --> 00:45:53,910
result of anticipated trying to make the

309
00:45:51,360 --> 00:45:55,710
state a viable political entity to

310
00:45:53,910 --> 00:45:58,050
respond to a problem that's been created

311

00:45:55,710 --> 00:46:01,260
by a series of three or four federal

312
00:45:58,050 --> 00:46:04,380
lawsuits largely filed in cities like

313
00:46:01,260 --> 00:46:07,830
Philadelphia Chicago and New York by

314
00:46:04,380 --> 00:46:11,100
Puerto Ricans challenging under the 1965

315
00:46:07,830 --> 00:46:13,620
federal Voting Rights Act the denial or

316
00:46:11,100 --> 00:46:15,570
deprivation of the right to ballot in

317
00:46:13,620 --> 00:46:18,030
spanish-speaking areas for failure to

318
00:46:15,570 --> 00:46:20,880
print the ballots in Spanish this is an

319
00:46:18,030 --> 00:46:22,590
attempt by by Senator Hogg and myself to

320
00:46:20,880 --> 00:46:25,500
remedy that problem and to speak to the

321
00:46:22,590 --> 00:46:28,680
issue prior to being have some challenge

322
00:46:25,500 --> 00:46:30,180
filed in the federal court as most of

323
00:46:28,680 --> 00:46:33,990
you know the federal Voting Rights Act

324
00:46:30,180 --> 00:46:36,330
is now under reconsideration by the US

325
00:46:33,990 --> 00:46:38,520
Congress and this is an attempt by the

326
00:46:36,330 --> 00:46:41,310
Texas Legislature to meet those issues

327
00:46:38,520 --> 00:46:43,680
head-on and I believe it's a not only a

328
00:46:41,310 --> 00:46:45,840
well drafted piece of legislation but

329
00:46:43,680 --> 00:46:48,390
but one that every member of this house

330
00:46:45,840 --> 00:46:49,740
can be far and should be far because not

331
00:46:48,390 --> 00:46:52,440
only does it make the ballot more

332
00:46:49,740 --> 00:46:54,720
accessible to all citizens in Texas but

333
00:46:52,440 --> 00:46:56,850
it does so at a very economical price

334
00:46:54,720 --> 00:46:58,620
and protects the rights under these

335
00:46:56,850 --> 00:47:01,050
federal court decisions as they say we

336
00:46:58,620 --> 00:47:03,750
must or at least would open us up to a

337
00:47:01,050 --> 00:47:06,330
challenge in Texas should one be filed

338

00:47:03,750 --> 00:47:08,730
and then speaker mr. McAllister well

339
00:47:06,330 --> 00:47:12,180
gentlemen yell yes sir Yemen yields mr.

340
00:47:08,730 --> 00:47:15,810
Micallef mr. powers we're constantly

341
00:47:12,180 --> 00:47:19,040
faced with bilingual legislation and of

342
00:47:15,810 --> 00:47:22,380
course there there are many debates that

343
00:47:19,040 --> 00:47:25,700
polarize themselves but the honest truth

344
00:47:22,380 --> 00:47:27,690
is that we have a strong percentage of

345
00:47:25,700 --> 00:47:29,580
mexican-americans in this state haven't

346
00:47:27,690 --> 00:47:32,190
we I mean which is us this

347
00:47:29,580 --> 00:47:34,050
go true yes sir that's correct and it so

348
00:47:32,190 --> 00:47:35,790
happens even though some say well maybe

349
00:47:34,050 --> 00:47:39,710
we should teach the Bohemians and the

350
00:47:35,790 --> 00:47:42,000
Germans but in looking at a map

351
00:47:39,710 --> 00:47:44,370
geography would dictate that Mexico

352
00:47:42,000 --> 00:47:46,590
happens to be contiguous it Texas in it

353
00:47:44,370 --> 00:47:49,380
yes how far is it to Germany do you know

354
00:47:46,590 --> 00:47:51,780
quite a ways but in other words all

355
00:47:49,380 --> 00:47:54,540
we're trying to do is to help lift up

356
00:47:51,780 --> 00:47:57,060
some people that are part of us in order

357
00:47:54,540 --> 00:47:59,580
that they can help lift us up maybe down

358
00:47:57,060 --> 00:48:00,600
the line that's right trying to let some

359
00:47:59,580 --> 00:48:02,550
people who have historically not

360
00:48:00,600 --> 00:48:04,320
understood what the voting process is

361
00:48:02,550 --> 00:48:05,640
all about to have them an opportunity to

362
00:48:04,320 --> 00:48:11,430
vote and understand what they're doing

363
00:48:05,640 --> 00:48:13,410
I'll mignons mr. Clow's mr. powers I'm

364
00:48:11,430 --> 00:48:15,810
for your concept I think anybody should

365

00:48:13,410 --> 00:48:17,970
understand and to give an opportunity to

366
00:48:15,810 --> 00:48:20,190
understand how they're voting and what

367
00:48:17,970 --> 00:48:22,320
they're voting on and so forth I just

368
00:48:20,190 --> 00:48:23,640
have a few questions about this act I

369
00:48:22,320 --> 00:48:26,130
know it affects some of the counties in

370
00:48:23,640 --> 00:48:29,660
my Panhandle district also on your mouth

371
00:48:26,130 --> 00:48:32,550
they're at the very top and do you have

372
00:48:29,660 --> 00:48:35,370
what is the present law as far as a

373
00:48:32,550 --> 00:48:37,860
person of Polish or German descent or

374
00:48:35,370 --> 00:48:39,480
Spanish this in who cannot speak English

375
00:48:37,860 --> 00:48:41,100
it comes in to vote at the present time

376
00:48:39,480 --> 00:48:43,650
is there any relief for them under the

377
00:48:41,100 --> 00:48:45,900
present law no sir there's not there's

378
00:48:43,650 --> 00:48:48,540
no provision whereby a helper or

379
00:48:45,900 --> 00:48:51,690
somebody can come in with him and assist

380
00:48:48,540 --> 00:48:53,730
him in some way no sir do you know how

381
00:48:51,690 --> 00:48:55,920
this problem is handled in the other

382
00:48:53,730 --> 00:48:58,410
states like California or other states

383
00:48:55,920 --> 00:49:01,350
yes sir I'm not familiar with that mr.

384
00:48:58,410 --> 00:49:04,140
close but like I said this legislation

385
00:49:01,350 --> 00:49:05,820
is specifically geared to meeting three

386
00:49:04,140 --> 00:49:08,340
or four federal court decisions which

387
00:49:05,820 --> 00:49:11,340
have fairly clearly told us that that

388
00:49:08,340 --> 00:49:13,260
that we're going to be challenged unless

389
00:49:11,340 --> 00:49:14,910
we do comply with this standard and this

390
00:49:13,260 --> 00:49:17,310
is an effort to make the states come

391
00:49:14,910 --> 00:49:19,170
into compliance before we are sued and

392

00:49:17,310 --> 00:49:21,450
before we have a big election challenge

393
00:49:19,170 --> 00:49:23,040
about it and I think it's a something

394
00:49:21,450 --> 00:49:25,770
that needs to be done and in hyssop

395
00:49:23,040 --> 00:49:27,780
ation rather than a reaction to one of

396
00:49:25,770 --> 00:49:29,400
those federal cases involved people of

397
00:49:27,780 --> 00:49:31,590
German and polish the sense that you're

398
00:49:29,400 --> 00:49:33,480
talking about I'm not aware of that keys

399
00:49:31,590 --> 00:49:35,670
mr. close although my brand have been

400
00:49:33,480 --> 00:49:37,290
Puerto Ricans who have challenged the

401
00:49:35,670 --> 00:49:38,900
Spanish requirement in the cities of

402
00:49:37,290 --> 00:49:41,460
Chicago New York and

403
00:49:38,900 --> 00:49:43,290
what I'm concerned about and what I want

404
00:49:41,460 --> 00:49:46,620
to ask you about is what do we do about

405
00:49:43,290 --> 00:49:49,290
the 4% P the counties in the in any case

406
00:49:46,620 --> 00:49:50,850
in this state where a person has a right

407
00:49:49,290 --> 00:49:52,680
to vote and should be given the right to

408
00:49:50,850 --> 00:49:54,480
vote but doesn't understand how to vote

409
00:49:52,680 --> 00:49:57,420
just for your dressing the entire

410
00:49:54,480 --> 00:49:59,370
problem rather than just a percentage

411
00:49:57,420 --> 00:50:00,780
here well we're trying to come in line

412
00:49:59,370 --> 00:50:02,460
with these federal court decisions mr.

413
00:50:00,780 --> 00:50:04,710
close and I would submit to you that the

414
00:50:02,460 --> 00:50:07,140
Act permits anybody who voluntarily

415
00:50:04,710 --> 00:50:11,760
wants to comply to come under the Act so

416
00:50:07,140 --> 00:50:13,770
I there's no so to speak mandate that

417
00:50:11,760 --> 00:50:17,130
they not be able to do so if they choose

418
00:50:13,770 --> 00:50:19,050
to to ask you about just the actual

419

00:50:17,130 --> 00:50:21,390
procedure I've read the bill but the

420
00:50:19,050 --> 00:50:24,030
actual procedure if if one of my

421
00:50:21,390 --> 00:50:30,270
counties are one of the legal entities

422
00:50:24,030 --> 00:50:32,100
in my one of the counties want to want

423
00:50:30,270 --> 00:50:33,780
to take advantage of this affidavit and

424
00:50:32,100 --> 00:50:36,870
this procedure would you spell that

425
00:50:33,780 --> 00:50:38,640
procedure out well it's not specific for

426
00:50:36,870 --> 00:50:40,440
example has the guidelines and

427
00:50:38,640 --> 00:50:41,790
directives are going to be set up in the

428
00:50:40,440 --> 00:50:44,430
Secretary of State's office they're

429
00:50:41,790 --> 00:50:47,310
going to prepare the the way that it's

430
00:50:44,430 --> 00:50:50,790
done in the local area will comply with

431
00:50:47,310 --> 00:50:52,650
that basically the only real procedure

432
00:50:50,790 --> 00:50:54,150
in the act is that to get yourself

433
00:50:52,650 --> 00:50:55,680
exempted if you've got that's the

434
00:50:54,150 --> 00:50:57,690
procedure I meant to ask you about how

435
00:50:55,680 --> 00:50:58,140
to how do we exempt yourself from there

436
00:50:57,690 --> 00:51:04,830
all right

437
00:50:58,140 --> 00:51:07,290
if you'll turn Bob to to subdivision two

438
00:51:04,830 --> 00:51:09,720
on page three you'll see that that they

439
00:51:07,290 --> 00:51:10,890
have the burden the authority holding

440
00:51:09,720 --> 00:51:12,810
the election has the burden of

441
00:51:10,890 --> 00:51:16,770
establishing the entitlement to the

442
00:51:12,810 --> 00:51:18,060
exemption and basically it's the process

443
00:51:16,770 --> 00:51:21,390
is set forth in there and they would

444
00:51:18,060 --> 00:51:23,460
file the base of the abstract to the

445
00:51:21,390 --> 00:51:25,290
official sentence information they would

446

00:51:23,460 --> 00:51:28,020
file that as I understand it with the

447
00:51:25,290 --> 00:51:31,770
the county clerk and also with the

448
00:51:28,020 --> 00:51:34,340
Secretary of State and that this

449
00:51:31,770 --> 00:51:38,100
information would be have to be renewed

450
00:51:34,340 --> 00:51:40,020
after every federal census what is the

451
00:51:38,100 --> 00:51:43,230
procedure if one of my local like a

452
00:51:40,020 --> 00:51:46,800
local school board wants to exempt out

453
00:51:43,230 --> 00:51:47,859
of this they don't know or they say that

454
00:51:46,800 --> 00:51:49,180
they're covered by less

455
00:51:47,859 --> 00:51:52,359
put it that way they're covered by this

456
00:51:49,180 --> 00:51:54,309
and they can get help from the Secretary

457
00:51:52,359 --> 00:51:59,170
of State's office for the Spanish part

458
00:51:54,309 --> 00:52:01,539
of the of the materials the corrugation

459
00:51:59,170 --> 00:52:03,819
after success that's what the Act is

460
00:52:01,539 --> 00:52:05,440
designed to do could you tell me I

461
00:52:03,819 --> 00:52:06,789
noticed the vote was 7 to 2 in the

462
00:52:05,440 --> 00:52:08,410
Elections Committee what was the

463
00:52:06,789 --> 00:52:10,059
opposition in the committee good II know

464
00:52:08,410 --> 00:52:11,890
there were several members of the

465
00:52:10,059 --> 00:52:13,989
committee while they favor the bill and

466
00:52:11,890 --> 00:52:15,789
and and apparently stated that they

467
00:52:13,989 --> 00:52:17,650
would vote for the bill they did not

468
00:52:15,789 --> 00:52:19,390
want to see that considered at this time

469
00:52:17,650 --> 00:52:21,430
but because quite candidly there's

470
00:52:19,390 --> 00:52:22,930
testimony going on in Washington DC on

471
00:52:21,430 --> 00:52:25,420
the extension of the federal Voting

472
00:52:22,930 --> 00:52:28,269
Rights Act and if you look on your desk

473

00:52:25,420 --> 00:52:31,119

I've also placed a letter on your desk

474

00:52:28,269 --> 00:52:33,309

from from Congress congresswoman Jordan

475

00:52:31,119 --> 00:52:35,529

addressed to senator OGG stating that

476

00:52:33,309 --> 00:52:39,549

she has no opposition to this bill quite

477

00:52:35,529 --> 00:52:42,190

honestly there's some desire to to not

478

00:52:39,549 --> 00:52:44,650

bring this bill up until after April

479

00:52:42,190 --> 00:52:46,569

22nd which is tomorrow well there's

480

00:52:44,650 --> 00:52:48,099

going to be hearing it before the US

481

00:52:46,569 --> 00:52:50,589

Senate Committee on this very subject

482

00:52:48,099 --> 00:52:52,599

whether or not to extend the federal

483

00:52:50,589 --> 00:52:54,400

Voting Rights Act to Texas we simply

484

00:52:52,599 --> 00:52:57,099

feel it's important that Texas be on

485

00:52:54,400 --> 00:53:00,130

record as to what we're doing to try to

486

00:52:57,099 --> 00:53:01,749

solve this problem in our state well the

487
00:53:00,130 --> 00:53:04,420
last question I have is why didn't we

488
00:53:01,749 --> 00:53:06,339
take the approach of any voter having

489
00:53:04,420 --> 00:53:08,950
any language problem in the state in any

490
00:53:06,339 --> 00:53:10,960
County in any subdivision being made

491
00:53:08,950 --> 00:53:14,170
available a person who could interpret

492
00:53:10,960 --> 00:53:16,150
the for him is it the fraud situation

493
00:53:14,170 --> 00:53:20,859
we're afraid of in that situation or

494
00:53:16,150 --> 00:53:23,470
what I bar but the bill is tightly drawn

495
00:53:20,859 --> 00:53:24,599
to solve a specific problem you're

496
00:53:23,470 --> 00:53:27,069
probably right

497
00:53:24,599 --> 00:53:29,349
ideologically or philosophically but but

498
00:53:27,069 --> 00:53:31,480
it's simply a work problem in terms of

499
00:53:29,349 --> 00:53:34,450
translating it into workable legislation

500

00:53:31,480 --> 00:53:38,019
and I think this is a you know a

501
00:53:34,450 --> 00:53:39,819
reaction to 4-quart lawsuits and tries

502
00:53:38,019 --> 00:53:41,829
to reach the Spanish problem which is

503
00:53:39,819 --> 00:53:44,710
our overwhelming predominant problem in

504
00:53:41,829 --> 00:53:45,880
Texas and and I would only say to you

505
00:53:44,710 --> 00:53:48,670
that I think the French people of my

506
00:53:45,880 --> 00:53:51,279
area have a easier time with the English

507
00:53:48,670 --> 00:53:53,140
language perhaps then the Spanish people

508
00:53:51,279 --> 00:53:55,690
do and so there's it's just an example

509
00:53:53,140 --> 00:53:57,789
there wouldn't be as much difficulty all

510
00:53:55,690 --> 00:53:58,770
right our denial of access to the ballot

511
00:53:57,789 --> 00:54:00,240
which is what we're

512
00:53:58,770 --> 00:54:02,640
talking about we won't have any

513
00:54:00,240 --> 00:54:06,150
discriminations in Reverse problems here

514
00:54:02,640 --> 00:54:08,460
where some some ethnic groups are

515
00:54:06,150 --> 00:54:10,260
discriminated against in favor others no

516
00:54:08,460 --> 00:54:12,870
sir I don't believe so not or not at the

517
00:54:10,260 --> 00:54:16,290
relative low physical impact of this

518
00:54:12,870 --> 00:54:19,320
legislation mr. speaker that's dinner

519
00:54:16,290 --> 00:54:20,670
okay let me mr. Tanner let it live let

520
00:54:19,320 --> 00:54:22,410
me lay out the committee amendment then

521
00:54:20,670 --> 00:54:24,600
I'll be let me interrupt you just a min

522
00:54:22,410 --> 00:54:27,870
at this point of order mr. speaker mr.

523
00:54:24,600 --> 00:54:30,150
Tanner we had a group from the First

524
00:54:27,870 --> 00:54:32,850
Methodist Church it's the junior choir

525
00:54:30,150 --> 00:54:35,870
from Liberty Texas doing arrangement

526
00:54:32,850 --> 00:54:38,280
centered around the San Jacinto Day

527

00:54:35,870 --> 00:54:40,080
celebration today San Jacinto Day and

528
00:54:38,280 --> 00:54:41,550
would it be in order for me to recognize

529
00:54:40,080 --> 00:54:43,560
that group of young people in the

530
00:54:41,550 --> 00:54:48,390
gallery they could stand out we're

531
00:54:43,560 --> 00:54:50,670
pleased to have them mr. Tanner Thank

532
00:54:48,390 --> 00:54:54,150
You mr. power following amendment the

533
00:54:50,670 --> 00:54:56,670
clerk will read the amendment committee

534
00:54:54,150 --> 00:54:58,880
amendment 1 by powers and being Senate

535
00:54:56,670 --> 00:55:01,860
bill 2 powers to explain his amendment

536
00:54:58,880 --> 00:55:05,070
mr. speaker members a commitment number

537
00:55:01,860 --> 00:55:06,990
1 simply adds the words origin or

538
00:55:05,070 --> 00:55:09,060
descent instead of spanish-speaking and

539
00:55:06,990 --> 00:55:10,680
it was done in committee and is really

540
00:55:09,060 --> 00:55:12,780
basically the main change in the

541
00:55:10,680 --> 00:55:14,700
substitute there are amendment it to the

542
00:55:12,780 --> 00:55:18,810
to the Senate passed version of the bill

543
00:55:14,700 --> 00:55:21,260
and I would move its adoption miss

544
00:55:18,810 --> 00:55:21,260
Nicholson

545
00:55:26,030 --> 00:55:36,119
mr. doorkeeper we have a message from

546
00:55:34,079 --> 00:55:44,190
the Senate mr. speaker had met the

547
00:55:36,119 --> 00:55:45,839
messenger mr. speaker I'm directed by

548
00:55:44,190 --> 00:55:47,880
the Senate to inform the house that the

549
00:55:45,839 --> 00:55:50,700
Senate has concurred in house amendments

550
00:55:47,880 --> 00:55:52,680
to Senate bill 156 by voice vote

551
00:55:50,700 --> 00:55:55,440
the Senate has concurred in house

552
00:55:52,680 --> 00:55:59,130
amendments to Senate bill 1:8 by 30 days

553
00:55:55,440 --> 00:56:01,140
no nays the Senate has refer has refused

554

00:55:59,130 --> 00:56:03,540
to confer in house amendments to Senate

555
00:56:01,140 --> 00:56:05,190
concurrent resolution 17 and request the

556
00:56:03,540 --> 00:56:07,230
appointment of a conference committee to

557
00:56:05,190 --> 00:56:09,240
adjust the differences between the two

558
00:56:07,230 --> 00:56:11,250
houses the following have been appointed

559
00:56:09,240 --> 00:56:14,099
on the part of the Senate Senators

560
00:56:11,250 --> 00:56:16,700
longoria Adams swartz Trager and

561
00:56:14,099 --> 00:56:16,700
Lombardi No

562
00:56:28,760 --> 00:56:33,980
she recognizes mr. nickles for emotion

563
00:56:31,130 --> 00:56:36,079
bit speaking members I'd like to make a

564
00:56:33,980 --> 00:56:37,940
motion to postpone this bill until

565
00:56:36,079 --> 00:56:40,609
Wednesday at level o'clock and like to

566
00:56:37,940 --> 00:56:43,369
be heard on my motion chair recognize

567
00:56:40,609 --> 00:56:45,740
you mr. Nicholson speaking members I'd

568
00:56:43,369 --> 00:56:47,750
like to move as I say to postpone this

569
00:56:45,740 --> 00:56:50,089
bill until Wednesday as mr. Pires has

570
00:56:47,750 --> 00:56:52,930
told you they are having hearings in

571
00:56:50,089 --> 00:56:54,950
Washington tomorrow before the Senate

572
00:56:52,930 --> 00:56:59,000
Committee on this bill

573
00:56:54,950 --> 00:57:02,030
I was asked contrary to the letter in

574
00:56:59,000 --> 00:57:05,270
which mr. Pires pointed out you hear

575
00:57:02,030 --> 00:57:07,130
while ago that Miss Jordan hold hardly

576
00:57:05,270 --> 00:57:08,960
endorses this bill and I would say that

577
00:57:07,130 --> 00:57:12,290
she probably does hold heartily endorse

578
00:57:08,960 --> 00:57:15,800
this bill but I taught whether two weeks

579
00:57:12,290 --> 00:57:17,960
ago when she found out that I was on the

580
00:57:15,800 --> 00:57:20,109
subcommittee along with mr. Pires and

581

00:57:17,960 --> 00:57:22,490
mr. Jones on this particular bill and

582
00:57:20,109 --> 00:57:26,240
asked me to see if we could not get the

583
00:57:22,490 --> 00:57:28,280
bill held up until after the 22nd the

584
00:57:26,240 --> 00:57:30,079
bill was kicked out of the Elections

585
00:57:28,280 --> 00:57:31,609
Committee last Monday night and I want

586
00:57:30,079 --> 00:57:34,579
to call to your attention and it's on

587
00:57:31,609 --> 00:57:36,680
the calendar today now I know a lot of

588
00:57:34,579 --> 00:57:39,050
you people have bills that had went to

589
00:57:36,680 --> 00:57:40,970
the calendar committee and evidently we

590
00:57:39,050 --> 00:57:42,829
don't have mark whiten the governor and

591
00:57:40,970 --> 00:57:45,500
Senator Benson interested enough in your

592
00:57:42,829 --> 00:57:47,150
particular legislation to get he put on

593
00:57:45,500 --> 00:57:49,190
the calendar after it's only been put in

594
00:57:47,150 --> 00:57:50,630
the common to committee for one week and

595
00:57:49,190 --> 00:57:52,480
these are some of the reason that I'm

596
00:57:50,630 --> 00:57:56,140
asking you to postpone this bill until

597
00:57:52,480 --> 00:57:59,030
Wednesday at 11:00 o'clock mr. speaker

598
00:57:56,140 --> 00:58:02,720
will the gentleman you gentleman yield

599
00:57:59,030 --> 00:58:07,040
mr. Marino mr. nickles the letter that

600
00:58:02,720 --> 00:58:09,710
has been placed on our desk from Barbara

601
00:58:07,040 --> 00:58:13,460
Jordan it's dated March the 7th am I

602
00:58:09,710 --> 00:58:15,440
correct I think so I believe it well I

603
00:58:13,460 --> 00:58:15,890
noticed was dated sometime in March with

604
00:58:15,440 --> 00:58:18,109
marina

605
00:58:15,890 --> 00:58:20,990
yeah March 7th I have a copy of it right

606
00:58:18,109 --> 00:58:23,270
here and you say that this bill was

607
00:58:20,990 --> 00:58:25,069
kicked out of subcommittee when the bill

608

00:58:23,270 --> 00:58:27,290
was kicked out of subcommittee this past

609
00:58:25,069 --> 00:58:30,260
there was a week ago and was kicked out

610
00:58:27,290 --> 00:58:34,730
of the overall committee last Monday

611
00:58:30,260 --> 00:58:36,849
night all right and also you were you

612
00:58:34,730 --> 00:58:40,000
indicate that the hearings are also

613
00:58:36,849 --> 00:58:41,990
already commenced in Washington for a

614
00:58:40,000 --> 00:58:44,869
voting rights act

615
00:58:41,990 --> 00:58:47,240
the revised a mr. Moreno the bill in the

616
00:58:44,869 --> 00:58:48,650
house is already out of the subcommittee

617
00:58:47,240 --> 00:58:51,200
in the house and they're having a

618
00:58:48,650 --> 00:58:53,839
hearing on it in the Senate tomorrow and

619
00:58:51,200 --> 00:58:55,609
I also understand that mr. white really

620
00:58:53,839 --> 00:58:58,010
wants to go to Washington with this bill

621
00:58:55,609 --> 00:59:00,440
being passed this house today where

622
00:58:58,010 --> 00:59:02,450
he'll have an opportunity to say that

623
00:59:00,440 --> 00:59:03,920
it's already been passed in Texas and

624
00:59:02,450 --> 00:59:05,480
Senator Benson has been running around

625
00:59:03,920 --> 00:59:07,630
up there saying we don't need this

626
00:59:05,480 --> 00:59:10,250
because we've already passed it in Texas

627
00:59:07,630 --> 00:59:18,470
okay thank you very much I think have a

628
00:59:10,250 --> 00:59:20,780
good motion mr. Nicholson this figure

629
00:59:18,470 --> 00:59:23,210
mr. powers well gentlemen you do miss

630
00:59:20,780 --> 00:59:25,310
nickel yes I yield mr. powers just just

631
00:59:23,210 --> 00:59:26,960
one question Nick on the merits of the

632
00:59:25,310 --> 00:59:29,660
bill in other words whether it's a good

633
00:59:26,960 --> 00:59:31,490
piece of legislation or not do you have

634
00:59:29,660 --> 00:59:33,410
any objections to the bill itself and I

635

00:59:31,490 --> 00:59:36,500
have no objections I will vote for the

636
00:59:33,410 --> 00:59:38,480
bill Wednesday when it comes up if it

637
00:59:36,500 --> 00:59:39,890
comes up Wednesday all right you don't

638
00:59:38,480 --> 00:59:41,690
have any quarrel with what we're trying

639
00:59:39,890 --> 00:59:43,730
to do in the spirit of the legislation

640
00:59:41,690 --> 00:59:45,440
I have no quarrels with the spirit of

641
00:59:43,730 --> 00:59:48,109
the legislation I told the committee

642
00:59:45,440 --> 00:59:50,089
this at the time when I voted against it

643
00:59:48,109 --> 00:59:51,589
coming out of the committee I put into

644
00:59:50,089 --> 00:59:53,180
the record of the committee meeting that

645
00:59:51,589 --> 00:59:55,640
I had no quarrel with the bill and I

646
00:59:53,180 --> 00:59:56,750
stated while was voting against it but

647
00:59:55,640 --> 00:59:58,940
thought I just didn't want it to come

648
00:59:56,750 --> 01:00:01,130
out to committee at that time I had

649
00:59:58,940 --> 01:00:03,890
gauged somebody my word and I think most

650
01:00:01,130 --> 01:00:05,660
of you know me well enough if I tell you

651
01:00:03,890 --> 01:00:07,970
something I will stick with it and I had

652
01:00:05,660 --> 01:00:09,680
told congressman Jordan that I would not

653
01:00:07,970 --> 01:00:11,330
attend a subcommittee meeting and I

654
01:00:09,680 --> 01:00:13,790
would not vote for the bill to come out

655
01:00:11,330 --> 01:00:15,859
of the overall committee and I did not I

656
01:00:13,790 --> 01:00:17,210
did not tend to subcommittee meeting I

657
01:00:15,859 --> 01:00:18,920
voted against it coming out of the

658
01:00:17,210 --> 01:00:22,760
overall committee and I'm asking it be

659
01:00:18,920 --> 01:00:24,980
postponed to winter today mr. speaker

660
01:00:22,760 --> 01:00:27,410
would the gentleman yield yo mr. Nichols

661
01:00:24,980 --> 01:00:29,900
yes gentleman yield mr. Garcia mr.

662

01:00:27,410 --> 01:00:31,460
Nichols do you see any irreparable harm

663
01:00:29,900 --> 01:00:33,800
that could be done by delaying

664
01:00:31,460 --> 01:00:35,450
consideration of this matter until such

665
01:00:33,800 --> 01:00:38,060
time as there has been a full complete

666
01:00:35,450 --> 01:00:40,760
and open hearing in Washington I see no

667
01:00:38,060 --> 01:00:43,339
harm that could be done to this bill as

668
01:00:40,760 --> 01:00:45,230
I say I will even if even if my motion

669
01:00:43,339 --> 01:00:47,000
fails today to be honest we y'all vote

670
01:00:45,230 --> 01:00:49,460
with it I think it's I think it's a good

671
01:00:47,000 --> 01:00:52,239
bill and I have no quarrel with the bill

672
01:00:49,460 --> 01:00:54,069
as I say I just gave somebody my word

673
01:00:52,239 --> 01:00:57,549
and I intend to try to back it up as

674
01:00:54,069 --> 01:00:59,019
well as I can or you you have read the

675
01:00:57,549 --> 01:01:00,999
bill through in its entirety and you do

676
01:00:59,019 --> 01:01:02,799
sit on this committee yes are you

677
01:01:00,999 --> 01:01:06,519
concerned about the lack of enforcement

678
01:01:02,799 --> 01:01:08,109
provisions in this bill well Matt I'm

679
01:01:06,519 --> 01:01:10,539
concerned about some of it but the

680
01:01:08,109 --> 01:01:12,729
concern that we may have about the bill

681
01:01:10,539 --> 01:01:15,069
I think the bill is well enough and will

682
01:01:12,729 --> 01:01:18,339
go so much further than what we now have

683
01:01:15,069 --> 01:01:20,949
that the bill is worthy of passing this

684
01:01:18,339 --> 01:01:23,139
house I believe any any anything would

685
01:01:20,949 --> 01:01:26,199
be more than we now have representative

686
01:01:23,139 --> 01:01:28,449
Nichols but if we are going to proceed

687
01:01:26,199 --> 01:01:31,149
with this bill if this bill is going to

688
01:01:28,449 --> 01:01:33,729
attain passage in this house I would

689

01:01:31,149 --> 01:01:35,169
like a few days to work on it and put

690
01:01:33,729 --> 01:01:36,909
some enforcement provisions in it

691
01:01:35,169 --> 01:01:39,069
because if you don't have enforcement

692
01:01:36,909 --> 01:01:41,349
provisions then it leaves it too wide

693
01:01:39,069 --> 01:01:43,179
open it doesn't achieve any purpose does

694
01:01:41,349 --> 01:01:44,829
it if you feel that away I would hope

695
01:01:43,179 --> 01:01:47,199
you would vote with me to postpone it

696
01:01:44,829 --> 01:01:51,309
till well surely will I would appreciate

697
01:01:47,199 --> 01:01:53,919
anything that's the power speak against

698
01:01:51,309 --> 01:01:56,499
the motion to postpone mr. speaker

699
01:01:53,919 --> 01:01:58,149
members of the House you know it's a

700
01:01:56,499 --> 01:02:00,249
little bit frustrating to come to you

701
01:01:58,149 --> 01:02:02,319
and say the issue is clear they've said

702
01:02:00,249 --> 01:02:03,879
my bill is a good bill and it is a good

703
01:02:02,319 --> 01:02:06,849
bill because it attempts to solve

704
01:02:03,879 --> 01:02:08,589
problems of long-standing ill in the

705
01:02:06,849 --> 01:02:10,839
state of Texas will be generator you

706
01:02:08,589 --> 01:02:12,399
know let me finish my remarks mr. Garcia

707
01:02:10,839 --> 01:02:16,749
I'm not yelled at this time let's go see

708
01:02:12,399 --> 01:02:18,849
if it's good Wednesday and good now it's

709
01:02:16,749 --> 01:02:21,669
good today the problems need to be

710
01:02:18,849 --> 01:02:23,229
solved in Texas we have already held

711
01:02:21,669 --> 01:02:24,609
hearings in Washington DC the

712
01:02:23,229 --> 01:02:28,269
subcommittee of the House Judiciary

713
01:02:24,609 --> 01:02:30,219
Committee reported a bill last Friday or

714
01:02:28,269 --> 01:02:33,069
so they have been ongoing hearings for

715
01:02:30,219 --> 01:02:34,989
some time that you know April 22nd

716

01:02:33,069 --> 01:02:37,569
tomorrow because mark white is going to

717
01:02:34,989 --> 01:02:39,519
testify is not magic it simply means

718
01:02:37,569 --> 01:02:42,219
it's another one of a series of hearings

719
01:02:39,519 --> 01:02:44,649
what is important is that the state of

720
01:02:42,219 --> 01:02:47,559
Texas is doing something to rectify this

721
01:02:44,649 --> 01:02:49,359
problem the issue is clear ladies and

722
01:02:47,559 --> 01:02:51,489
gentlemen we ought to vote on the bill

723
01:02:49,359 --> 01:02:54,189
it's a good bill let's vote today I ask

724
01:02:51,489 --> 01:02:55,899
you to vote no on my motion on his

725
01:02:54,189 --> 01:02:56,649
motion to postpone I'll yield to mr.

726
01:02:55,899 --> 01:02:57,850
Garcia

727
01:02:56,649 --> 01:03:00,040
you know many elements Garcia

728
01:02:57,850 --> 01:03:02,650
representative powers I I've served with

729
01:03:00,040 --> 01:03:04,960
you two terms and I respect you and a

730
01:03:02,650 --> 01:03:07,900
convention and I think and a convention

731
01:03:04,960 --> 01:03:10,270
and I think that you are as concerned as

732
01:03:07,900 --> 01:03:13,510
I am when someone comes in from outside

733
01:03:10,270 --> 01:03:15,220
this house and brings undue pressure to

734
01:03:13,510 --> 01:03:18,550
obtain preference on a particular piece

735
01:03:15,220 --> 01:03:20,820
of legislation are you not well are you

736
01:03:18,550 --> 01:03:23,110
naming names or one hardly the names

737
01:03:20,820 --> 01:03:24,700
when the Secretary of State could come

738
01:03:23,110 --> 01:03:26,200
back here to the back of this house and

739
01:03:24,700 --> 01:03:28,390
talk to the man who heads up the

740
01:03:26,200 --> 01:03:29,950
subcommittee and confess you're a bill

741
01:03:28,390 --> 01:03:32,530
out of that subcommittee onto a full

742
01:03:29,950 --> 01:03:35,260
committee chair begin consideration or

743

01:03:32,530 --> 01:03:36,760
during Fanny's remark let's keep our

744

01:03:35,260 --> 01:03:40,420
hearts and emotion let's keep her

745

01:03:36,760 --> 01:03:42,550
remarks confined to the USPTO names as

746

01:03:40,420 --> 01:03:44,530
far as and I'm telling you the name our

747

01:03:42,550 --> 01:03:46,420
Secretary of State so he can go up there

748

01:03:44,530 --> 01:03:47,110
and testify that we've taken care of our

749

01:03:46,420 --> 01:03:50,650
problem

750

01:03:47,110 --> 01:03:51,970
I thought action occur the gentleman's

751

01:03:50,650 --> 01:03:54,430
been instructed and if he doesn't comply

752

01:03:51,970 --> 01:03:57,310
man Garcia who from the floor

753

01:03:54,430 --> 01:04:01,500
mr. Garcia let's keep our remarks on a

754

01:03:57,310 --> 01:04:01,500
motion to postpone I'll be answered

755

01:04:03,130 --> 01:04:08,740
what possible harm could come in

756

01:04:05,800 --> 01:04:11,980
delaying consideration of this preferred

757
01:04:08,740 --> 01:04:13,570
bill I disposed event we've seen then

758
01:04:11,980 --> 01:04:15,610
we're a bill would you permit me to

759
01:04:13,570 --> 01:04:18,190
finish mr. Parrish certainly so that we

760
01:04:15,610 --> 01:04:21,070
might put some enforcement provisions in

761
01:04:18,190 --> 01:04:22,690
it and guarantee the ends that you say

762
01:04:21,070 --> 01:04:25,120
that you're trying to accomplish

763
01:04:22,690 --> 01:04:26,620
well I oppose it rhetorically right back

764
01:04:25,120 --> 01:04:28,570
to you if it's a good bill and I think

765
01:04:26,620 --> 01:04:30,280
it is and I think wait a second let me

766
01:04:28,570 --> 01:04:31,060
finish mr. Garcia is you just neatly

767
01:04:30,280 --> 01:04:33,490
said a minute ago

768
01:04:31,060 --> 01:04:35,110
yes if I think it has strong enough

769
01:04:33,490 --> 01:04:36,970
enforcement provisions and I'm satisfied

770

01:04:35,110 --> 01:04:38,410
with the bill as it is now I think the

771
01:04:36,970 --> 01:04:40,510
Secretary of State's office is going to

772
01:04:38,410 --> 01:04:43,390
see that's complied with and I think

773
01:04:40,510 --> 01:04:44,860
it's way time you know why do I kick it

774
01:04:43,390 --> 01:04:47,020
around we got plenty of business in this

775
01:04:44,860 --> 01:04:49,030
house to work on we got to peel up we

776
01:04:47,020 --> 01:04:51,160
got a chance to vote on it this act now

777
01:04:49,030 --> 01:04:53,830
I'd do something positive for Texas for

778
01:04:51,160 --> 01:04:56,320
a change so that people when they go to

779
01:04:53,830 --> 01:04:58,300
Washington DC can not be in the position

780
01:04:56,320 --> 01:05:00,190
of taking third chair and let the

781
01:04:58,300 --> 01:05:02,320
federal government tell us always what's

782
01:05:00,190 --> 01:05:04,510
going to be let us say well we've done

783
01:05:02,320 --> 01:05:07,270
affirmative ly for Texas the speaker I'm

784
01:05:04,510 --> 01:05:08,410
going object the author of the bill is

785
01:05:07,270 --> 01:05:12,100
not

786
01:05:08,410 --> 01:05:15,550
his remarks to the motion I only

787
01:05:12,100 --> 01:05:20,940
responded your question mr. Garcia they

788
01:05:15,550 --> 01:05:25,150
are may I just ask one question about

789
01:05:20,940 --> 01:05:27,370
ami paolercio are you aware that our

790
01:05:25,150 --> 01:05:29,500
Secretary of State is testifying in

791
01:05:27,370 --> 01:05:31,030
Washington in opposition to the

792
01:05:29,500 --> 01:05:33,130
inclusion of Texas and the Voting Rights

793
01:05:31,030 --> 01:05:36,430
Act that Barbara Jordan is pushing I

794
01:05:33,130 --> 01:05:37,900
know what would you why this bill was it

795
01:05:36,430 --> 01:05:40,840
or you want me to answer that he is

796
01:05:37,900 --> 01:05:42,910
going to use this bill as a reason for

797

01:05:40,840 --> 01:05:45,040
being against the inclusion of Texas

798
01:05:42,910 --> 01:05:47,380
I know mr. white is going to Washington

799
01:05:45,040 --> 01:05:49,450
DC or he may already be there by now and

800
01:05:47,380 --> 01:05:51,970
he's going to testify before the Senate

801
01:05:49,450 --> 01:05:55,300
committee tomorrow April 22nd just a

802
01:05:51,970 --> 01:05:58,240
second I do not know what mr. white is

803
01:05:55,300 --> 01:05:59,560
going to say nor have I seen a copy of

804
01:05:58,240 --> 01:06:01,780
his remarks or what he's going to say I

805
01:05:59,560 --> 01:06:05,320
I do know that he would like for us to

806
01:06:01,780 --> 01:06:07,900
pass this bill we can would you would

807
01:06:05,320 --> 01:06:11,020
you be surprised or even slightly

808
01:06:07,900 --> 01:06:14,080
mortified and be testified in favor of

809
01:06:11,020 --> 01:06:15,670
the inclusion of Texas Kings made for

810
01:06:14,080 --> 01:06:18,700
mr. white I'm not authorized to do that

811
01:06:15,670 --> 01:06:20,140
mr. Garcia I can tell you how I feel and

812
01:06:18,700 --> 01:06:22,240
I tell you that I think we ought to pass

813
01:06:20,140 --> 01:06:23,890
this bill today it's way overdue to know

814
01:06:22,240 --> 01:06:24,970
her anyway thank you're lobbying mr.

815
01:06:23,890 --> 01:06:26,350
Pires sir

816
01:06:24,970 --> 01:06:28,800
are you denying that he was back here

817
01:06:26,350 --> 01:06:34,180
lobbying Luther Jones on this bill when

818
01:06:28,800 --> 01:06:36,490
last week mr. Garcia you know I can't

819
01:06:34,180 --> 01:06:39,910
speak what mr. white was doing I'm not

820
01:06:36,490 --> 01:06:41,590
mr. white was speaking as to Washington

821
01:06:39,910 --> 01:06:44,140
Germany for questioning

822
01:06:41,590 --> 01:06:47,440
gentleman yields mr. Washington mr.

823
01:06:44,140 --> 01:06:49,270
powers I've been listening to the debate

824

01:06:47,440 --> 01:06:50,800
on the motion to poll Thank You mr.

825
01:06:49,270 --> 01:06:53,980
Washington I appreciate that courtesy

826
01:06:50,800 --> 01:06:56,530
I'm unable to grasp the significance

827
01:06:53,980 --> 01:07:00,190
that there is in en and the two-day

828
01:06:56,530 --> 01:07:02,020
delay well I'm unable to grasp but give

829
01:07:00,190 --> 01:07:05,400
the significance of why postponed

830
01:07:02,020 --> 01:07:07,990
everybody sits it's a good bill in place

831
01:07:05,400 --> 01:07:09,670
if you're opposed to the motion mr.

832
01:07:07,990 --> 01:07:11,170
Powell of the same black to me that you

833
01:07:09,670 --> 01:07:13,720
would have some good and substantial

834
01:07:11,170 --> 01:07:15,280
reason being a good honest lately

835
01:07:13,720 --> 01:07:16,960
because I've got a lot of legislation to

836
01:07:15,280 --> 01:07:17,950
pass and this place is full of it we

837
01:07:16,960 --> 01:07:19,690
can't get it all out

838
01:07:17,950 --> 01:07:21,579
I'm ready to go today mr. Washington I

839
01:07:19,690 --> 01:07:23,589
submit to you that the people that in

840
01:07:21,579 --> 01:07:25,119
favor the motion postpone in favor your

841
01:07:23,589 --> 01:07:27,520
bill mr. piles and you'll get a lot more

842
01:07:25,119 --> 01:07:29,500
support and getting the bill passed if

843
01:07:27,520 --> 01:07:31,150
you postpone in two days are you so will

844
01:07:29,500 --> 01:07:32,890
you tell mr. ones oh so I'm in favor to

845
01:07:31,150 --> 01:07:34,660
Bill Hemmer and I'm opposed to passing

846
01:07:32,890 --> 01:07:36,339
it today for the reasons stated by mr.

847
01:07:34,660 --> 01:07:38,710
Nichols and if you're in favor the bill

848
01:07:36,339 --> 01:07:41,400
I don't see why you could be I don't see

849
01:07:38,710 --> 01:07:43,720
what two days difference will make to it

850
01:07:41,400 --> 01:07:44,680
you know I can explain it to you mr.

851

01:07:43,720 --> 01:07:46,810
Washington but I can't make you

852
01:07:44,680 --> 01:07:49,839
understand it well and I ask you to vote

853
01:07:46,810 --> 01:07:54,460
no on the motion to postpone Thank You

854
01:07:49,839 --> 01:07:56,829
members okay mr. Nichols moves to

855
01:07:54,460 --> 01:08:00,720
postpone for the consideration of Senate

856
01:07:56,829 --> 01:08:03,099
bill 165 until Wednesday at 10:00 a.m.

857
01:08:00,720 --> 01:08:12,520
all those in favor of the motion to

858
01:08:03,099 --> 01:08:13,839
postpone will vote aye Hey all right all

859
01:08:12,520 --> 01:08:15,640
those in favor of the motion to postpone

860
01:08:13,839 --> 01:08:16,900
a vote aye all those opposed vote no

861
01:08:15,640 --> 01:08:19,140
it's a record vote the clerk or ring the

862
01:08:16,900 --> 01:08:19,140
bell

863
01:08:31,710 --> 01:08:40,460
yeah have all members voted show mr.

864
01:08:36,930 --> 01:08:42,840
Parker voting no Parker of Jefferson

865
01:08:40,460 --> 01:08:45,630
show mr. Washington voting I have all

866
01:08:42,840 --> 01:08:49,070
members voted kill Mensa Canalis voting

867
01:08:45,630 --> 01:08:49,070
at the hall members voted

868
01:08:54,190 --> 01:08:57,969
excuse representative waters because of

869
01:08:56,799 --> 01:08:59,560
the important business on a motion to

870
01:08:57,969 --> 01:09:00,790
represent a big excuse representative an

871
01:08:59,560 --> 01:09:02,770
overcoat estate business on a most

872
01:09:00,790 --> 01:09:04,630
regulated Blake excuse represented

873
01:09:02,770 --> 01:09:06,520
Maloney causing important business on

874
01:09:04,630 --> 01:09:07,150
the reps motion representative not on is

875
01:09:06,520 --> 01:09:09,429
there objection

876
01:09:07,150 --> 01:09:11,549
chair here is none so much slack voting

877
01:09:09,429 --> 01:09:11,549
no

878

01:09:31,109 --> 01:09:41,940
they're being 52 eyes 76 nose the motion

879
01:09:34,800 --> 01:09:43,560
to postpone fails the question now

880
01:09:41,940 --> 01:09:45,120
occurs on the adoption of committee

881
01:09:43,560 --> 01:09:48,000
amendment number one is the objection to

882
01:09:45,120 --> 01:09:50,750
its adoption chair here none committee

883
01:09:48,000 --> 01:09:53,580
amendment number one is adopted

884
01:09:50,750 --> 01:09:56,490
question now occurs on passage to third

885
01:09:53,580 --> 01:09:58,950
reading of Senate bill 165 all those in

886
01:09:56,490 --> 01:10:02,100
favor of passage till Senate bill 165 to

887
01:09:58,950 --> 01:10:07,260
third reading we'll say aye all opposed

888
01:10:02,100 --> 01:10:09,120
no vote I vote no division devote our

889
01:10:07,260 --> 01:10:12,680
vote no record votes been requested

890
01:10:09,120 --> 01:10:12,680
members report the ring the bell

891
01:10:39,850 --> 01:10:43,140
vallah members voted

892
01:10:47,920 --> 01:10:51,480
if our members voted

893
01:11:20,130 --> 01:11:28,330
they're being 149 16 nose Senate bill

894
01:11:24,370 --> 01:11:30,220
165 has passed a third reading mr.

895
01:11:28,330 --> 01:11:32,080
powers moves spend the constitutional

896
01:11:30,220 --> 01:11:33,520
rules requiring bills be read on three

897
01:11:32,080 --> 01:11:36,460
several days it might take up and

898
01:11:33,520 --> 01:11:37,600
considered Senate bill 165 on third

899
01:11:36,460 --> 01:11:40,480
reading and final passage

900
01:11:37,600 --> 01:11:42,190
all those in favor of snatching the

901
01:11:40,480 --> 01:11:43,840
rules will vote aye all those opposed to

902
01:11:42,190 --> 01:11:46,260
vote no it's a record vote the clerk or

903
01:11:43,840 --> 01:11:46,260
ring the bell

904
01:11:53,709 --> 01:11:58,550
no thanks Oh Mike

905

01:11:55,190 --> 01:11:58,550

[Laughter]

906

01:12:00,159 --> 01:12:16,649

hey Tony all members voted the whole

907

01:12:13,929 --> 01:12:16,649

members voted

908

01:12:47,659 --> 01:12:53,060

they're being 39 eyes and 87 nose I

909

01:12:50,510 --> 01:12:54,469

don't think the rules offended I'll see

910

01:12:53,060 --> 01:12:57,290

you tomorrow members it'll be a good

911

01:12:54,469 --> 01:12:59,060

bill tomorrow - Thank You mr. speaker

912

01:12:57,290 --> 01:13:01,969

it's Sherman I move the house and

913

01:12:59,060 --> 01:13:04,310

research till 1:45 p.m. mr. Sherman

914

01:13:01,969 --> 01:13:06,530

moves now stand in recess to 1:45 is

915

01:13:04,310 --> 01:13:10,810

objection chair here done in accordingly

916

01:13:06,530 --> 01:13:10,810

the house stands recessed a 1:45 p.m.

917

01:13:13,420 --> 01:13:18,139

the house will come to order at salem

918

01:13:16,580 --> 01:13:20,449

mr. speaker can we send an emergency

919
01:13:18,139 --> 01:13:22,219
message to the governor and tell him not

920
01:13:20,449 --> 01:13:25,850
to send us any more emergency messages

921
01:13:22,219 --> 01:13:28,030
we're just about out of money suppose we

922
01:13:25,850 --> 01:13:28,030
could

923
01:15:33,520 --> 01:15:36,969
excuse representative Clark of Harry's

924
01:15:35,560 --> 01:15:38,500
because the builders the family on a

925
01:15:36,969 --> 01:15:39,940
motion of representative McDonald of

926
01:15:38,500 --> 01:15:46,660
delgo is there objection

927
01:15:39,940 --> 01:15:53,489
chair hears no that's the Hall of hers

928
01:15:46,660 --> 01:15:53,489
that the whole of Harris

929
01:16:10,460 --> 01:16:18,820
Tara signs the president's the house the

930
01:16:12,320 --> 01:16:18,820
following sent concurrent resolution 50

931
01:21:46,959 --> 01:21:55,689
chair recognizes mr. hold for our

932

01:21:48,939 --> 01:21:58,840
suspension the rules mr. speaker fellow

933
01:21:55,689 --> 01:22:00,699
members I moved to suspend all rules to

934
01:21:58,840 --> 01:22:02,050
take up instead of house citation motion

935
01:22:00,699 --> 01:22:05,709
of a two party forward like we heard of

936
01:22:02,050 --> 01:22:09,300
a motion mr. Hall explain the motion mr.

937
01:22:05,709 --> 01:22:12,070
Pitkin members this is a motion to honor

938
01:22:09,300 --> 01:22:14,409
mr. Quinton armies of Houston Texas who

939
01:22:12,070 --> 01:22:18,129
is a retiring executive director of the

940
01:22:14,409 --> 01:22:20,289
YMCA in Houston his dinner is Wednesday

941
01:22:18,129 --> 01:22:23,530
evening his retirement dinner and this

942
01:22:20,289 --> 01:22:24,939
citation motion I need to have to be

943
01:22:23,530 --> 01:22:26,919
able to carry down that dinnerware diva

944
01:22:24,939 --> 01:22:29,099
okay members you've heard the motion is

945
01:22:26,919 --> 01:22:32,019
there objection to spent in the rules

946
01:22:29,099 --> 01:22:34,659
chair here's none and lays out citation

947
01:22:32,019 --> 01:22:35,979
motion to 44 mr. Hall moves its adoption

948
01:22:34,659 --> 01:22:38,709
is there objection to the adoption of

949
01:22:35,979 --> 01:22:42,090
the President or the citation chair here

950
01:22:38,709 --> 01:22:45,929
at nine the citation motion is adopted

951
01:22:42,090 --> 01:22:45,929
thank you very much speaker members

952
01:23:18,679 --> 01:23:21,679
permit

953
01:23:33,050 --> 01:23:37,480
I can't think so

954
01:23:49,239 --> 01:23:52,239
matÃ©o

955
01:24:58,600 --> 01:25:06,580
as do given message from the Senate mr.

956
01:25:02,530 --> 01:25:08,410
speaker at MIT the messenger mr. speaker

957
01:25:06,580 --> 01:25:09,610
I'm directed by the Senate to inform the

958
01:25:08,410 --> 01:25:13,030
house that the Senate has passed

959

01:25:09,610 --> 01:25:15,940
following SB 131 by Meyer amending the

960
01:25:13,030 --> 01:25:17,500
penile code that's B 724 by Williams

961
01:25:15,940 --> 01:25:20,650
relating to the Texas state guard

962
01:25:17,500 --> 01:25:22,030
service medal SB 752 by Williams

963
01:25:20,650 --> 01:25:24,250
relating to the time period for filing

964
01:25:22,030 --> 01:25:26,610
of current year registration license

965
01:25:24,250 --> 01:25:26,610
receipt

966
01:25:41,980 --> 01:25:50,500
chair recognize admit a Oh mr. speaker

967
01:25:48,910 --> 01:25:52,090
members of the house I move that the

968
01:25:50,500 --> 01:25:53,830
house grant the request of the Senate

969
01:25:52,090 --> 01:25:56,800
for a conference committee on Senate

970
01:25:53,830 --> 01:25:58,750
concurrent resolution 17 this is the

971
01:25:56,800 --> 01:26:00,310
resolution proposing adoption of the

972
01:25:58,750 --> 01:26:03,100
joint rules of this session of the

973
01:26:00,310 --> 01:26:06,010
legislature if you will recall we made

974
01:26:03,100 --> 01:26:08,170
about three or four changes in the rules

975
01:26:06,010 --> 01:26:10,090
as they have been outlined by the Senate

976
01:26:08,170 --> 01:26:11,679
and in talking with one or two of the

977
01:26:10,090 --> 01:26:13,570
senators about I think that the only

978
01:26:11,679 --> 01:26:15,820
real area of disagreement is that they

979
01:26:13,570 --> 01:26:17,650
feel is no need to put that conference

980
01:26:15,820 --> 01:26:19,780
committee rule in dealing with

981
01:26:17,650 --> 01:26:22,150
constitutional revision since we won't

982
01:26:19,780 --> 01:26:24,070
be needing it and they want to take that

983
01:26:22,150 --> 01:26:25,510
out rather than set a precedent on and I

984
01:26:24,070 --> 01:26:27,910
think that's the main reason for

985
01:26:25,510 --> 01:26:29,500
disagreement so I move that we grant

986

01:26:27,910 --> 01:26:30,969
their request for a conference committee

987
01:26:29,500 --> 01:26:36,219
and we all hope to have you report back

988
01:26:30,969 --> 01:26:37,780
within just a few days mr. Hale moves

989
01:26:36,219 --> 01:26:39,280
the grant request at the Senate own

990
01:26:37,780 --> 01:26:41,380
conference committee on the Senate

991
01:26:39,280 --> 01:26:44,440
concurrent resolution 17

992
01:26:41,380 --> 01:26:48,390
is there objection chair here is none in

993
01:26:44,440 --> 01:26:48,390
Fonts appalling conference committee

994
01:26:49,170 --> 01:27:00,719
conference committee on SCR 17 hail

995
01:26:53,140 --> 01:27:00,719
chairman Davis Reyes spurlock Hilliard

996
01:29:24,289 --> 01:29:29,710
okay sure I recognize mr. professional

997
01:29:27,110 --> 01:29:29,710
for emotion

998
01:29:35,409 --> 01:29:40,449
mr. speaker members I move to reconsider

999
01:29:37,389 --> 01:29:46,389
the vote by which Senate bill five five

1000
01:29:40,449 --> 01:29:49,630
five nine fatal to pass the floor they

1001
01:29:46,389 --> 01:29:52,960
own on second reading explain you

1002
01:29:49,630 --> 01:29:56,980
explain to me mr. personal mr. big

1003
01:29:52,960 --> 01:30:01,330
members Senate bill 559 is the emergency

1004
01:29:56,980 --> 01:30:04,060
appropriations for expending and

1005
01:30:01,330 --> 01:30:06,040
unappropriated balance or the payoff for

1006
01:30:04,060 --> 01:30:12,480
textbooks that have already been

1007
01:30:06,040 --> 01:30:15,929
purchased okay you've heard the motion

1008
01:30:12,480 --> 01:30:15,929
mr. Atkins

1009
01:30:28,059 --> 01:30:33,130
okay is there objection to reconsider

1010
01:30:29,949 --> 01:30:35,980
demotion by which Senate bill 559 fail

1011
01:30:33,130 --> 01:30:39,000
adoption chair here is none the motion

1012
01:30:35,980 --> 01:30:39,000
to reconsider prevails

1013

01:30:46,300 --> 01:30:52,370
chair recognizes mr. Davis for emotion

1014
01:30:49,660 --> 01:30:54,440
miss Pinkerton members I moved to

1015
01:30:52,370 --> 01:30:56,930
recommit Senate bill five five down five

1016
01:30:54,440 --> 01:30:58,600
five nine to the houses of committee of

1017
01:30:56,930 --> 01:31:00,800
the whole

1018
01:30:58,600 --> 01:31:04,760
alright members you've heard the motion

1019
01:31:00,800 --> 01:31:06,620
is there objection to the motion all

1020
01:31:04,760 --> 01:31:08,870
right there is objection mr. Davis you

1021
01:31:06,620 --> 01:31:10,040
my speaker miss can I ask a question of

1022
01:31:08,870 --> 01:31:13,220
mr. Davis please

1023
01:31:10,040 --> 01:31:15,770
surely may I look heels in his head mr.

1024
01:31:13,220 --> 01:31:18,530
Davis I think the idea of all of us

1025
01:31:15,770 --> 01:31:20,360
being more advised about the situation

1026
01:31:18,530 --> 01:31:21,980
is a fine idea that's what you're trying

1027
01:31:20,360 --> 01:31:24,950
to do isn't it that's right mr. head I

1028
01:31:21,980 --> 01:31:26,780
think that the the agency has said that

1029
01:31:24,950 --> 01:31:28,250
there was some inadvertent error some

1030
01:31:26,780 --> 01:31:30,800
problems that arose that they were not

1031
01:31:28,250 --> 01:31:32,930
aware of that the controller had issued

1032
01:31:30,800 --> 01:31:34,640
a statement in letter form to them

1033
01:31:32,930 --> 01:31:36,350
advising them of the amount of money

1034
01:31:34,640 --> 01:31:39,770
that was available for expenditures on

1035
01:31:36,350 --> 01:31:41,570
textbooks and I think that this matter

1036
01:31:39,770 --> 01:31:43,910
ought to be explained to the members of

1037
01:31:41,570 --> 01:31:46,640
this house in full all right mr. Davis

1038
01:31:43,910 --> 01:31:48,320
the question I would ask is this I think

1039
01:31:46,640 --> 01:31:50,690
there's several of us that are

1040

01:31:48,320 --> 01:31:53,360
attempting to secure more accurate

1041
01:31:50,690 --> 01:31:55,010
information I'm in a cordon what you're

1042
01:31:53,360 --> 01:31:58,750
trying to do but I wonder if you would

1043
01:31:55,010 --> 01:32:01,100
object after we've agreed with your

1044
01:31:58,750 --> 01:32:02,810
procedural motion to go to a committee

1045
01:32:01,100 --> 01:32:05,870
of the whole would you object to setting

1046
01:32:02,810 --> 01:32:08,720
this over for say about ten days to make

1047
01:32:05,870 --> 01:32:11,140
sure that we have information and acquit

1048
01:32:08,720 --> 01:32:13,700
information from all available sources

1049
01:32:11,140 --> 01:32:15,290
so when we take this matter up as a

1050
01:32:13,700 --> 01:32:18,200
committee of the whole we can at that

1051
01:32:15,290 --> 01:32:20,420
time assure ourselves that we do have

1052
01:32:18,200 --> 01:32:22,460
information I personally am conducting

1053
01:32:20,420 --> 01:32:26,150
some research that I think might be of

1054
01:32:22,460 --> 01:32:28,550
benefit what would it be alright to set

1055
01:32:26,150 --> 01:32:30,200
it over for a few days mr. head I have

1056
01:32:28,550 --> 01:32:32,090
made a commitment to ask for our

1057
01:32:30,200 --> 01:32:34,460
suspension of the five day posted rule

1058
01:32:32,090 --> 01:32:36,890
so the matter could be heard immediately

1059
01:32:34,460 --> 01:32:38,660
and also to suspend the rules that would

1060
01:32:36,890 --> 01:32:40,940
require this bill to go back to the

1061
01:32:38,660 --> 01:32:43,310
calendars committee for our calendar for

1062
01:32:40,940 --> 01:32:46,040
floor action when the house should rise

1063
01:32:43,310 --> 01:32:49,100
and report if it does on this bill in a

1064
01:32:46,040 --> 01:32:51,050
favorable manner so while your idea

1065
01:32:49,100 --> 01:32:52,520
might be a good one I'll have to leave

1066
01:32:51,050 --> 01:32:54,590
that to the will of the house I

1067

01:32:52,520 --> 01:32:56,630
personally am committed to ask for

1068
01:32:54,590 --> 01:32:58,550
suspension of those rules should my

1069
01:32:56,630 --> 01:32:59,599
motion to recommit to the

1070
01:32:58,550 --> 01:33:02,449
housed as a committee of the whole

1071
01:32:59,599 --> 01:33:04,309
prevail well what is your timetable on

1072
01:33:02,449 --> 01:33:08,690
when this committee of the whole with me

1073
01:33:04,309 --> 01:33:10,880
mr. Davis well mr. head I'm not going to

1074
01:33:08,690 --> 01:33:12,290
be in charge of scheduling the meeting

1075
01:33:10,880 --> 01:33:14,389
of the house as a committee of the whole

1076
01:33:12,290 --> 01:33:17,329
that would be done by the person who

1077
01:33:14,389 --> 01:33:19,130
would chair the committee and that

1078
01:33:17,329 --> 01:33:21,139
person would be chosen by the speaker so

1079
01:33:19,130 --> 01:33:23,239
I would suggest that such inquiry might

1080
01:33:21,139 --> 01:33:25,099
be directed to the chair not directed to

1081
01:33:23,239 --> 01:33:26,840
me because I don't know personally I'd

1082
01:33:25,099 --> 01:33:29,780
like to go ahead and do it today I think

1083
01:33:26,840 --> 01:33:31,909
that the agency people are here I just

1084
01:33:29,780 --> 01:33:33,530
want them to explain what the situation

1085
01:33:31,909 --> 01:33:35,150
is and why it occurred because I think

1086
01:33:33,530 --> 01:33:36,889
this house I don't know well I think

1087
01:33:35,150 --> 01:33:38,989
that's fine but I think there are also

1088
01:33:36,889 --> 01:33:41,150
several of us that would like to be sure

1089
01:33:38,989 --> 01:33:43,219
that we have all of the adequate

1090
01:33:41,150 --> 01:33:44,770
information that we can gather and

1091
01:33:43,219 --> 01:33:47,869
that's why I raised the question about

1092
01:33:44,770 --> 01:33:51,500
having several days to do this could I

1093
01:33:47,869 --> 01:33:55,309
inquire the chair then what the

1094

01:33:51,500 --> 01:34:00,860
timetable might be it's all right with

1095
01:33:55,309 --> 01:34:02,090
me let's head it really we kind of

1096
01:34:00,860 --> 01:34:04,550
premature right now because we haven't

1097
01:34:02,090 --> 01:34:08,389
recommitted okay with the chair then

1098
01:34:04,550 --> 01:34:09,860
restate the motion mr. Davis's motion

1099
01:34:08,389 --> 01:34:10,329
wants to recommit to a committee of the

1100
01:34:09,860 --> 01:34:13,909
whole

1101
01:34:10,329 --> 01:34:14,510
thank you miss Farrell gentleman yield

1102
01:34:13,909 --> 01:34:17,659
for a question

1103
01:34:14,510 --> 01:34:20,989
yo miss Davis I am miss Davis to your

1104
01:34:17,659 --> 01:34:23,210
knowledge has the house ever resolved

1105
01:34:20,989 --> 01:34:25,040
itself into a committee of the whole to

1106
01:34:23,210 --> 01:34:26,900
my knowledge it has not mr. Gargan these

1107
01:34:25,040 --> 01:34:28,219
amendments which authorize this

1108
01:34:26,900 --> 01:34:31,340
procedure I believe were placed in the

1109
01:34:28,219 --> 01:34:33,170
rules neither 1972 or 73 it could have

1110
01:34:31,340 --> 01:34:36,739
been in the beginning of the regular

1111
01:34:33,170 --> 01:34:38,179
session in 1973 6/3 legislature I know

1112
01:34:36,739 --> 01:34:39,679
of no instance where that has been

1113
01:34:38,179 --> 01:34:42,139
followed I would say however that the

1114
01:34:39,679 --> 01:34:44,090
Senate used this procedure when they

1115
01:34:42,139 --> 01:34:46,219
were considering the emergency matter

1116
01:34:44,090 --> 01:34:49,340
that on the 55 mile an hour speed limit

1117
01:34:46,219 --> 01:34:50,179
in 1973 in the special session well

1118
01:34:49,340 --> 01:34:52,400
there's a great deal of difference

1119
01:34:50,179 --> 01:34:54,500
between 31 member committee of the whole

1120
01:34:52,400 --> 01:34:57,860
150 member committee of the whole isn't

1121

01:34:54,500 --> 01:35:00,920
there about five times miss guy now mr.

1122
01:34:57,860 --> 01:35:04,010
Davis what committee considered this

1123
01:35:00,920 --> 01:35:05,090
bill when it was referred to committee I

1124
01:35:04,010 --> 01:35:06,320
assume they went through the

1125
01:35:05,090 --> 01:35:06,739
appropriations committee but I don't

1126
01:35:06,320 --> 01:35:09,349
know

1127
01:35:06,739 --> 01:35:11,810
the bill will say in the first paragraph

1128
01:35:09,349 --> 01:35:13,520
I looked in the history was

1129
01:35:11,810 --> 01:35:15,290
many males referred to is there any

1130
01:35:13,520 --> 01:35:17,570
reason why that committee couldn't do

1131
01:35:15,290 --> 01:35:19,100
that sort of work any reason why we have

1132
01:35:17,570 --> 01:35:20,720
to do it as a committee of the whole why

1133
01:35:19,100 --> 01:35:22,010
can't the Appropriations Committee or

1134
01:35:20,720 --> 01:35:24,140
what you ever committee consider this

1135
01:35:22,010 --> 01:35:26,480
bill go back and consider the matters

1136
01:35:24,140 --> 01:35:28,010
that concern you mr. garner if you don't

1137
01:35:26,480 --> 01:35:29,780
want to consider the bill in the

1138
01:35:28,010 --> 01:35:31,340
committee of the whole then go there and

1139
01:35:29,780 --> 01:35:32,780
vote no what a most look-ins affair I

1140
01:35:31,340 --> 01:35:35,150
think you're asking me because I think

1141
01:35:32,780 --> 01:35:36,260
that the best procedure is to have it

1142
01:35:35,150 --> 01:35:37,850
heard in the committee of the whole

1143
01:35:36,260 --> 01:35:39,260
rather than heard before the committee

1144
01:35:37,850 --> 01:35:41,000
that considered the bill originally I

1145
01:35:39,260 --> 01:35:42,680
say certainly yes I wouldn't be up here

1146
01:35:41,000 --> 01:35:44,630
making a motion if I didn't think that

1147
01:35:42,680 --> 01:35:46,070
that was the best process for the

1148

01:35:44,630 --> 01:35:48,350
members of this house to secure

1149
01:35:46,070 --> 01:35:49,880
first-hand factual information or what

1150
01:35:48,350 --> 01:35:54,800
happened and why the problem has arisen

1151
01:35:49,880 --> 01:35:56,390
I feel that and I think that it's a best

1152
01:35:54,800 --> 01:35:58,280
way to go and I hope that the members of

1153
01:35:56,390 --> 01:35:59,990
the house will feel that way too and

1154
01:35:58,280 --> 01:36:02,150
they will vote to recommit it in this

1155
01:35:59,990 --> 01:36:03,680
fashion and well beaker I moved on how

1156
01:36:02,150 --> 01:36:05,960
it knows that the people in the house

1157
01:36:03,680 --> 01:36:10,820
would see reason and vote no on your

1158
01:36:05,960 --> 01:36:12,860
motion mr. David okay members the

1159
01:36:10,820 --> 01:36:14,510
question occurs on the motion to

1160
01:36:12,860 --> 01:36:16,370
recommit the committee of the whole

1161
01:36:14,510 --> 01:36:17,870
all those in favor the motion to

1162
01:36:16,370 --> 01:36:19,190
recommit the committee of the whole vote

1163
01:36:17,870 --> 01:36:21,880
aye all those opposed to vote no

1164
01:36:19,190 --> 01:36:21,880
estimation vote

1165
01:36:27,080 --> 01:36:32,330
we got to get we got to get

1166
01:36:36,510 --> 01:36:41,870
strike a bow motion to recommit the

1167
01:36:38,940 --> 01:36:41,870
committee to hold prevails

1168
01:36:56,000 --> 01:36:58,900
mr. speaker

1169
01:37:10,840 --> 01:37:15,700
okay chair recognize parliamentary

1170
01:37:13,930 --> 01:37:17,050
inquiry requirement awaiting mr. speaker

1171
01:37:15,700 --> 01:37:20,200
I know that you're aware of the work

1172
01:37:17,050 --> 01:37:21,640
that the 4-h clubs around Texas do what

1173
01:37:20,200 --> 01:37:23,440
the work that they do but I wonder if

1174
01:37:21,640 --> 01:37:25,570
you're aware that and that you know that

1175

01:37:23,440 --> 01:37:28,480
the 4-h club of sent in Texas and their

1176
01:37:25,570 --> 01:37:29,830
sponsors on the gallery behind me we're

1177
01:37:28,480 --> 01:37:41,980
pleased to have them here today mr.

1178
01:37:29,830 --> 01:37:45,030
waiting mr. picker

1179
01:37:41,980 --> 01:37:47,440
Mantha Monson do you think you did

1180
01:37:45,030 --> 01:37:49,780
destroy the press of business too badly

1181
01:37:47,440 --> 01:37:51,370
if I introduced a group of Girl Scouts

1182
01:37:49,780 --> 01:37:52,960
from Grayson County they're mighty

1183
01:37:51,370 --> 01:37:53,170
pretty in there up here in this side of

1184
01:37:52,960 --> 01:37:56,730
town

1185
01:37:53,170 --> 01:37:56,730
we're pleased to have them mr. Munson

1186
01:37:57,630 --> 01:38:01,690
she'll recognize mr. Davis foot motion

1187
01:38:00,190 --> 01:38:03,340
mr. speaker and members I'll move to

1188
01:38:01,690 --> 01:38:05,530
spend all necessary rules so that the

1189
01:38:03,340 --> 01:38:06,910
house when it resolves itself into a

1190
01:38:05,530 --> 01:38:10,750
committee of whole can take up and

1191
01:38:06,910 --> 01:38:13,060
consider Senate bill five five nine all

1192
01:38:10,750 --> 01:38:16,150
right Miss Agnes Miss Agnes speak

1193
01:38:13,060 --> 01:38:19,690
against the motion mr. speaker and

1194
01:38:16,150 --> 01:38:22,320
members I rise to speak against the

1195
01:38:19,690 --> 01:38:25,240
suspension of the five day posting rule

1196
01:38:22,320 --> 01:38:27,310
because we need the five days speaker

1197
01:38:25,240 --> 01:38:29,230
mr. Halliwell there's an awful lot of

1198
01:38:27,310 --> 01:38:35,140
noise could you get some order parts

1199
01:38:29,230 --> 01:38:39,400
please members this is a rather unusual

1200
01:38:35,140 --> 01:38:42,090
procedure that we're in right now I

1201
01:38:39,400 --> 01:38:45,250
think it would behoove each of you to

1202

01:38:42,090 --> 01:38:51,310
pay particular attention to what's going

1203
01:38:45,250 --> 01:38:54,540
on mr. Agnes you will not proceed until

1204
01:38:51,310 --> 01:38:54,540
we have order on the floor

1205
01:39:29,219 --> 01:39:36,550
mr. speaker it appears that some did not

1206
01:39:31,780 --> 01:39:37,840
hear your announcement Thank You mr.

1207
01:39:36,550 --> 01:39:41,099
McDonald we're not going to proceed

1208
01:39:37,840 --> 01:39:41,099
until we have order on the floor

1209
01:39:46,800 --> 01:39:51,900
mr. Agnes I believe you have their

1210
01:39:48,630 --> 01:39:54,960
attention Thank You mr. speaker members

1211
01:39:51,900 --> 01:39:58,340
I rise to speak in opposition to the

1212
01:39:54,960 --> 01:40:01,200
suspension of the five-day posting rule

1213
01:39:58,340 --> 01:40:05,190
because I believe we need those five

1214
01:40:01,200 --> 01:40:07,200
days to thoroughly investigate many

1215
01:40:05,190 --> 01:40:10,230
matters that have come up since this

1216
01:40:07,200 --> 01:40:14,130
issue was first raised I was not aware

1217
01:40:10,230 --> 01:40:15,630
of the motion to to revert the house to

1218
01:40:14,130 --> 01:40:18,630
a committee of the whole until a little

1219
01:40:15,630 --> 01:40:21,540
bit ago and I would like as I know other

1220
01:40:18,630 --> 01:40:24,600
members was more time I am in receipt of

1221
01:40:21,540 --> 01:40:28,460
a letter for instance I just got today

1222
01:40:24,600 --> 01:40:30,750
from a school teacher in McAllen who

1223
01:40:28,460 --> 01:40:32,340
suggested that I distribute the letter

1224
01:40:30,750 --> 01:40:34,680
to the members of the house and I

1225
01:40:32,340 --> 01:40:37,740
haven't had time and she goes into

1226
01:40:34,680 --> 01:40:40,230
detail about many things that have

1227
01:40:37,740 --> 01:40:42,690
occurred I'm not going to read it to you

1228
01:40:40,230 --> 01:40:45,510
except the last paragraph and I think it

1229

01:40:42,690 --> 01:40:48,720
will illustrate why we need more time

1230
01:40:45,510 --> 01:40:51,050
she says I can't afford to write this

1231
01:40:48,720 --> 01:40:53,580
letter because I am no longer teaching

1232
01:40:51,050 --> 01:40:55,980
having resigned from the McAllen

1233
01:40:53,580 --> 01:41:00,330
teaching position I held until the

1234
01:40:55,980 --> 01:41:03,360
spring of 1973 anyone still teaching

1235
01:41:00,330 --> 01:41:07,110
would not feel free to speak out as I

1236
01:41:03,360 --> 01:41:11,070
have done for fear of losing their job I

1237
01:41:07,110 --> 01:41:13,890
think that matters of this kind are so

1238
01:41:11,070 --> 01:41:16,680
important that I think we need the

1239
01:41:13,890 --> 01:41:19,320
additional five days to be sure that we

1240
01:41:16,680 --> 01:41:22,110
are able to get it all the facts so that

1241
01:41:19,320 --> 01:41:24,090
when we do resolve ourselves into a

1242
01:41:22,110 --> 01:41:26,520
committee of whole we will know exactly

1243
01:41:24,090 --> 01:41:28,500
what we're talking about and the

1244
01:41:26,520 --> 01:41:31,700
questions to ask and I urge you to vote

1245
01:41:28,500 --> 01:41:31,700
no on this motion

1246
01:41:34,780 --> 01:41:39,850
chair recognizes mr. Davis mr. Picard

1247
01:41:37,180 --> 01:41:43,150
members this Senate bill five five nine

1248
01:41:39,850 --> 01:41:44,890
was written referred on the 19th day of

1249
01:41:43,150 --> 01:41:46,719
March 1975 the Committee on

1250
01:41:44,890 --> 01:41:48,699
Appropriations that Committee held

1251
01:41:46,719 --> 01:41:51,370
hearings on a bill reported out on April

1252
01:41:48,699 --> 01:41:52,719
8 that's thirteen days ago it's been

1253
01:41:51,370 --> 01:41:54,580
here if there was objection

1254
01:41:52,719 --> 01:41:55,690
investigation that would need it to be

1255
01:41:54,580 --> 01:41:58,000
made mr. Agnes

1256

01:41:55,690 --> 01:42:00,190
if you'll recall spoke against the bill

1257
01:41:58,000 --> 01:42:01,750
last week he should have had his

1258
01:42:00,190 --> 01:42:03,310
information if it was needed at that

1259
01:42:01,750 --> 01:42:04,840
time to be factual in these

1260
01:42:03,310 --> 01:42:07,030
presentations and I think that he

1261
01:42:04,840 --> 01:42:09,550
probably has it I think that the house

1262
01:42:07,030 --> 01:42:13,050
is ready to consider the information

1263
01:42:09,550 --> 01:42:15,400
that the agency has to justify why the

1264
01:42:13,050 --> 01:42:16,960
expenditures of the agency exceed the

1265
01:42:15,400 --> 01:42:19,540
budget did the amounts in the

1266
01:42:16,960 --> 01:42:21,219
appropriations bill passed in 1973 I

1267
01:42:19,540 --> 01:42:23,560
think that we're ready to hear that

1268
01:42:21,219 --> 01:42:25,030
testimony from the agency I think that

1269
01:42:23,560 --> 01:42:26,680
out of courtesy to Commissioner

1270
01:42:25,030 --> 01:42:29,170
rocquette that we should go ahead and do

1271
01:42:26,680 --> 01:42:32,230
that I don't think that putting it off

1272
01:42:29,170 --> 01:42:34,120
for five days is going to let people do

1273
01:42:32,230 --> 01:42:35,949
any more investigating we've got matters

1274
01:42:34,120 --> 01:42:38,020
on the calendar from now until Friday

1275
01:42:35,949 --> 01:42:39,699
that's going to occupy our time I think

1276
01:42:38,020 --> 01:42:41,680
that we can present the matter now and

1277
01:42:39,699 --> 01:42:43,690
decide the question and if there's a

1278
01:42:41,680 --> 01:42:46,330
committee of the whole we decide that we

1279
01:42:43,690 --> 01:42:47,650
do not need to pass this bill then

1280
01:42:46,330 --> 01:42:49,390
obviously won't pass if our

1281
01:42:47,650 --> 01:42:50,830
recommendation is favorable then it'll

1282
01:42:49,390 --> 01:42:52,750
come back before this house for

1283

01:42:50,830 --> 01:42:54,760
consideration the arguments can be made

1284
01:42:52,750 --> 01:42:58,360
there and I ask you to vote aye on the

1285
01:42:54,760 --> 01:43:01,630
most despicable gentleman to yield a

1286
01:42:58,360 --> 01:43:04,030
floor mat their motion now occurs on the

1287
01:43:01,630 --> 01:43:06,460
question of suspending all necessary

1288
01:43:04,030 --> 01:43:09,370
rules so that the committee of the whole

1289
01:43:06,460 --> 01:43:13,210
might take up and hear at this time mr.

1290
01:43:09,370 --> 01:43:17,160
speaker Senate bill five five nine so

1291
01:43:13,210 --> 01:43:20,739
what percentage of I vote two-thirds

1292
01:43:17,160 --> 01:43:24,430
rules pension all those in favor miss

1293
01:43:20,739 --> 01:43:25,810
Larry that's a bit can you tell us what

1294
01:43:24,430 --> 01:43:26,980
other rules other than the five-day

1295
01:43:25,810 --> 01:43:28,510
posting rule that we're going to be

1296
01:43:26,980 --> 01:43:31,420
suspending that would be applicable to

1297
01:43:28,510 --> 01:43:34,930
what we're doing I believe that's all

1298
01:43:31,420 --> 01:43:36,310
mr. Vick it's all at this time if

1299
01:43:34,930 --> 01:43:37,780
there's any other additional rules need

1300
01:43:36,310 --> 01:43:38,610
to be spent at every made in separate my

1301
01:43:37,780 --> 01:43:41,739
speaker

1302
01:43:38,610 --> 01:43:45,790
yes mr. party men are inquiring have we

1303
01:43:41,739 --> 01:43:48,260
already formed ourselves into a

1304
01:43:45,790 --> 01:43:50,510
committee no we have recommitted

1305
01:43:48,260 --> 01:43:52,070
to a committee of the whole now the

1306
01:43:50,510 --> 01:43:54,590
question occurs on the suspension of the

1307
01:43:52,070 --> 01:43:56,119
five-day posting rule so the bill may be

1308
01:43:54,590 --> 01:43:58,340
heard by the committee of the whole we

1309
01:43:56,119 --> 01:43:59,269
have not yet resolved ourselves in to

1310

01:43:58,340 --> 01:44:00,739
the committee of the whole

1311
01:43:59,269 --> 01:44:02,539
well that was my question is whether or

1312
01:44:00,739 --> 01:44:04,190
not a committee could waive a rule of

1313
01:44:02,539 --> 01:44:05,690
the house thank you Miss no the house

1314
01:44:04,190 --> 01:44:07,849
has to do that miss touches and we have

1315
01:44:05,690 --> 01:44:10,429
not got that point yet question now

1316
01:44:07,849 --> 01:44:12,619
occurs on a motion to spend the five day

1317
01:44:10,429 --> 01:44:15,289
posting rules that the committee of the

1318
01:44:12,619 --> 01:44:17,209
whole might take up and consider sent

1319
01:44:15,289 --> 01:44:18,739
bill five five nine all those in favor

1320
01:44:17,209 --> 01:44:20,840
the suspension rules vote aye all those

1321
01:44:18,739 --> 01:44:23,739
opposed will vote no it's a record vote

1322
01:44:20,840 --> 01:44:23,739
the clerk or ring the bell

1323
01:44:33,120 --> 01:44:40,040
she'll mentor Donelson voting aye all

1324
01:44:37,440 --> 01:44:40,040
members voted

1325
01:44:46,909 --> 01:44:50,170
what do you haven't got above

1326
01:44:50,450 --> 01:45:00,960
show me at the white voting aye vote

1327
01:44:53,760 --> 01:45:03,180
members voted the old members voted show

1328
01:45:00,960 --> 01:45:08,180
mr. Montero you're voting aye Gomez de

1329
01:45:03,180 --> 01:45:08,180
certain voting yo all members voted

1330
01:45:28,969 --> 01:45:31,810
they did

1331
01:45:44,500 --> 01:45:55,420
there being 90 1042 knows the rules

1332
01:45:48,490 --> 01:45:56,560
deus farce offended miss bigger

1333
01:45:55,420 --> 01:45:59,850
parliamentary inquiry

1334
01:45:56,560 --> 01:46:02,830
how do tell me what was that 91 to 191

1335
01:45:59,850 --> 01:46:05,320
42 mr. Halliwell and what does it take

1336
01:46:02,830 --> 01:46:12,730
to suspend the ruse it be 84 in this

1337

01:46:05,320 --> 01:46:14,770
case positive votes chair recognize mr.

1338
01:46:12,730 --> 01:46:16,600
Davis speaker and members I moved that

1339
01:46:14,770 --> 01:46:18,550
the house resolved itself into a

1340
01:46:16,600 --> 01:46:21,000
committee of the whole to take up and

1341
01:46:18,550 --> 01:46:23,020
consider Senate bill five five nine

1342
01:46:21,000 --> 01:46:24,580
you've heard the motion is there

1343
01:46:23,020 --> 01:46:26,320
objection to the motion yeah

1344
01:46:24,580 --> 01:46:28,980
parliamentary inquiry states inquire mr.

1345
01:46:26,320 --> 01:46:31,120
Hall well mr. thinkers and people who

1346
01:46:28,980 --> 01:46:32,980
recorded voting that were not here I'm

1347
01:46:31,120 --> 01:46:35,170
going to asked on any future boat that

1348
01:46:32,980 --> 01:46:36,910
we have strict enforcement and it's a

1349
01:46:35,170 --> 01:46:39,190
sergeant in arms pick up the key of all

1350
01:46:36,910 --> 01:46:40,810
the absent members okay mr. Halliwell it

1351
01:46:39,190 --> 01:46:42,580
has to be requested at each vote if you

1352
01:46:40,810 --> 01:46:44,770
hadn't requested when the vote comes up

1353
01:46:42,580 --> 01:46:51,760
with a gladiator selected at each vote

1354
01:46:44,770 --> 01:46:53,230
miss speaker okay you've heard the

1355
01:46:51,760 --> 01:46:54,460
motion member is there objection to the

1356
01:46:53,230 --> 01:46:57,010
motion of the taos going in the

1357
01:46:54,460 --> 01:47:01,080
committee of the whole chair here is

1358
01:46:57,010 --> 01:47:03,730
none and so ordered mr. Hale

1359
01:47:01,080 --> 01:47:06,330
chair appoints mr. Hale as chairman of

1360
01:47:03,730 --> 01:47:06,330
the committee of the whole

1361
01:47:15,550 --> 01:47:19,460
the committee of the whole

1362
01:47:17,300 --> 01:47:22,180
please come to order all members will

1363
01:47:19,460 --> 01:47:22,180
please rescue

1364

01:47:23,320 --> 01:47:27,940
so mr. Nugent curry present

1365
01:47:32,970 --> 01:47:42,090
this will be a record vote machine I'll

1366
01:47:35,970 --> 01:47:44,990
put a record vote on them have all

1367
01:47:42,090 --> 01:47:44,990
members rescue

1368
01:47:52,289 --> 01:48:02,629
I don't know what show mr. Sutton bred

1369
01:47:58,169 --> 01:48:02,629
with so much Devon Dolan

1370
01:48:24,149 --> 01:48:26,719
that's

1371
01:48:32,680 --> 01:48:38,650
there being a hundred and thirty-two

1372
01:48:34,710 --> 01:48:42,280
registered there is a quorum present mr.

1373
01:48:38,650 --> 01:48:45,430
chairman mr. Sam parliamentary inquiry

1374
01:48:42,280 --> 01:48:46,720
state your inquiry are we going to are

1375
01:48:45,430 --> 01:48:49,210
we going to have the opportunity to

1376
01:48:46,720 --> 01:48:51,340
question the witnesses are they going to

1377
01:48:49,210 --> 01:48:53,050
come before the committee as a whole yes

1378
01:48:51,340 --> 01:48:54,820
sir they will be here right now are we

1379
01:48:53,050 --> 01:48:56,890
operating under the automatic

1380
01:48:54,820 --> 01:49:00,490
subcommittee rule there is no automatic

1381
01:48:56,890 --> 01:49:03,910
subcommittee rule mr. Sayle it's

1382
01:49:00,490 --> 01:49:05,860
prohibited in the house miss mr. Hale

1383
01:49:03,910 --> 01:49:07,600
who is the vice chairman of this

1384
01:49:05,860 --> 01:49:09,640
committee as a whole although this

1385
01:49:07,600 --> 01:49:11,320
committee has no vast mr. Salem are

1386
01:49:09,640 --> 01:49:13,470
getting their up tomorrow well we need a

1387
01:49:11,320 --> 01:49:16,060
little vice can we name Oh

1388
01:49:13,470 --> 01:49:18,670
mr. chairman parliamentary inquiry

1389
01:49:16,060 --> 01:49:21,670
speights your inquiry under the rules of

1390
01:49:18,670 --> 01:49:23,230
the committee of the whole the rules of

1391

01:49:21,670 --> 01:49:25,690
the house regarding a privilege of the

1392
01:49:23,230 --> 01:49:27,790
floor prevail except for invited

1393
01:49:25,690 --> 01:49:29,760
witnesses or or as the general public

1394
01:49:27,790 --> 01:49:32,620
invited

1395
01:49:29,760 --> 01:49:34,750
well the chairs going the rule at the

1396
01:49:32,620 --> 01:49:36,670
rules of the house prevails so we we

1397
01:49:34,750 --> 01:49:38,530
won't have chaos here on the floor other

1398
01:49:36,670 --> 01:49:41,890
than the witnesses other than invited

1399
01:49:38,530 --> 01:49:44,500
witnesses parliamentary inquiry mr.

1400
01:49:41,890 --> 01:49:46,990
chairman start your inquiry mr. chairman

1401
01:49:44,500 --> 01:49:48,910
is the house adjourn no sir the house

1402
01:49:46,990 --> 01:49:50,860
has resolved itself into the committee

1403
01:49:48,910 --> 01:49:52,510
of the whole can a committee meet while

1404
01:49:50,860 --> 01:49:54,640
the house was in session yes sir we

1405
01:49:52,510 --> 01:50:00,330
suspended the ruse and brought this

1406
01:49:54,640 --> 01:50:00,330
about we suspended the rules in yes sir

1407
01:50:01,620 --> 01:50:05,860
jaren lays before the committee at this

1408
01:50:04,030 --> 01:50:08,110
time is pending business Senate bill

1409
01:50:05,860 --> 01:50:10,510
five five nine and recognizes the

1410
01:50:08,110 --> 01:50:11,410
sponsor of the bill mr. president Oh mr.

1411
01:50:10,510 --> 01:50:13,660
mr. chairman

1412
01:50:11,410 --> 01:50:16,330
what's Ailin Senate bill five five nine

1413
01:50:13,660 --> 01:50:17,650
is now before the house it's now before

1414
01:50:16,330 --> 01:50:19,480
the committee of the whole the committee

1415
01:50:17,650 --> 01:50:23,700
of the whole I move that Senate bill

1416
01:50:19,480 --> 01:50:23,700
five five \$0.90 to sub to me

1417
01:50:26,580 --> 01:50:31,480
chair recognizes mr. prize novice

1418

01:50:29,770 --> 01:50:34,600
sponsor the bill for an explanation of

1419
01:50:31,480 --> 01:50:35,980
the bill mr. chairman and members I

1420
01:50:34,600 --> 01:50:39,400
don't think I need to go into a lot of

1421
01:50:35,980 --> 01:50:42,340
detail we have debated this bill on the

1422
01:50:39,400 --> 01:50:44,910
floor last Wednesday it has been hurting

1423
01:50:42,340 --> 01:50:47,350
in forcing the Appropriations Committee

1424
01:50:44,910 --> 01:50:48,760
let me just review a couple of things

1425
01:50:47,350 --> 01:50:52,060
with you first of all

1426
01:50:48,760 --> 01:50:59,410
Senate bill 559 is the bill that would

1427
01:50:52,060 --> 01:51:03,190
appropriate an estimate or an amount up

1428
01:50:59,410 --> 01:51:07,030
to 2.8 million dollars for the purpose

1429
01:51:03,190 --> 01:51:10,270
of paying off a not expended or not an

1430
01:51:07,030 --> 01:51:12,760
unexpected but encumbered amount of that

1431
01:51:10,270 --> 01:51:16,600
is all on textbooks foreign to the

1432
01:51:12,760 --> 01:51:18,820
publishing companies and also to some

1433
01:51:16,600 --> 01:51:20,410
freight companies now let me just point

1434
01:51:18,820 --> 01:51:22,480
out a couple of things to you before I

1435
01:51:20,410 --> 01:51:24,670
called my first witness mr. chairman

1436
01:51:22,480 --> 01:51:28,030
that have not been pointed out I think

1437
01:51:24,670 --> 01:51:31,360
the Texas Education Agency has pointed

1438
01:51:28,030 --> 01:51:33,670
out to me two others that have they

1439
01:51:31,360 --> 01:51:35,980
discussed this matter with that the

1440
01:51:33,670 --> 01:51:38,170
there there wasn't air on their part and

1441
01:51:35,980 --> 01:51:39,640
not realizing that the word estimated

1442
01:51:38,170 --> 01:51:42,760
was actually just moved by the

1443
01:51:39,640 --> 01:51:46,030
conference committee from from preceding

1444
01:51:42,760 --> 01:51:48,100
the line items to include only one line

1445

01:51:46,030 --> 01:51:50,920
item and that's what this is all about

1446
01:51:48,100 --> 01:51:52,390
in the last appropriations bill but let

1447
01:51:50,920 --> 01:51:56,440
me point out to you that on June the

1448
01:51:52,390 --> 01:51:59,200
second 19 June the 21st it is 1974 the

1449
01:51:56,440 --> 01:52:02,260
Comptroller actually stated in a letter

1450
01:51:59,200 --> 01:52:05,080
that I have here that an estimated that

1451
01:52:02,260 --> 01:52:07,270
there was a 23 million nine hundred

1452
01:52:05,080 --> 01:52:10,450
ninety three thousand six hundred and

1453
01:52:07,270 --> 01:52:13,510
twelve dollars available in this in the

1454
01:52:10,450 --> 01:52:16,030
textbook to count the following month in

1455
01:52:13,510 --> 01:52:20,440
July when the State Board of Education

1456
01:52:16,030 --> 01:52:23,020
met they at that time ordered the

1457
01:52:20,440 --> 01:52:25,420
textbooks and set in motion the

1458
01:52:23,020 --> 01:52:29,230
procedures that ordered the textbooks at

1459
01:52:25,420 --> 01:52:31,510
least and spent in effect that amount of

1460
01:52:29,230 --> 01:52:33,820
money that was after the Comptroller had

1461
01:52:31,510 --> 01:52:38,920
made its estimate then the following

1462
01:52:33,820 --> 01:52:41,080
October in 1974 the Comptroller

1463
01:52:38,920 --> 01:52:44,389
advised the State Board of Education

1464
01:52:41,080 --> 01:52:46,190
that they only had twenty million

1465
01:52:44,389 --> 01:52:48,350
dollars 20 million two hundred sixty

1466
01:52:46,190 --> 01:52:50,239
eight thousand and six dollars as a

1467
01:52:48,350 --> 01:52:53,750
matter of fact because he himself had

1468
01:52:50,239 --> 01:52:56,989
made an error and since that time let me

1469
01:52:53,750 --> 01:52:58,400
point out to you defense the statements

1470
01:52:56,989 --> 01:53:00,230
that I have made and others have made

1471
01:52:58,400 --> 01:53:03,139
that the TE a made a mistake which they

1472

01:53:00,230 --> 01:53:05,810
did that there have been no expenditures

1473
01:53:03,139 --> 01:53:07,909
once the Comptroller had stated that he

1474
01:53:05,810 --> 01:53:10,429
had made an error and there was not

1475
01:53:07,909 --> 01:53:12,020
twenty three million dollars in the

1476
01:53:10,429 --> 01:53:14,480
textbook account as he had previously

1477
01:53:12,020 --> 01:53:17,510
stated and I say since that time there

1478
01:53:14,480 --> 01:53:20,710
have been no amounts encumbered by the

1479
01:53:17,510 --> 01:53:23,420
State Board of Education mr. chairman

1480
01:53:20,710 --> 01:53:25,190
mr. Wesson for what purpose I'd like to

1481
01:53:23,420 --> 01:53:27,199
raise a point of order that this is a

1482
01:53:25,190 --> 01:53:31,550
Senate bill being debated on House bill

1483
01:53:27,199 --> 01:53:35,389
day and for the committee this is a

1484
01:53:31,550 --> 01:53:37,489
committee meeting mr. Wilson and there's

1485
01:53:35,389 --> 01:53:41,500
no provision in the rule it prohibits us

1486
01:53:37,489 --> 01:53:41,500
from considering Senate bills on any day

1487
01:53:43,449 --> 01:53:47,960
the only thing the rule requires us to

1488
01:53:46,010 --> 01:53:50,030
do in that connection mr. Wilson this

1489
01:53:47,960 --> 01:53:51,800
this give priority to Senate bills on

1490
01:53:50,030 --> 01:53:54,310
calendars Wednesday and Thursday but we

1491
01:53:51,800 --> 01:53:57,739
can take up Senate bills any other time

1492
01:53:54,310 --> 01:54:00,730
mr. chairman according to the reference

1493
01:53:57,739 --> 01:54:02,750
made in the house rules on page 165

1494
01:54:00,730 --> 01:54:04,730
consideration of a bill in a committee

1495
01:54:02,750 --> 01:54:06,320
of the whole house must be in accordance

1496
01:54:04,730 --> 01:54:08,179
with the house rules relating to

1497
01:54:06,320 --> 01:54:10,400
consideration of types of bills through

1498
01:54:08,179 --> 01:54:13,429
the week for example in the 50th

1499

01:54:10,400 --> 01:54:15,320
legislative section WL read rule that a

1500
01:54:13,429 --> 01:54:17,840
House Joint Resolution could be slow

1501
01:54:15,320 --> 01:54:21,619
considered only on Tuesday a Senate bill

1502
01:54:17,840 --> 01:54:23,840
on Wednesday or Thursday at that time

1503
01:54:21,619 --> 01:54:25,790
mr. Wilson I happen to be a member of

1504
01:54:23,840 --> 01:54:27,860
the house and we had a rule at that time

1505
01:54:25,790 --> 01:54:29,719
it required joint resolutions to be

1506
01:54:27,860 --> 01:54:32,179
considered only on calendar queues be

1507
01:54:29,719 --> 01:54:33,679
that rule is no longer in the rules and

1508
01:54:32,179 --> 01:54:35,480
there's no rule now governing when

1509
01:54:33,679 --> 01:54:37,280
Senate bills can be considered except to

1510
01:54:35,480 --> 01:54:41,380
give them priority on Wednesday and 30

1511
01:54:37,280 --> 01:54:41,380
more of orders respectfully over

1512
01:54:44,320 --> 01:54:48,889
mr. president Oh mr. chairman I don't

1513
01:54:47,510 --> 01:54:51,409
want to take a lot of time you have

1514
01:54:48,889 --> 01:54:53,210
already heard some debate on this on

1515
01:54:51,409 --> 01:54:55,190
this particular measure so I'd like to

1516
01:54:53,210 --> 01:54:57,889
call it my first way I mention Jared er

1517
01:54:55,190 --> 01:54:59,840
Marlin Brock at the the Commissioner of

1518
01:54:57,889 --> 01:55:02,480
Education mr. chairman will the

1519
01:54:59,840 --> 01:55:05,540
gentleman yield for a question first you

1520
01:55:02,480 --> 01:55:08,360
year for question mr. president yes for

1521
01:55:05,540 --> 01:55:10,449
question mr. president I want to make

1522
01:55:08,360 --> 01:55:14,389
this clear so the house will understand

1523
01:55:10,449 --> 01:55:17,030
you stated that the words to be

1524
01:55:14,389 --> 01:55:22,310
estimated were taken out in conference

1525
01:55:17,030 --> 01:55:24,199
committee now is removed from proceeding

1526

01:55:22,310 --> 01:55:26,389
the line items in that all right here

1527
01:55:24,199 --> 01:55:29,540
about four line items too but yellowing

1528
01:55:26,389 --> 01:55:32,329
one line item is it not true that the

1529
01:55:29,540 --> 01:55:34,969
House Appropriations Committee removes

1530
01:55:32,329 --> 01:55:38,329
that clause and that removal was

1531
01:55:34,969 --> 01:55:40,250
approved by that is I think we'd better

1532
01:55:38,329 --> 01:55:41,829
check that I have documents here mr.

1533
01:55:40,250 --> 01:55:44,000
negative what do you mind if you feel

1534
01:55:41,829 --> 01:55:45,920
given just a moment let me explain that

1535
01:55:44,000 --> 01:55:48,829
I know the house is interested in that

1536
01:55:45,920 --> 01:55:51,650
but the documents I have here indicate

1537
01:55:48,829 --> 01:55:53,179
that what happened was this the House

1538
01:55:51,650 --> 01:55:54,920
Committee and this is one of the reasons

1539
01:55:53,179 --> 01:55:57,920
the agency made the error that made the

1540
01:55:54,920 --> 01:55:59,869
house committee had estimated in there

1541
01:55:57,920 --> 01:56:01,940
the Senate and and on the House floor

1542
01:55:59,869 --> 01:56:04,099
when we passed it on on the House floor

1543
01:56:01,940 --> 01:56:05,949
it had estimated in there the Senate

1544
01:56:04,099 --> 01:56:08,599
also had estimated in there

1545
01:56:05,949 --> 01:56:10,040
proceeding all of these four categories

1546
01:56:08,599 --> 01:56:13,159
I don't remember all them one of them is

1547
01:56:10,040 --> 01:56:17,480
textbooks and then in conference

1548
01:56:13,159 --> 01:56:20,030
committee they decided to move it to the

1549
01:56:17,480 --> 01:56:22,070
effect that it did not affect textbooks

1550
01:56:20,030 --> 01:56:24,619
any longer a textbook for a little

1551
01:56:22,070 --> 01:56:28,099
longer estimated now in order to do that

1552
01:56:24,619 --> 01:56:29,690
they had to put it in the resolution and

1553

01:56:28,099 --> 01:56:32,000

I have the resolution number Senate

1554

01:56:29,690 --> 01:56:34,369

joint resolution number 119 I believe it

1555

01:56:32,000 --> 01:56:37,159

is that we passed on the House floor

1556

01:56:34,369 --> 01:56:39,020

here which allows the conference

1557

01:56:37,159 --> 01:56:41,349

committees the conference committee on

1558

01:56:39,020 --> 01:56:43,400

the appropriations bill to go outside of

1559

01:56:41,349 --> 01:56:44,750

adjusting the differences now that's how

1560

01:56:43,400 --> 01:56:46,940

it actually happened according to

1561

01:56:44,750 --> 01:56:49,400

documents I have here mistakes well well

1562

01:56:46,940 --> 01:56:51,469

maybe we can develop that more later mr.

1563

01:56:49,400 --> 01:56:54,139

Pres know because my remembrance and

1564

01:56:51,469 --> 01:56:55,539

what the what our appropriation

1565

01:56:54,139 --> 01:57:06,369

committee staff tell me

1566

01:56:55,539 --> 01:57:07,960

is not that way I call dr. Brock in the

1567
01:57:06,369 --> 01:57:09,579
sprocket you raise your right hand you

1568
01:57:07,960 --> 01:57:11,019
saw me swear testimony you're about to

1569
01:57:09,579 --> 01:57:12,070
give on matters pending before the

1570
01:57:11,019 --> 01:57:13,539
committee will be the truth the whole

1571
01:57:12,070 --> 01:57:16,000
truth and nothing but the truth so have

1572
01:57:13,539 --> 01:57:17,590
you got please state your name the

1573
01:57:16,000 --> 01:57:18,730
capacity in which you appear before the

1574
01:57:17,590 --> 01:57:21,360
committee and then you might make your

1575
01:57:18,730 --> 01:57:25,289
presentation I'm Marlon Brocket

1576
01:57:21,360 --> 01:57:32,800
Commissioner of Education state of Texas

1577
01:57:25,289 --> 01:57:34,690
mr. speaker mr. chairman mr. Carla if we

1578
01:57:32,800 --> 01:57:36,400
can get some better order I'd like to

1579
01:57:34,690 --> 01:57:39,219
ask the gentleman a question

1580

01:57:36,400 --> 01:57:41,139
mr. Conwell let the chair make this

1581
01:57:39,219 --> 01:57:43,150
statement to the house where we have two

1582
01:57:41,139 --> 01:57:45,670
witnesses here that the chair is aware I

1583
01:57:43,150 --> 01:57:48,309
will be called the chair would ask your

1584
01:57:45,670 --> 01:57:50,260
cooperation if you will and allow them

1585
01:57:48,309 --> 01:57:52,960
to make whatever presentation they want

1586
01:57:50,260 --> 01:57:55,449
to make and then then ask them questions

1587
01:57:52,960 --> 01:58:01,030
if you will and let's please give these

1588
01:57:55,449 --> 01:58:06,670
witnesses your attention members mr.

1589
01:58:01,030 --> 01:58:10,269
speaker members of the 64th the house of

1590
01:58:06,670 --> 01:58:12,550
the 64th sights of this legislature I do

1591
01:58:10,269 --> 01:58:16,179
appreciate the opportunity to appear

1592
01:58:12,550 --> 01:58:19,869
before you today I'm sorry that I come

1593
01:58:16,179 --> 01:58:24,340
to you on a subject which we have made

1594
01:58:19,869 --> 01:58:29,880
on era but I have been commissioner

1595
01:58:24,340 --> 01:58:33,130
since July 1 now 74 and in my

1596
01:58:29,880 --> 01:58:36,460
appearances before boards of education

1597
01:58:33,130 --> 01:58:39,039
and administrators of this state we have

1598
01:58:36,460 --> 01:58:43,000
made strong commitments that we

1599
01:58:39,039 --> 01:58:45,579
recognize this legislature as the

1600
01:58:43,000 --> 01:58:48,059
policy-making body for public elementary

1601
01:58:45,579 --> 01:58:51,489
and secondary education of the state

1602
01:58:48,059 --> 01:58:54,130
that we recognize certainly the State

1603
01:58:51,489 --> 01:58:56,070
Board of Education a state elected board

1604
01:58:54,130 --> 01:58:59,440
that you have delegated certain

1605
01:58:56,070 --> 01:59:02,679
responsibilities as a policymaking body

1606
01:58:59,440 --> 01:59:07,480
and that it is our job as commissioner

1607

01:59:02,679 --> 01:59:09,050
and the professional staff employed to

1608
01:59:07,480 --> 01:59:12,800
carry out

1609
01:59:09,050 --> 01:59:15,950
the mandates and the policies that this

1610
01:59:12,800 --> 01:59:20,180
legislature has passed that is our

1611
01:59:15,950 --> 01:59:24,110
intent now and it is our intent for the

1612
01:59:20,180 --> 01:59:26,540
future we regard certainly the local

1613
01:59:24,110 --> 01:59:30,020
boards is carrying out making school

1614
01:59:26,540 --> 01:59:33,650
laws and policies that you delegate or

1615
01:59:30,020 --> 01:59:37,340
have left to them now we mr. pres null

1616
01:59:33,650 --> 01:59:40,219
has outlined to you or reviewed a fact

1617
01:59:37,340 --> 01:59:43,670
sheet that we attempted to get to every

1618
01:59:40,219 --> 01:59:47,150
member of the House on Friday setting

1619
01:59:43,670 --> 01:59:49,700
out the circumstances under which the

1620
01:59:47,150 --> 01:59:55,760
air was made that finds herself in this

1621
01:59:49,700 --> 01:59:57,620
position at this time we have for 25

1622
01:59:55,760 --> 02:00:02,840
years under the minimum foundation

1623
01:59:57,620 --> 02:00:05,960
program tried to bring estimates to each

1624
02:00:02,840 --> 02:00:08,600
session of the legislature that were as

1625
02:00:05,960 --> 02:00:11,360
close to what we thought the

1626
02:00:08,600 --> 02:00:13,750
expenditures would be for the next

1627
02:00:11,360 --> 02:00:16,070
biennium as we could possibly make

1628
02:00:13,750 --> 02:00:18,650
feeling that these were in the best

1629
02:00:16,070 --> 02:00:23,150
interest our state government to come as

1630
02:00:18,650 --> 02:00:25,700
close as we could I feel that the people

1631
02:00:23,150 --> 02:00:28,880
who handle this in the agency over the

1632
02:00:25,700 --> 02:00:32,660
past years have a good record of coming

1633
02:00:28,880 --> 02:00:34,700
close to what those expenditures are but

1634

02:00:32,660 --> 02:00:38,120
since that authority has been granted

1635
02:00:34,700 --> 02:00:39,850
them textbooks has fallen into that fell

1636
02:00:38,120 --> 02:00:44,410
into that same category

1637
02:00:39,850 --> 02:00:48,110
even though section 1202 of the code

1638
02:00:44,410 --> 02:00:53,030
provided the board an opportunity to ask

1639
02:00:48,110 --> 02:00:56,690
to to set sums in excess of maybe 25% it

1640
02:00:53,030 --> 02:00:59,750
says in the statute of what the books

1641
02:00:56,690 --> 02:01:01,880
might cost they have not availed

1642
02:00:59,750 --> 02:01:06,560
themselves of that because we did have

1643
02:01:01,880 --> 02:01:11,239
the word estimate we as mr. Prez know

1644
02:01:06,560 --> 02:01:14,120
remark the word estimate was a moot

1645
02:01:11,239 --> 02:01:16,700
question for the first year of the

1646
02:01:14,120 --> 02:01:18,710
biennium because our estimate was more

1647
02:01:16,700 --> 02:01:20,250
than what was required to deliver the

1648
02:01:18,710 --> 02:01:24,060
books to the schools under

1649
02:01:20,250 --> 02:01:28,470
try the second year the buying him it

1650
02:01:24,060 --> 02:01:32,340
fells sharp not of what was in the

1651
02:01:28,470 --> 02:01:35,610
textbook fund for this purpose with the

1652
02:01:32,340 --> 02:01:37,440
line-item but in the line-item it was

1653
02:01:35,610 --> 02:01:39,660
further pointed out that this was not

1654
02:01:37,440 --> 02:01:42,500
discovered by our office or the

1655
02:01:39,660 --> 02:01:48,200
comptroller's office until October of

1656
02:01:42,500 --> 02:01:51,720
1974 the textbook selection process

1657
02:01:48,200 --> 02:01:54,990
operates almost continuously throughout

1658
02:01:51,720 --> 02:01:56,940
the year and it is in July that the

1659
02:01:54,990 --> 02:01:59,970
State Board set the amount for this

1660
02:01:56,940 --> 02:02:02,840
current year after having our report

1661

02:01:59,970 --> 02:02:06,150
back from the comptroller's office

1662
02:02:02,840 --> 02:02:08,940
accepting the twenty three point million

1663
02:02:06,150 --> 02:02:12,090
dollars for the amount we're sorry that

1664
02:02:08,940 --> 02:02:14,040
the era was overlooked I mean the air

1665
02:02:12,090 --> 02:02:16,710
was made in overlooking that the word

1666
02:02:14,040 --> 02:02:21,090
estimate had been left out but I assure

1667
02:02:16,710 --> 02:02:24,330
you that it did not it was not any

1668
02:02:21,090 --> 02:02:27,170
intent on the agency's part that we

1669
02:02:24,330 --> 02:02:29,520
disregard the intent of this legislature

1670
02:02:27,170 --> 02:02:32,490
nor shall we ever in the future

1671
02:02:29,520 --> 02:02:36,480
disregard what we understand to be this

1672
02:02:32,490 --> 02:02:39,240
intent mr. Karle well has a question mr.

1673
02:02:36,480 --> 02:02:41,670
Park yes sir doctor pocket for the

1674
02:02:39,240 --> 02:02:44,030
benefit of the members who might not

1675
02:02:41,670 --> 02:02:49,410
have been through an appropriations bill

1676
02:02:44,030 --> 02:02:51,570
before the there's a lot of significance

1677
02:02:49,410 --> 02:02:55,770
to the phrase estimated to be is there

1678
02:02:51,570 --> 02:02:59,370
not yes sir on this fund if you if the

1679
02:02:55,770 --> 02:03:03,510
legislature appropriated estimated to be

1680
02:02:59,370 --> 02:03:07,320
\$1 then you could spend every cent that

1681
02:03:03,510 --> 02:03:09,740
was generated within the biennial two

1682
02:03:07,320 --> 02:03:15,300
fiscal years is that not correct yes sir

1683
02:03:09,740 --> 02:03:16,680
so the failure to notice the words would

1684
02:03:15,300 --> 02:03:18,950
have made no difference whether that

1685
02:03:16,680 --> 02:03:21,300
said one dollar twenty three million

1686
02:03:18,950 --> 02:03:23,280
isn't that correct you could have spent

1687
02:03:21,300 --> 02:03:27,870
every cent that it generated yes sir all

1688

02:03:23,280 --> 02:03:30,180
right well you stand there human and I'm

1689
02:03:27,870 --> 02:03:31,010
dividing myself I'm willing to forgive

1690
02:03:30,180 --> 02:03:32,810
because

1691
02:03:31,010 --> 02:03:34,970
I understand the mistake was made but

1692
02:03:32,810 --> 02:03:36,320
you will be what you're telling this is

1693
02:03:34,970 --> 02:03:38,200
that you will be looking at the bill

1694
02:03:36,320 --> 02:03:41,320
very closely and if it does say

1695
02:03:38,200 --> 02:03:43,640
estimated to be you'll understand that

1696
02:03:41,320 --> 02:03:45,380
significant yes there the removal of

1697
02:03:43,640 --> 02:03:47,120
estimated to be and what your

1698
02:03:45,380 --> 02:03:49,670
expenditures for textbooks would be

1699
02:03:47,120 --> 02:03:52,100
limited to the amount appropriate I

1700
02:03:49,670 --> 02:03:56,390
certainly well sir thank you very much

1701
02:03:52,100 --> 02:03:58,910
yes chairman will join you you you he

1702
02:03:56,390 --> 02:04:00,890
will you for a question with guests dr.

1703
02:03:58,910 --> 02:04:03,020
Brock and I noticed that the first

1704
02:04:00,890 --> 02:04:06,670
letter from the Comptroller of Public

1705
02:04:03,020 --> 02:04:10,670
Accounts was to your predecessor in June

1706
02:04:06,670 --> 02:04:12,320
dr. Edgar where he estimated that the

1707
02:04:10,670 --> 02:04:14,060
textbook fund would have twenty three

1708
02:04:12,320 --> 02:04:16,130
million nine hundred thousand dollars

1709
02:04:14,060 --> 02:04:20,530
now it's my understanding you took over

1710
02:04:16,130 --> 02:04:22,790
then in July and I would assume that

1711
02:04:20,530 --> 02:04:24,680
where are you from you're not you're

1712
02:04:22,790 --> 02:04:27,500
from out of state is that correct

1713
02:04:24,680 --> 02:04:32,120
no sir I'm from Hillsboro and orange and

1714
02:04:27,500 --> 02:04:34,489
those points until 1967 are you familiar

1715

02:04:32,120 --> 02:04:36,590
have you been with the Texas Education

1716
02:04:34,489 --> 02:04:39,290
Agency prior to your assuming command

1717
02:04:36,590 --> 02:04:43,210
yes sir I was in the Texas education

1718
02:04:39,290 --> 02:04:47,420
prior to July of this year

1719
02:04:43,210 --> 02:04:49,220
well were you aware of the when you took

1720
02:04:47,420 --> 02:04:50,840
over you assumed that there would be

1721
02:04:49,220 --> 02:04:53,540
twenty three million dollars for

1722
02:04:50,840 --> 02:04:56,150
textbooks is that correct yes sir I did

1723
02:04:53,540 --> 02:04:59,570
now in October when you've got the

1724
02:04:56,150 --> 02:05:01,130
second letter that cut the estimate down

1725
02:04:59,570 --> 02:05:04,820
to twenty million from twenty three

1726
02:05:01,130 --> 02:05:06,830
million is it my understanding that you

1727
02:05:04,820 --> 02:05:09,440
made no further purchases after that

1728
02:05:06,830 --> 02:05:11,930
time when the error was discovered that

1729
02:05:09,440 --> 02:05:12,530
you you immediately ceased that is

1730
02:05:11,930 --> 02:05:15,200
correct

1731
02:05:12,530 --> 02:05:17,540
now I would assume that these books and

1732
02:05:15,200 --> 02:05:20,780
were purchased in good faith and that

1733
02:05:17,540 --> 02:05:22,820
the vendors sold the books to the state

1734
02:05:20,780 --> 02:05:25,310
backed by the full knowledge of the

1735
02:05:22,820 --> 02:05:27,739
state of Texas or buying these books and

1736
02:05:25,310 --> 02:05:29,600
that the people that delivered them with

1737
02:05:27,739 --> 02:05:31,400
the good knowledge that that they were

1738
02:05:29,600 --> 02:05:33,380
delivering in the good faith and you

1739
02:05:31,400 --> 02:05:35,720
acted in good faith is that what you're

1740
02:05:33,380 --> 02:05:38,570
telling as they had as we had been doing

1741
02:05:35,720 --> 02:05:40,100
in the past yes sir all right and so it

1742

02:05:38,570 --> 02:05:42,140
was just an error and you're telling us

1743
02:05:40,100 --> 02:05:44,240
the points been made

1744
02:05:42,140 --> 02:05:47,330
there's gonna be a close watch in this

1745
02:05:44,240 --> 02:05:50,770
particular area in the future that I

1746
02:05:47,330 --> 02:05:53,300
that I certainly intend to do sir thank

1747
02:05:50,770 --> 02:05:56,470
the speaker well gentleman yield much

1748
02:05:53,300 --> 02:06:00,140
taller well has a question mister yes if

1749
02:05:56,470 --> 02:06:04,540
if this language had been read by your

1750
02:06:00,140 --> 02:06:08,240
agency and understood isn't it true that

1751
02:06:04,540 --> 02:06:09,770
the choice of books you could have

1752
02:06:08,240 --> 02:06:13,700
picked those within the price range

1753
02:06:09,770 --> 02:06:15,590
estimated or you could have bought soft

1754
02:06:13,700 --> 02:06:18,680
back books rather than hardback books

1755
02:06:15,590 --> 02:06:20,300
and lived within the budget yes sir this

1756
02:06:18,680 --> 02:06:21,980
was been right for the second year of

1757
02:06:20,300 --> 02:06:23,420
the biennium it would not have been

1758
02:06:21,980 --> 02:06:26,980
right for the first year of the biennium

1759
02:06:23,420 --> 02:06:30,230
had we made the mistake mr. chairman

1760
02:06:26,980 --> 02:06:34,400
will it I have some questions asked of

1761
02:06:30,230 --> 02:06:36,790
the witness mr. Barker yes sir mr.

1762
02:06:34,400 --> 02:06:40,490
Brockett can you inform this committee

1763
02:06:36,790 --> 02:06:43,280
as to what publishing companies are have

1764
02:06:40,490 --> 02:06:55,060
not been paid and the amounts that are

1765
02:06:43,280 --> 02:06:58,370
owed to them yes sir the yen and company

1766
02:06:55,060 --> 02:07:02,920
125 thousand nine hundred ninety dollars

1767
02:06:58,370 --> 02:07:08,030
and 73 cents the scott foresman

1768
02:07:02,920 --> 02:07:10,310
Southwestern company 300 mm mr. Parker

1769

02:07:08,030 --> 02:07:12,230
do you also have the dates in which door

1770
02:07:10,310 --> 02:07:16,880
is replaced for these particular orders

1771
02:07:12,230 --> 02:07:19,160
no sir I do not all right proceed the

1772
02:07:16,880 --> 02:07:21,290
scott foresman company was three hundred

1773
02:07:19,160 --> 02:07:23,480
two thousand seven hundred ninety-four

1774
02:07:21,290 --> 02:07:25,460
dollars and twenty-six cents the

1775
02:07:23,480 --> 02:07:27,290
Houghton Mifflin company was seventy

1776
02:07:25,460 --> 02:07:31,030
thousand six hundred fourteen dollars

1777
02:07:27,290 --> 02:07:33,200
and twenty seven cents the Lone Star

1778
02:07:31,030 --> 02:07:36,020
School Book Depository

1779
02:07:33,200 --> 02:07:37,790
one hundred and sixty six thousand three

1780
02:07:36,020 --> 02:07:40,400
hundred and sixteen dollars and ninety

1781
02:07:37,790 --> 02:07:49,610
nine cents the Southwest School Book

1782
02:07:40,400 --> 02:07:51,770
Depository 77833 1 million three hundred

1783
02:07:49,610 --> 02:07:55,300
thirty thousand one hundred seventy two

1784
02:07:51,770 --> 02:07:55,300
dollars and four cents

1785
02:07:55,880 --> 02:08:01,890
all right so the textbook all right how

1786
02:07:58,860 --> 02:08:05,550
about the common carriers the common

1787
02:08:01,890 --> 02:08:09,570
carriers that we owe money would be the

1788
02:08:05,550 --> 02:08:11,400
brown Express Company one thousand five

1789
02:08:09,570 --> 02:08:14,580
hundred forty eight dollars and forty

1790
02:08:11,400 --> 02:08:16,710
nine cents the central freight lines is

1791
02:08:14,580 --> 02:08:19,860
twenty one thousand five hundred sixty

1792
02:08:16,710 --> 02:08:25,230
five dollars and sixty-five cents the

1793
02:08:19,860 --> 02:08:30,530
curry motor freight 3939 dollars and

1794
02:08:25,230 --> 02:08:32,900
forty one cents the ETM F Freight system

1795
02:08:30,530 --> 02:08:36,320
\$431 thirty seven cents

1796

02:08:32,900 --> 02:08:40,020
the illinois' California expressed

1797
02:08:36,320 --> 02:08:44,940
eighty two dollars and thirty cents

1798
02:08:40,020 --> 02:08:47,760
the merchants fast motor eighty nine

1799
02:08:44,940 --> 02:08:54,780
dollars fifty eight cents the Missouri

1800
02:08:47,760 --> 02:09:01,530
Pacific company 3990 \$6.75 and the red

1801
02:08:54,780 --> 02:09:05,850
arrow freight line 4330 \$6.23 red ball

1802
02:09:01,530 --> 02:09:09,000
Freight fourteen dollars southwestern

1803
02:09:05,850 --> 02:09:11,070
motor transportation one thousand six

1804
02:09:09,000 --> 02:09:14,960
hundred ninety six dollars fifty eight

1805
02:09:11,070 --> 02:09:17,040
cents Southwest to Southern Pacific

1806
02:09:14,960 --> 02:09:20,150
transportation six thousand seven

1807
02:09:17,040 --> 02:09:22,710
hundred ten dollars and four cents

1808
02:09:20,150 --> 02:09:25,650
southwestern transportation one hundred

1809
02:09:22,710 --> 02:09:28,380
fourteen dollars and 33 cents and the

1810
02:09:25,650 --> 02:09:30,720
Texas and Pacific company a hundred four

1811
02:09:28,380 --> 02:09:37,580
dollars and eighty-five cents

1812
02:09:30,720 --> 02:09:39,990
Oh dr. bucket are you aware of the

1813
02:09:37,580 --> 02:09:42,810
regulations of the Railroad Commission

1814
02:09:39,990 --> 02:09:46,500
which prohibit a common carrier from

1815
02:09:42,810 --> 02:09:48,540
transporting these goods when they are

1816
02:09:46,500 --> 02:09:54,720
aware that they're not fun sufficient to

1817
02:09:48,540 --> 02:09:57,540
pay for them no sir I was not dr. Park

1818
02:09:54,720 --> 02:09:59,220
and I believe that's the case and I

1819
02:09:57,540 --> 02:10:02,550
believe that they were in violation of

1820
02:09:59,220 --> 02:10:04,910
these regulations and I wonder if you're

1821
02:10:02,550 --> 02:10:04,910
aware of

1822
02:10:08,400 --> 02:10:15,430
section 10 in article 16 of the

1823

02:10:12,220 --> 02:10:18,160
Constitution entitled deductions from

1824
02:10:15,430 --> 02:10:20,470
salary for a neglected duty the

1825
02:10:18,160 --> 02:10:23,260
legislature shall provide for deductions

1826
02:10:20,470 --> 02:10:25,510
from the salaries of public officers who

1827
02:10:23,260 --> 02:10:29,860
may neglect the performance of any duty

1828
02:10:25,510 --> 02:10:31,720
that may be assigned them by law now my

1829
02:10:29,860 --> 02:10:35,560
reason for asking that question

1830
02:10:31,720 --> 02:10:39,400
is to lead up to another one what will

1831
02:10:35,560 --> 02:10:42,460
happen if this legislature does not pass

1832
02:10:39,400 --> 02:10:46,830
this bill and does not authorize the

1833
02:10:42,460 --> 02:10:50,020
expenditure of the 2.8 million dollars

1834
02:10:46,830 --> 02:10:54,070
sir I'm not advised I don't know exactly

1835
02:10:50,020 --> 02:10:55,390
what the next course is this is the

1836
02:10:54,070 --> 02:11:02,020
first time we've been in a situation

1837
02:10:55,390 --> 02:11:06,790
like this I might suggest that you ought

1838
02:11:02,020 --> 02:11:09,460
to think on that a little bit because it

1839
02:11:06,790 --> 02:11:14,470
seems obvious to me that you or your

1840
02:11:09,460 --> 02:11:16,240
agency or someone has in fact neglected

1841
02:11:14,470 --> 02:11:19,540
the performance of the duty that's been

1842
02:11:16,240 --> 02:11:22,510
assigned to you by law and that you did

1843
02:11:19,540 --> 02:11:25,360
not follow the directions of the

1844
02:11:22,510 --> 02:11:27,310
legislature and I think it might be a

1845
02:11:25,360 --> 02:11:31,330
pretty good question as to who might be

1846
02:11:27,310 --> 02:11:35,700
liable for these sums in the event this

1847
02:11:31,330 --> 02:11:35,700
legislature chooses not to approve them

1848
02:11:38,070 --> 02:11:44,310
mr. chairman Larry has a question dr.

1849
02:11:41,290 --> 02:11:44,310
Parker yes

1850

02:11:44,550 --> 02:11:50,500
dr. Brocket I was looking at this little

1851
02:11:47,760 --> 02:11:51,790
outline that you prepared and apparently

1852
02:11:50,500 --> 02:11:56,560
sent around the most of members it's

1853
02:11:51,790 --> 02:11:58,900
it's dated April of 1975 yes entitled

1854
02:11:56,560 --> 02:12:00,910
facts concerning textbook fun operation

1855
02:11:58,900 --> 02:12:03,280
Texas Education Agency do you have that

1856
02:12:00,910 --> 02:12:09,219
with you yes and I'm looking on the

1857
02:12:03,280 --> 02:12:11,170
attachment a and

1858
02:12:09,219 --> 02:12:13,960
want to see if if I'm reading this

1859
02:12:11,170 --> 02:12:18,960
correctly starting down at the very

1860
02:12:13,960 --> 02:12:22,270
bottom in the year 1965-66 I find a

1861
02:12:18,960 --> 02:12:25,090
figure that's in the general

1862
02:12:22,270 --> 02:12:27,820
appropriation bill and I find that a

1863
02:12:25,090 --> 02:12:29,590
figure higher than the one in the

1864
02:12:27,820 --> 02:12:33,429
general appropriation bill was approved

1865
02:12:29,590 --> 02:12:35,230
by the State Board yes then I find that

1866
02:12:33,429 --> 02:12:36,790
a figure even higher than either one of

1867
02:12:35,230 --> 02:12:40,239
those two figures was approved by the

1868
02:12:36,790 --> 02:12:43,750
agency or actually expended and I

1869
02:12:40,239 --> 02:12:48,159
noticed that same pattern develops a

1870
02:12:43,750 --> 02:12:51,940
little bit with the one year with a one

1871
02:12:48,159 --> 02:12:57,130
year exception 66-65 I just noted the

1872
02:12:51,940 --> 02:12:59,829
State Board approved no more than the

1873
02:12:57,130 --> 02:13:05,760
legislature had put in the appropriation

1874
02:12:59,829 --> 02:13:08,829
bill up until 1972 and then every year

1875
02:13:05,760 --> 02:13:14,679
after that I beg your pardon now mr.

1876
02:13:08,829 --> 02:13:17,139
Lehri the the moving from 65 66 to 72 73

1877

02:13:14,679 --> 02:13:20,170

I believe yes sir in each of those years

1878

02:13:17,139 --> 02:13:24,219

the State Board approved a figure that

1879

02:13:20,170 --> 02:13:26,050

was equal to or less than the amount in

1880

02:13:24,219 --> 02:13:26,860

the appropriation bills I read that no

1881

02:13:26,050 --> 02:13:29,920

sir

1882

02:13:26,860 --> 02:13:32,889

column one where there is an asterisk

1883

02:13:29,920 --> 02:13:34,570

with the as well it said estimate but in

1884

02:13:32,889 --> 02:13:37,210

each agency was higher than the estimate

1885

02:13:34,570 --> 02:13:39,880

the state board's approval was higher

1886

02:13:37,210 --> 02:13:41,969

than the estimate yes sir well no I

1887

02:13:39,880 --> 02:13:48,730

don't look I don't see that in the years

1888

02:13:41,969 --> 02:13:50,619

67 through 72 71 67 through seven in

1889

02:13:48,730 --> 02:13:53,320

each case the State Board was no he was

1890

02:13:50,619 --> 02:14:00,130

lower than the estimate yes sir all

1891
02:13:53,320 --> 02:14:03,130
right now after 1970 through after 1972

1892
02:14:00,130 --> 02:14:05,409
in each year the State Board has

1893
02:14:03,130 --> 02:14:07,599
approved a figure in excess of what the

1894
02:14:05,409 --> 02:14:09,719
legislature put in their appropriation

1895
02:14:07,599 --> 02:14:11,980
bill is that correct yes

1896
02:14:09,719 --> 02:14:15,150
okay now looking over here on the mounts

1897
02:14:11,980 --> 02:14:22,989
actually expended I find in the year

1898
02:14:15,150 --> 02:14:25,269
1966 67 69 and 72 that the amount

1899
02:14:22,989 --> 02:14:28,599
expended was even higher than the amount

1900
02:14:25,269 --> 02:14:30,039
and the Legislature's estimate are that

1901
02:14:28,599 --> 02:14:35,230
the State Board had approved is that

1902
02:14:30,039 --> 02:14:37,510
correct yes at the third column is what

1903
02:14:35,230 --> 02:14:40,780
I'm sort of leading up to a question

1904

02:14:37,510 --> 02:14:42,909
here what in the world good does it do

1905
02:14:40,780 --> 02:14:44,769
for the legislature put a figure in here

1906
02:14:42,909 --> 02:14:46,840
from the State Board to come over and

1907
02:14:44,769 --> 02:14:49,059
approve a figure if the amounts that are

1908
02:14:46,840 --> 02:14:50,550
expended bear no correlation between the

1909
02:14:49,059 --> 02:14:53,440
two

1910
02:14:50,550 --> 02:14:56,050
are we just is it just an exercise in

1911
02:14:53,440 --> 02:14:56,679
futility that would you have us to

1912
02:14:56,050 --> 02:15:00,010
believe

1913
02:14:56,679 --> 02:15:02,409
no sir out while I was not there at that

1914
02:15:00,010 --> 02:15:07,170
during these are when you were here this

1915
02:15:02,409 --> 02:15:16,239
last year yes same pattern acting under

1916
02:15:07,170 --> 02:15:18,969
1202 of the code the the board has five

1917
02:15:16,239 --> 02:15:23,130
things at its disposal there to do in

1918
02:15:18,969 --> 02:15:25,809
carrying out the textbook program and

1919
02:15:23,130 --> 02:15:27,309
now there's the state borders this this

1920
02:15:25,809 --> 02:15:30,429
takes education they know this is the

1921
02:15:27,309 --> 02:15:34,030
state state board acting of course with

1922
02:15:30,429 --> 02:15:40,119
the staff of the agency operates under

1923
02:15:34,030 --> 02:15:42,820
1202 of the code and has expenses other

1924
02:15:40,119 --> 02:15:46,090
than the textbooks themselves that come

1925
02:15:42,820 --> 02:15:49,900
out of the textbook funds such as repair

1926
02:15:46,090 --> 02:15:52,630
of books and replacing of books for for

1927
02:15:49,900 --> 02:15:56,440
fires or unusual kinds of things that

1928
02:15:52,630 --> 02:15:58,780
are expenditures authorized under 1202

1929
02:15:56,440 --> 02:16:02,980
of the board and I would have to believe

1930
02:15:58,780 --> 02:16:05,050
that that this contributes to the

1931

02:16:02,980 --> 02:16:07,719
difference in the column two and column

1932
02:16:05,050 --> 02:16:09,789
three when those unusual things have

1933
02:16:07,719 --> 02:16:11,650
come about so that's that's the best

1934
02:16:09,789 --> 02:16:13,570
that so these figures you have supplied

1935
02:16:11,650 --> 02:16:15,219
us aren't correct things yes sir they

1936
02:16:13,570 --> 02:16:18,070
are correct this is what was actually

1937
02:16:15,219 --> 02:16:20,499
expended and what the board approved and

1938
02:16:18,070 --> 02:16:24,150
what the legislature approved as an

1939
02:16:20,499 --> 02:16:30,610
estimate for those years and that is in

1940
02:16:24,150 --> 02:16:32,439
1973-74 the board approved and you don't

1941
02:16:30,610 --> 02:16:35,320
have an estimate mark there the State

1942
02:16:32,439 --> 02:16:36,940
Board consciously approved

1943
02:16:35,320 --> 02:16:39,010
an amount that's eight hundred

1944
02:16:36,940 --> 02:16:41,320
twenty-one thousand dollars lower than

1945
02:16:39,010 --> 02:16:43,570
the legislature had appropriate but

1946
02:16:41,320 --> 02:16:46,780
fortunately you didn't spend that budget

1947
02:16:43,570 --> 02:16:48,520
that's correct so really what you did

1948
02:16:46,780 --> 02:16:50,889
you made the same merit not this one

1949
02:16:48,520 --> 02:16:52,929
year but you made this error twice yes

1950
02:16:50,889 --> 02:16:55,300
we didn't recognize it until October of

1951
02:16:52,929 --> 02:16:57,040
74 right and another word what mr.

1952
02:16:55,300 --> 02:16:58,150
personal appointment Preston was making

1953
02:16:57,040 --> 02:17:00,849
earlier that this was just something

1954
02:16:58,150 --> 02:17:03,429
came about this year ain't necessarily

1955
02:17:00,849 --> 02:17:05,830
so because y'all made the same mistake

1956
02:17:03,429 --> 02:17:07,929
two years ago it's just you were

1957
02:17:05,830 --> 02:17:10,510
fortunate that you didn't go over is

1958

02:17:07,929 --> 02:17:12,610
that correct that was not so you're

1959
02:17:10,510 --> 02:17:14,230
coming here with with not guilty hands

1960
02:17:12,610 --> 02:17:15,910
on one year you're coming here with

1961
02:17:14,230 --> 02:17:19,570
guilty hands on two years is that

1962
02:17:15,910 --> 02:17:21,820
correct well what was expended was was

1963
02:17:19,570 --> 02:17:23,139
under well I would nobody there but well

1964
02:17:21,820 --> 02:17:26,139
you weren't your state board approve the

1965
02:17:23,139 --> 02:17:26,620
State Board screwed up two years pretty

1966
02:17:26,139 --> 02:17:31,240
bluntly

1967
02:17:26,620 --> 02:17:32,980
well they were not apprised of the fact

1968
02:17:31,240 --> 02:17:35,410
that the word a secured agency

1969
02:17:32,980 --> 02:17:38,230
responsibility to are y'all for supply

1970
02:17:35,410 --> 02:17:40,179
the Technol a technical expertise to the

1971
02:17:38,230 --> 02:17:42,099
State Board yes sir so y'all are the

1972
02:17:40,179 --> 02:17:44,080
ones that make mistakes in both years

1973
02:17:42,099 --> 02:17:47,530
yes sir and we're not talking about just

1974
02:17:44,080 --> 02:17:49,300
a mistake this past year well we're the

1975
02:17:47,530 --> 02:17:50,920
effect of the mistake did not have we

1976
02:17:49,300 --> 02:17:53,190
just got you just got caught this year

1977
02:17:50,920 --> 02:17:58,330
you didn't get caught up here before

1978
02:17:53,190 --> 02:18:00,610
that correct well that's the entire look

1979
02:17:58,330 --> 02:18:06,639
here Biggers are right that correct yeah

1980
02:18:00,610 --> 02:18:08,620
well we miss chairman of the Salem Salem

1981
02:18:06,639 --> 02:18:10,990
how does a question dr. Berg yes mr.

1982
02:18:08,620 --> 02:18:13,719
Sato dr. brachot are you aware that when

1983
02:18:10,990 --> 02:18:16,599
we came into this legislative session it

1984
02:18:13,719 --> 02:18:20,980
was reported that we had about a billion

1985

02:18:16,599 --> 02:18:23,620
dollar surplus yes sir I was aware and

1986
02:18:20,980 --> 02:18:25,420
are you aware of the articles that are

1987
02:18:23,620 --> 02:18:27,849
out in the news today that at the rate

1988
02:18:25,420 --> 02:18:29,830
of spending and in the eyes of the

1989
02:18:27,849 --> 02:18:31,570
people of Texas what those idiots up-air

1990
02:18:29,830 --> 02:18:33,130
and Austin are doing they're spending

1991
02:18:31,570 --> 02:18:34,570
the money like there's no tomorrow and

1992
02:18:33,130 --> 02:18:36,370
they were going to face one of the

1993
02:18:34,570 --> 02:18:37,660
largest tax bills in the history of this

1994
02:18:36,370 --> 02:18:40,900
state are you aware of that

1995
02:18:37,660 --> 02:18:42,400
I hear some of that mr. Salem I met a

1996
02:18:40,900 --> 02:18:43,690
doctor pocket now who's going to take

1997
02:18:42,400 --> 02:18:46,179
the front of that who's going to be

1998
02:18:43,690 --> 02:18:48,719
blamed for all this while spending

1999
02:18:46,179 --> 02:18:48,719
that's going on

2000
02:18:50,301 --> 02:18:56,370
it's gonna be the Texas Education Agency

2001
02:18:54,260 --> 02:18:58,110
perhaps we'll have to take some of that

2002
02:18:56,370 --> 02:19:00,330
responsibility medicine well well you

2003
02:18:58,110 --> 02:19:01,591
notify the people of Texas that you are

2004
02:19:00,330 --> 02:19:04,020
responsible for some of that

2005
02:19:01,591 --> 02:19:05,520
irresponsible spending and that it

2006
02:19:04,020 --> 02:19:08,640
wasn't the legislature that's throwing

2007
02:19:05,520 --> 02:19:10,230
away all that money well we hope that

2008
02:19:08,640 --> 02:19:13,020
this is not money of course it's been

2009
02:19:10,230 --> 02:19:15,211
thrown away it it is a textbook in the

2010
02:19:13,020 --> 02:19:16,200
hands of the children for the current

2011
02:19:15,211 --> 02:19:18,360
school year

2012

02:19:16,200 --> 02:19:20,610
yes sir but dr. pocket are you aware

2013
02:19:18,360 --> 02:19:23,280
that in the news today it's reported

2014
02:19:20,610 --> 02:19:24,480
everyday that we're spending millions of

2015
02:19:23,280 --> 02:19:26,430
dollars here and that we're going to

2016
02:19:24,480 --> 02:19:28,620
we're going to run out of that surplus

2017
02:19:26,430 --> 02:19:31,500
that we've got but we get emergency

2018
02:19:28,620 --> 02:19:33,060
messages over here periodically asking

2019
02:19:31,500 --> 02:19:35,250
us to spend ninety billion or two

2020
02:19:33,060 --> 02:19:37,110
hundred billion or to two million eight

2021
02:19:35,250 --> 02:19:42,980
hundred thousand and all of this so are

2022
02:19:37,110 --> 02:19:47,400
you aware of that yes sir and what are

2023
02:19:42,980 --> 02:19:49,980
the way our textbook funding operates

2024
02:19:47,400 --> 02:19:53,070
with the line item for estimated

2025
02:19:49,980 --> 02:19:55,950
expenditures for the textbooks for the

2026
02:19:53,070 --> 02:19:58,410
year and for any balances that are in

2027
02:19:55,950 --> 02:20:01,261
the textbook fund that may have been

2028
02:19:58,410 --> 02:20:04,171
carried over our accrued to that

2029
02:20:01,261 --> 02:20:06,961
textbook fund for the year those funds

2030
02:20:04,171 --> 02:20:09,540
have in the past been used to pay these

2031
02:20:06,961 --> 02:20:13,561
bills the monies are in the textbook

2032
02:20:09,540 --> 02:20:16,801
funds that are adequate to to to cover

2033
02:20:13,561 --> 02:20:20,940
this which have in the past been used

2034
02:20:16,801 --> 02:20:24,181
for this purpose and so these funds are

2035
02:20:20,940 --> 02:20:30,330
in the textbook funds that are necessary

2036
02:20:24,181 --> 02:20:33,540
to pay for the book for 7475 let me ask

2037
02:20:30,330 --> 02:20:35,910
you another thing dr. Brock it was any

2038
02:20:33,540 --> 02:20:37,280
of this money for textbooks is two

2039

02:20:35,910 --> 02:20:39,900
million eight hundred thousand dollars

2040
02:20:37,280 --> 02:20:42,150
was any of this money matched with

2041
02:20:39,900 --> 02:20:44,131
federal funds in the migrant education

2042
02:20:42,150 --> 02:20:46,740
fund where some twenty or twenty two

2043
02:20:44,131 --> 02:20:48,061
million dollars was supposedly sent back

2044
02:20:46,740 --> 02:20:49,980
to the federal government because you

2045
02:20:48,061 --> 02:20:51,480
people over there didn't want expend it

2046
02:20:49,980 --> 02:20:53,370
on a five-year basis rather than a

2047
02:20:51,480 --> 02:20:55,921
one-year basis was any of that money

2048
02:20:53,370 --> 02:20:58,171
returned to the federal government no

2049
02:20:55,921 --> 02:20:58,880
sir you mean any of the migrant money

2050
02:20:58,171 --> 02:21:00,500
returned

2051
02:20:58,880 --> 02:21:02,810
federal government you know any any

2052
02:21:00,500 --> 02:21:04,250
other not some well there may be 20

2053
02:21:02,810 --> 02:21:06,140
million dollars that went back to the

2054
02:21:04,250 --> 02:21:08,149
federal government because y'all didn't

2055
02:21:06,140 --> 02:21:08,899
use the money was any of that used for

2056
02:21:08,149 --> 02:21:11,450
textbooks

2057
02:21:08,899 --> 02:21:13,850
mr. Davis raises the point of order that

2058
02:21:11,450 --> 02:21:16,130
questions are not germane to the matter

2059
02:21:13,850 --> 02:21:18,410
under consideration mr. chairman you'll

2060
02:21:16,130 --> 02:21:20,120
please confine your march to questions

2061
02:21:18,410 --> 02:21:21,830
pertaining to the matters before the

2062
02:21:20,120 --> 02:21:23,300
committee we're talking about textbooks

2063
02:21:21,830 --> 02:21:25,460
mr. chairman and that's what I'm

2064
02:21:23,300 --> 02:21:27,890
questioning dr. Brockett on it and dr.

2065
02:21:25,460 --> 02:21:29,870
Brock and I'll rephrase my question was

2066

02:21:27,890 --> 02:21:31,520
any of the 20 million dollars that was

2067
02:21:29,870 --> 02:21:33,590
sent back to the federal government that

2068
02:21:31,520 --> 02:21:36,140
was supposed to been used for migrant

2069
02:21:33,590 --> 02:21:37,399
education was any of that money that

2070
02:21:36,140 --> 02:21:39,979
were supposed to have been used for

2071
02:21:37,399 --> 02:21:44,140
textbooks not are you aware not to my

2072
02:21:39,979 --> 02:21:44,140
knowledge sir nicely thank you sir

2073
02:21:44,680 --> 02:21:51,020
McDonnell has a question dr. dr. Brock

2074
02:21:48,680 --> 02:21:54,170
had to what is the estimated life of a

2075
02:21:51,020 --> 02:21:56,390
paperback book I beg your pardon mr.

2076
02:21:54,170 --> 02:21:59,720
McDonnell I didn't get the question what

2077
02:21:56,390 --> 02:22:04,850
is the estimated life of a paperback

2078
02:21:59,720 --> 02:22:07,070
book within the classroom mr. McDonnell

2079
02:22:04,850 --> 02:22:09,470
I don't know I already can't answer that

2080
02:22:07,070 --> 02:22:11,060
question we've done some research on

2081
02:22:09,470 --> 02:22:12,649
that but I'm not knowledgeable about

2082
02:22:11,060 --> 02:22:16,640
what the research says what about the

2083
02:22:12,649 --> 02:22:19,850
life of a hard hard bike well our

2084
02:22:16,640 --> 02:22:22,910
adoption periods for books are usually 5

2085
02:22:19,850 --> 02:22:25,820
years in our contracts we asked for at

2086
02:22:22,910 --> 02:22:28,220
least another two years see for those

2087
02:22:25,820 --> 02:22:30,920
books so many of them are in the schools

2088
02:22:28,220 --> 02:22:37,479
for seven years

2089
02:22:30,920 --> 02:22:41,060
when are the textbook orders processed

2090
02:22:37,479 --> 02:22:43,550
as I mentioned this is a continuous

2091
02:22:41,060 --> 02:22:46,640
process the selection of textbooks

2092
02:22:43,550 --> 02:22:49,360
around the calendar we make contracts

2093

02:22:46,640 --> 02:22:52,250
with companies after the books have been

2094
02:22:49,360 --> 02:22:55,340
selected in November the contracts are

2095
02:22:52,250 --> 02:23:01,210
made in December of each year and they

2096
02:22:55,340 --> 02:23:04,780
are the board's action on the moneys for

2097
02:23:01,210 --> 02:23:08,180
appropriation to cover those are in July

2098
02:23:04,780 --> 02:23:10,070
but December's when the contracts are

2099
02:23:08,180 --> 02:23:11,080
made sir I've been thinking about the

2100
02:23:10,070 --> 02:23:13,180
life of

2101
02:23:11,080 --> 02:23:14,860
hardback book and another day the

2102
02:23:13,180 --> 02:23:17,260
adoptions are for five years

2103
02:23:14,860 --> 02:23:20,350
I wonder if this problem of finance

2104
02:23:17,260 --> 02:23:22,900
couldn't be handled by extending the

2105
02:23:20,350 --> 02:23:25,720
adoption one more year making it a six

2106
02:23:22,900 --> 02:23:29,290
year and that would more than take care

2107
02:23:25,720 --> 02:23:33,730
of the cost of of that six year of books

2108
02:23:29,290 --> 02:23:37,960
would it not yes sir we we do have major

2109
02:23:33,730 --> 02:23:40,420
problems of the cycle now for the

2110
02:23:37,960 --> 02:23:43,360
selection of textbooks when we operate

2111
02:23:40,420 --> 02:23:45,880
with a fixed sum of money we will

2112
02:23:43,360 --> 02:23:48,550
continue to have a problem all right but

2113
02:23:45,880 --> 02:23:51,790
to get a fixed amount to purchase

2114
02:23:48,550 --> 02:23:53,650
textbooks for three years say that we

2115
02:23:51,790 --> 02:23:56,740
have to make our estimates in advance

2116
02:23:53,650 --> 02:23:59,021
the the amount of money approved for

2117
02:23:56,740 --> 02:24:00,811
textbooks by the State Board occurred

2118
02:23:59,021 --> 02:24:03,490
prior to your assumption of the

2119
02:24:00,811 --> 02:24:05,680
Commissioner of Education was it not yes

2120

02:24:03,490 --> 02:24:10,150
it was in January that thank you very

2121
02:24:05,680 --> 02:24:11,590
much yes I beg your pardon it was in

2122
02:24:10,150 --> 02:24:18,340
December sir

2123
02:24:11,590 --> 02:24:21,450
mr. chairman mr. Agnes has a question

2124
02:24:18,340 --> 02:24:26,260
dr. Berg yes sir it's dr. Brackett are

2125
02:24:21,450 --> 02:24:29,860
you aware of section 49 under article 3

2126
02:24:26,260 --> 02:24:33,460
of the Constitution with respect to

2127
02:24:29,860 --> 02:24:36,370
state debts which says no debt shall be

2128
02:24:33,460 --> 02:24:39,760
created created by or on behalf of the

2129
02:24:36,370 --> 02:24:43,380
state except to supply casual

2130
02:24:39,760 --> 02:24:45,460
deficiencies of revenue repel invasion

2131
02:24:43,380 --> 02:24:48,760
suppress insurrection

2132
02:24:45,460 --> 02:24:51,730
defend the state and war or pay existing

2133
02:24:48,760 --> 02:24:54,670
debt and the debt created to supply

2134
02:24:51,730 --> 02:24:56,880
deficiencies in the revenue shall never

2135
02:24:54,670 --> 02:25:01,811
exceed in the aggregate at any one time

2136
02:24:56,880 --> 02:25:04,960
two hundred thousand dollars now if I

2137
02:25:01,811 --> 02:25:07,930
read the figures correctly your agencies

2138
02:25:04,960 --> 02:25:11,610
is in violation of that to the tune of

2139
02:25:07,930 --> 02:25:13,870
14 times and my other question is I

2140
02:25:11,610 --> 02:25:16,450
question whether the Comptroller could

2141
02:25:13,870 --> 02:25:20,021
even pay this because in the same

2142
02:25:16,450 --> 02:25:22,391
article section section 50 of article 3

2143
02:25:20,021 --> 02:25:25,480
it says loan or pledge

2144
02:25:22,391 --> 02:25:28,511
credit of state the legislature shall

2145
02:25:25,480 --> 02:25:31,420
have no power to give or to lend or to

2146
02:25:28,511 --> 02:25:34,301
authorize the giving or lending of the

2147

02:25:31,420 --> 02:25:36,851
credit of the state in need of or to any

2148
02:25:34,301 --> 02:25:40,061
person association or corporation

2149
02:25:36,851 --> 02:25:41,801
whether municipal rather or to pledge

2150
02:25:40,061 --> 02:25:44,170
the credit of the state in any manner

2151
02:25:41,801 --> 02:25:47,170
whatsoever for the payment of the

2152
02:25:44,170 --> 02:25:49,540
liabilities present or a prospective of

2153
02:25:47,170 --> 02:25:51,730
any individual association in

2154
02:25:49,540 --> 02:25:54,761
individuals municipal or other

2155
02:25:51,730 --> 02:25:58,080
corporation whatsoever and I have some

2156
02:25:54,761 --> 02:26:01,360
grave doubts about the power of this

2157
02:25:58,080 --> 02:26:07,181
legislature even to authorize the

2158
02:26:01,360 --> 02:26:10,181
spending of this money mr. Agnes the the

2159
02:26:07,181 --> 02:26:11,920
board under 1202 and I'm not I don't

2160
02:26:10,181 --> 02:26:14,700
know whether this is in conflict with

2161
02:26:11,920 --> 02:26:17,110
what you've read in the Constitution

2162
02:26:14,700 --> 02:26:19,030
certainly if it is it's we've been out

2163
02:26:17,110 --> 02:26:23,500
of we've been out of bounds for some

2164
02:26:19,030 --> 02:26:25,181
time e of section 1202 on the basis of

2165
02:26:23,500 --> 02:26:27,851
the information furnished the State

2166
02:26:25,181 --> 02:26:30,011
Board shall have the power to set apart

2167
02:26:27,851 --> 02:26:32,771
from the available school fund the

2168
02:26:30,011 --> 02:26:36,130
estimated amount needed with 25%

2169
02:26:32,771 --> 02:26:38,410
additional this additional sum to be

2170
02:26:36,130 --> 02:26:41,101
used to meet emergencies or an assist is

2171
02:26:38,410 --> 02:26:44,261
caused by an unusual increase in

2172
02:26:41,101 --> 02:26:47,110
scholastic attendance are by unusual and

2173
02:26:44,261 --> 02:26:49,540
foreseen expenses and school conditions

2174

02:26:47,110 --> 02:26:55,210
this has been the boundary lines under

2175
02:26:49,540 --> 02:26:57,221
which the board has been operating its

2176
02:26:55,210 --> 02:27:01,391
speaker mr. McAllister has a question

2177
02:26:57,221 --> 02:27:07,290
mr. chairman of the committee I would

2178
02:27:01,391 --> 02:27:10,120
like to question dr. Brackett mr. rocket

2179
02:27:07,290 --> 02:27:12,580
laying aside all the legal mumbo-jumbo

2180
02:27:10,120 --> 02:27:14,980
which probably will be determined in

2181
02:27:12,580 --> 02:27:17,080
other areas and other agencies and

2182
02:27:14,980 --> 02:27:19,931
another time they're coming back to

2183
02:27:17,080 --> 02:27:23,080
Senate bill 559 and the cause of our

2184
02:27:19,931 --> 02:27:25,570
being here and your being reports I'm

2185
02:27:23,080 --> 02:27:28,480
rather simple-minded and would like for

2186
02:27:25,570 --> 02:27:30,490
you to review to me just exactly what

2187
02:27:28,480 --> 02:27:33,400
projected this of course I believe you

2188
02:27:30,490 --> 02:27:34,750
have just been head of the DEA since

2189
02:27:33,400 --> 02:27:37,870
July is that

2190
02:27:34,750 --> 02:27:40,840
correct yes now and this thing of course

2191
02:27:37,870 --> 02:27:43,630
has come over I believe do you project

2192
02:27:40,840 --> 02:27:45,370
three years ahead on textbooks we have

2193
02:27:43,630 --> 02:27:47,620
to make our estimates about three years

2194
02:27:45,370 --> 02:27:49,840
ahead mr. McAllister well now actually

2195
02:27:47,620 --> 02:27:54,540
is what caused completed to hit the fan

2196
02:27:49,840 --> 02:27:57,850
in this special case is there was an

2197
02:27:54,540 --> 02:27:59,530
omission of estimated to be had those

2198
02:27:57,850 --> 02:28:01,330
three words been in there we would not

2199
02:27:59,530 --> 02:28:03,730
be here at this moment chances are is

2200
02:28:01,330 --> 02:28:06,550
that correct that's correct sir ah and

2201

02:28:03,730 --> 02:28:08,200
this was overlooked by you and by I

2202
02:28:06,550 --> 02:28:11,560
guess the Appropriations Committee

2203
02:28:08,200 --> 02:28:14,170
wasn't it or everyone involved well I

2204
02:28:11,560 --> 02:28:16,660
don't keep racing coming it was

2205
02:28:14,170 --> 02:28:18,520
overlooked by us sir yes yeah but the

2206
02:28:16,660 --> 02:28:23,050
Cavs already had the milk before you

2207
02:28:18,520 --> 02:28:26,470
found it one out dr. Brackett let me ask

2208
02:28:23,050 --> 02:28:29,200
you this as part if estimated to be had

2209
02:28:26,470 --> 02:28:31,750
not been in there then of course I mean

2210
02:28:29,200 --> 02:28:35,890
had not been in there or is taken out of

2211
02:28:31,750 --> 02:28:37,450
our various and sundry of wordage then

2212
02:28:35,890 --> 02:28:40,150
of course you will operate more in a

2213
02:28:37,450 --> 02:28:41,140
straightjacket situation well you're not

2214
02:28:40,150 --> 02:28:44,260
yes sir

2215
02:28:41,140 --> 02:28:46,990
but now as far as a textbook haven't we

2216
02:28:44,260 --> 02:28:49,120
had legislation and that has come up

2217
02:28:46,990 --> 02:28:50,590
since the last three years which has

2218
02:28:49,120 --> 02:28:54,070
changed the definition of what a

2219
02:28:50,590 --> 02:28:57,100
textbook is yes sir and so then you

2220
02:28:54,070 --> 02:28:59,560
contributed a good deal to this problem

2221
02:28:57,100 --> 02:29:02,290
of estimating you know for the future

2222
02:28:59,560 --> 02:29:04,960
what are some of those right you had you

2223
02:29:02,290 --> 02:29:07,000
bilingual education is one of the areas

2224
02:29:04,960 --> 02:29:08,620
and the kindergarten education there's

2225
02:29:07,000 --> 02:29:10,560
another area where you change the

2226
02:29:08,620 --> 02:29:13,030
definition of textbook to include other

2227
02:29:10,560 --> 02:29:15,250
instructional materials how we're

2228

02:29:13,030 --> 02:29:18,280
legislature do that or did peÃ±a do it

2229
02:29:15,250 --> 02:29:19,630
this was an act of the legislature the

2230
02:29:18,280 --> 02:29:21,700
kindergarten but don't you have all

2231
02:29:19,630 --> 02:29:25,260
kinds of aids and helps that wouldn't be

2232
02:29:21,700 --> 02:29:28,270
a book purse a hardback assault bag yes

2233
02:29:25,260 --> 02:29:31,630
right now we do have a problem which as

2234
02:29:28,270 --> 02:29:33,310
far as being fiscally responsible we

2235
02:29:31,630 --> 02:29:35,860
need to take care of today and that is

2236
02:29:33,310 --> 02:29:38,110
to take care of the balance that the

2237
02:29:35,860 --> 02:29:40,540
state justifiably owes and books that

2238
02:29:38,110 --> 02:29:43,510
are now being used and whether it's good

2239
02:29:40,540 --> 02:29:45,820
or bad is up to the child involved in

2240
02:29:43,510 --> 02:29:47,540
our school system none of these books

2241
02:29:45,820 --> 02:29:49,430
are stored are being thrown away

2242
02:29:47,540 --> 02:29:57,200
they're in you they're in the school yes

2243
02:29:49,430 --> 02:30:01,340
thank you dr. Baca mr. McDonald has a

2244
02:29:57,200 --> 02:30:05,720
question doctor doctor Bronco this

2245
02:30:01,340 --> 02:30:08,870
amount of money was estimated was it not

2246
02:30:05,720 --> 02:30:10,640
yes sir is there any possibility of you

2247
02:30:08,870 --> 02:30:14,600
hitting the estimate on the exact dollar

2248
02:30:10,640 --> 02:30:18,350
that you have to spend for textbooks no

2249
02:30:14,600 --> 02:30:23,030
sir particularly if we continue together

2250
02:30:18,350 --> 02:30:28,970
districts a choice in the selection and

2251
02:30:23,030 --> 02:30:32,240
the estimate has has been in our laws

2252
02:30:28,970 --> 02:30:34,521
for 25 years I would not yes sir

2253
02:30:32,240 --> 02:30:38,450
rs foundation program just last year the

2254
02:30:34,521 --> 02:30:40,100
biennium changed it to a certain amount

2255

02:30:38,450 --> 02:30:42,830
that you could spend is that correct

2256
02:30:40,100 --> 02:30:45,700
that's correct sir no it appears to me

2257
02:30:42,830 --> 02:30:49,640
that the agency is a victim of

2258
02:30:45,700 --> 02:30:54,620
circumstances more than the intent Thank

2259
02:30:49,640 --> 02:30:56,930
You mr. McDonough are there other

2260
02:30:54,620 --> 02:30:58,250
questions so that's what Jeremy a couple

2261
02:30:56,930 --> 02:31:00,440
of real questions if I may you may

2262
02:30:58,250 --> 02:31:02,150
proceed dr. Brackett why is it that the

2263
02:31:00,440 --> 02:31:04,100
TE a would have so much trouble in

2264
02:31:02,150 --> 02:31:06,680
estimating their expenditures in

2265
02:31:04,100 --> 02:31:08,510
particularly with the textbooks when

2266
02:31:06,680 --> 02:31:10,160
other state agencies in their particular

2267
02:31:08,510 --> 02:31:11,990
fields don't seem to have the same

2268
02:31:10,160 --> 02:31:13,880
problems at least they always stay

2269
02:31:11,990 --> 02:31:15,950
within the budget to me the highway

2270
02:31:13,880 --> 02:31:18,290
department for example has I know if in

2271
02:31:15,950 --> 02:31:21,080
one case three hundred and thirty

2272
02:31:18,290 --> 02:31:22,280
percent in one year difference in in

2273
02:31:21,080 --> 02:31:24,170
what they had estimated and what they

2274
02:31:22,280 --> 02:31:26,210
actually had to pay yet they stay within

2275
02:31:24,170 --> 02:31:30,500
their budget why Cannot the te8 do the

2276
02:31:26,210 --> 02:31:32,450
same thing sir I'm not familiar with the

2277
02:31:30,500 --> 02:31:35,360
way their budgets are put together but

2278
02:31:32,450 --> 02:31:38,030
of course our estimates of what we'd

2279
02:31:35,360 --> 02:31:42,170
need in appropriation coupled with the

2280
02:31:38,030 --> 02:31:44,271
balances in the textbook fund pay for

2281
02:31:42,170 --> 02:31:48,740
all the obligations that we paid this

2282

02:31:44,271 --> 02:31:52,310
this year but since since the local

2283
02:31:48,740 --> 02:31:54,710
school districts have a choice of five

2284
02:31:52,310 --> 02:31:59,120
different books for each subject each

2285
02:31:54,710 --> 02:32:00,200
year these books range in in different

2286
02:31:59,120 --> 02:32:02,630
prices

2287
02:32:00,200 --> 02:32:06,590
depending on what selected this

2288
02:32:02,630 --> 02:32:09,170
contributes to our difficulty in saying

2289
02:32:06,590 --> 02:32:12,229
precisely what that would amount would

2290
02:32:09,170 --> 02:32:13,820
be two years prior could you make some

2291
02:32:12,229 --> 02:32:15,950
recommendations to the legislature is

2292
02:32:13,820 --> 02:32:17,780
that in how we may be able to get a

2293
02:32:15,950 --> 02:32:19,729
better handle on how the money is going

2294
02:32:17,780 --> 02:32:22,640
to be spent are there procedures that we

2295
02:32:19,729 --> 02:32:23,900
can follow that will help us estimate a

2296
02:32:22,640 --> 02:32:26,360
little bit better could you develop your

2297
02:32:23,900 --> 02:32:28,010
agency so that you can develop their

2298
02:32:26,360 --> 02:32:29,960
estimates or is something we got a

2299
02:32:28,010 --> 02:32:33,140
little with we'd certainly welcome an

2300
02:32:29,960 --> 02:32:37,340
opportunity to work where the whatever

2301
02:32:33,140 --> 02:32:40,550
the legislators desire is on exactly how

2302
02:32:37,340 --> 02:32:43,280
this operates now and some of our

2303
02:32:40,550 --> 02:32:46,280
recommendations that we might make to

2304
02:32:43,280 --> 02:32:48,260
how it might be improved with the real

2305
02:32:46,280 --> 02:32:51,110
please to do that did you submit any

2306
02:32:48,260 --> 02:32:55,130
recommendations this year well sir we

2307
02:32:51,110 --> 02:32:57,290
think that first of all on the sheets

2308
02:32:55,130 --> 02:33:00,380
that we've handed out to the members of

2309

02:32:57,290 --> 02:33:03,350
legislature we have a annual cost of the

2310
02:33:00,380 --> 02:33:06,560
per capita cost of textbooks working

2311
02:33:03,350 --> 02:33:10,220
under this system it ranges from \$6 per

2312
02:33:06,560 --> 02:33:11,870
student per year down to the figure I

2313
02:33:10,220 --> 02:33:16,820
believe we're talking about now in the

2314
02:33:11,870 --> 02:33:21,350
neighborhood of four this year eight

2315
02:33:16,820 --> 02:33:23,780
dollars and this this we are advised by

2316
02:33:21,350 --> 02:33:27,020
those making surveys across the country

2317
02:33:23,780 --> 02:33:30,560
places us in the very top among the

2318
02:33:27,020 --> 02:33:33,260
stuff among the top states in procuring

2319
02:33:30,560 --> 02:33:36,740
and delivering textbooks in a timely way

2320
02:33:33,260 --> 02:33:38,420
and an economical manner but we know

2321
02:33:36,740 --> 02:33:41,479
that their improvements that can be made

2322
02:33:38,420 --> 02:33:43,310
in it but it is one of the areas of this

2323
02:33:41,479 --> 02:33:46,670
state that we think that we are up at

2324
02:33:43,310 --> 02:33:50,229
the top in in providing books cheaply

2325
02:33:46,670 --> 02:33:50,229
and our timely basis

2326
02:33:52,880 --> 02:33:58,260
mr. speaker yes mr. tourist has a

2327
02:33:56,010 --> 02:34:01,170
question dr. Bryan

2328
02:33:58,260 --> 02:34:03,180
I think you say that you don't want to

2329
02:34:01,170 --> 02:34:05,970
go that some of the deficit you have

2330
02:34:03,180 --> 02:34:07,320
known that textbook coupons was due to

2331
02:34:05,970 --> 02:34:09,210
the kindergarten program and the

2332
02:34:07,320 --> 02:34:12,030
bilingual education program or you

2333
02:34:09,210 --> 02:34:13,770
insinuated that well now are you

2334
02:34:12,030 --> 02:34:18,270
presently buying books for bilingual

2335
02:34:13,770 --> 02:34:20,090
education no mr. McHale allister's

2336

02:34:18,270 --> 02:34:22,710
question if I understood it correctly

2337
02:34:20,090 --> 02:34:25,020
have we passed some legislation that

2338
02:34:22,710 --> 02:34:27,540
changes the definition of the textbook

2339
02:34:25,020 --> 02:34:29,610
to some extent and ask me for those

2340
02:34:27,540 --> 02:34:32,850
areas and I mentioned bilingual and

2341
02:34:29,610 --> 02:34:35,310
kindergarten so far those did not

2342
02:34:32,850 --> 02:34:38,700
contribute to the subject that we're

2343
02:34:35,310 --> 02:34:41,100
talking about here but they are ace they

2344
02:34:38,700 --> 02:34:44,070
are contributing to our difficulty in

2345
02:34:41,100 --> 02:34:46,260
making estimates for next year and the

2346
02:34:44,070 --> 02:34:48,770
year beyond when that goes into effect

2347
02:34:46,260 --> 02:34:51,900
so then what you're saying then that the

2348
02:34:48,770 --> 02:34:54,120
that the deficit you have now is not as

2349
02:34:51,900 --> 02:34:55,950
a result of legislation on bilingual

2350
02:34:54,120 --> 02:34:57,540
education in kindergarten program no

2351
02:34:55,950 --> 02:34:59,850
because they were not in the textbook

2352
02:34:57,540 --> 02:35:02,460
selection stream at the time that went

2353
02:34:59,850 --> 02:35:05,550
into effect sir are you coming up some

2354
02:35:02,460 --> 02:35:08,330
with some recommendations as to how are

2355
02:35:05,550 --> 02:35:10,800
you going to estimate the cost of books

2356
02:35:08,330 --> 02:35:16,710
to avoid this kind of situation

2357
02:35:10,800 --> 02:35:18,770
well our estimate of the costs have been

2358
02:35:16,710 --> 02:35:21,060
difficult

2359
02:35:18,770 --> 02:35:23,820
representative tourists because of the

2360
02:35:21,060 --> 02:35:29,070
escalating and inflationary costs of

2361
02:35:23,820 --> 02:35:30,840
paper the procurement and delivery of

2362
02:35:29,070 --> 02:35:34,740
the books to the schools all of these

2363

02:35:30,840 --> 02:35:37,500
are escalating factors that contribute

2364
02:35:34,740 --> 02:35:41,220
to our problems in making estimates as

2365
02:35:37,500 --> 02:35:42,780
far in advance as we are expected to

2366
02:35:41,220 --> 02:35:45,750
make them or need to make them under

2367
02:35:42,780 --> 02:35:47,700
this procedure we we will try to sharp

2368
02:35:45,750 --> 02:35:50,189
them up our ways of making the estimates

2369
02:35:47,700 --> 02:35:53,729
but as our this place shows most of

2370
02:35:50,189 --> 02:35:58,070
these years six out of the ten we feel

2371
02:35:53,729 --> 02:36:00,229
that they have been been reasonably

2372
02:35:58,070 --> 02:36:04,320
actually all of the ten years they've

2373
02:36:00,229 --> 02:36:05,489
been reasonably close but sometimes they

2374
02:36:04,320 --> 02:36:08,399
are over and sometimes

2375
02:36:05,489 --> 02:36:11,159
under this year as personally as your

2376
02:36:08,399 --> 02:36:13,470
agency of doing anything to avoid this

2377
02:36:11,159 --> 02:36:15,720
sort of thing in the future well we're

2378
02:36:13,470 --> 02:36:17,520
trying to but we're also into the cycle

2379
02:36:15,720 --> 02:36:19,759
though we were into the cycle before the

2380
02:36:17,520 --> 02:36:25,079
legislature came to town of trying to

2381
02:36:19,759 --> 02:36:29,549
deliver books see 475 and and our

2382
02:36:25,079 --> 02:36:31,319
estimates do not coincide with what

2383
02:36:29,549 --> 02:36:33,659
we've guessed two years ago because of

2384
02:36:31,319 --> 02:36:35,489
some of these very same reasons we're

2385
02:36:33,659 --> 02:36:39,629
trying to find more effective ways to

2386
02:36:35,489 --> 02:36:42,600
get it estimates two years before we

2387
02:36:39,629 --> 02:36:45,649
have to deliver the product our

2388
02:36:42,600 --> 02:36:51,979
estimates still cannot be exact because

2389
02:36:45,649 --> 02:36:54,649
unless we did remove the multiple

2390

02:36:51,979 --> 02:36:57,119
selection process that districts have

2391
02:36:54,649 --> 02:36:59,640
selected more than one book because they

2392
02:36:57,119 --> 02:37:03,930
range in different prices so we still

2393
02:36:59,640 --> 02:37:05,399
have the problem of a firmness figure of

2394
02:37:03,930 --> 02:37:06,810
course I want to pick him for myself but

2395
02:37:05,399 --> 02:37:08,819
I think the concern a lot of the members

2396
02:37:06,810 --> 02:37:11,879
here is that we have to have some money

2397
02:37:08,819 --> 02:37:13,829
for education restructuring school

2398
02:37:11,879 --> 02:37:15,149
financing and this is one of the

2399
02:37:13,829 --> 02:37:16,319
problems that's bothering a lot of the

2400
02:37:15,149 --> 02:37:19,020
members here that we spend a lot of

2401
02:37:16,319 --> 02:37:20,369
money you know that we should be

2402
02:37:19,020 --> 02:37:21,659
spending and restructuring the school

2403
02:37:20,369 --> 02:37:24,659
finance and I think this is what's

2404
02:37:21,659 --> 02:37:27,720
bothering a lot of us here and I hope

2405
02:37:24,659 --> 02:37:29,520
that we can avoid this sort of situation

2406
02:37:27,720 --> 02:37:32,369
in the future and we can put some of

2407
02:37:29,520 --> 02:37:35,659
this more money on future programs in

2408
02:37:32,369 --> 02:37:39,180
education well we hope to of course

2409
02:37:35,659 --> 02:37:43,169
continue to try to deliver the books at

2410
02:37:39,180 --> 02:37:46,169
the cheapest price per student that any

2411
02:37:43,169 --> 02:37:48,779
one is doing this in any state in the

2412
02:37:46,169 --> 02:37:50,939
Union and we will continue to make that

2413
02:37:48,779 --> 02:37:53,729
effort and to work with the legislature

2414
02:37:50,939 --> 02:37:56,159
and anywhere else that we can get good

2415
02:37:53,729 --> 02:37:58,279
advice on how to accomplish that thanks

2416
02:37:56,159 --> 02:37:58,279
sir

2417

02:37:58,699 --> 02:38:04,229
tell I'd like to ask some questions

2418
02:38:01,289 --> 02:38:07,020
please let state has a question dr. Berg

2419
02:38:04,229 --> 02:38:09,180
no dr. Brock do you consider that

2420
02:38:07,020 --> 02:38:14,970
there's been a debt created now that the

2421
02:38:09,180 --> 02:38:17,249
state of Texas owes I didn't understand

2422
02:38:14,970 --> 02:38:18,960
the question must had that already is

2423
02:38:17,249 --> 02:38:21,479
there debt

2424
02:38:18,960 --> 02:38:24,090
does the state of Texas owe some book

2425
02:38:21,479 --> 02:38:26,040
companies a debt yes sir

2426
02:38:24,090 --> 02:38:28,770
all right and would it be in the amounts

2427
02:38:26,040 --> 02:38:35,370
that you've already testified from the

2428
02:38:28,770 --> 02:38:37,260
front microphone yes sir I was asked to

2429
02:38:35,370 --> 02:38:39,510
give from the microphone the textbook

2430
02:38:37,260 --> 02:38:42,390
companies and the unpaid Freight bills

2431
02:38:39,510 --> 02:38:45,359
okay you you consider the amounts that

2432
02:38:42,390 --> 02:38:49,080
you've testified to regarding the book

2433
02:38:45,359 --> 02:38:53,069
companies that that you owe or somebody

2434
02:38:49,080 --> 02:38:57,720
owes to be at the end of the state with

2435
02:38:53,069 --> 02:39:03,029
this with this following a paragraph

2436
02:38:57,720 --> 02:39:05,520
here well it's a matter of fact that the

2437
02:39:03,029 --> 02:39:08,340
the listing that I have that includes

2438
02:39:05,520 --> 02:39:10,470
all of our obligations plus emergencies

2439
02:39:08,340 --> 02:39:11,939
of a hundred and fifty four thousand

2440
02:39:10,470 --> 02:39:14,250
eight hundred twenty five dollars and

2441
02:39:11,939 --> 02:39:15,840
forty-five cents would amount to the

2442
02:39:14,250 --> 02:39:18,000
grand total of two point eight million

2443
02:39:15,840 --> 02:39:19,770
dollars sir that's not the question I

2444

02:39:18,000 --> 02:39:22,859
asked the question is has there been a

2445
02:39:19,770 --> 02:39:28,260
debt created for the state of Texas yes

2446
02:39:22,859 --> 02:39:30,660
sir all right thank you I'd like to

2447
02:39:28,260 --> 02:39:33,920
clarify something and I think that

2448
02:39:30,660 --> 02:39:36,359
there's some misunderstanding about this

2449
02:39:33,920 --> 02:39:39,060
there was some testimony of made a

2450
02:39:36,359 --> 02:39:42,120
minute ago concerning whether or not it

2451
02:39:39,060 --> 02:39:45,180
was intentional for the words estimated

2452
02:39:42,120 --> 02:39:49,500
to be to have been left out of the

2453
02:39:45,180 --> 02:39:51,660
appropriations bill in 1973 and I'd like

2454
02:39:49,500 --> 02:39:53,670
for the records show that that that was

2455
02:39:51,660 --> 02:39:56,310
not an oversight that he was the

2456
02:39:53,670 --> 02:39:57,750
intention did you know that was the

2457
02:39:56,310 --> 02:40:01,800
intention of the appropriation committee

2458
02:39:57,750 --> 02:40:05,130
to leave that out following October 1974

2459
02:40:01,800 --> 02:40:07,140
mr. head I did learn that well did you

2460
02:40:05,130 --> 02:40:08,670
not read the appropriation bill as it

2461
02:40:07,140 --> 02:40:11,880
pertained to your agency prior to that

2462
02:40:08,670 --> 02:40:13,590
time yes sir I did they although I was

2463
02:40:11,880 --> 02:40:15,960
not administering this specifically I

2464
02:40:13,590 --> 02:40:20,279
had read the bill and not I did not

2465
02:40:15,960 --> 02:40:23,600
detect that personally all right who's

2466
02:40:20,279 --> 02:40:28,800
in charge of that in your agency sir

2467
02:40:23,600 --> 02:40:32,640
well we had a textbook director who was

2468
02:40:28,800 --> 02:40:35,670
then mr. JB golden and where is mr. gold

2469
02:40:32,640 --> 02:40:37,949
them he's retired as of February 28th

2470
02:40:35,670 --> 02:40:40,859
this year okay

2471

02:40:37,949 --> 02:40:44,250
see the gentleman that perhaps failed to

2472
02:40:40,859 --> 02:40:47,010
read the appropriation bill well he's

2473
02:40:44,250 --> 02:40:48,689
he's one we we have many folks in our

2474
02:40:47,010 --> 02:40:51,870
agency though that have this

2475
02:40:48,689 --> 02:40:54,540
responsibility to read it and you would

2476
02:40:51,870 --> 02:40:56,640
consider that what would be something

2477
02:40:54,540 --> 02:40:59,460
that you would want to read wouldn't you

2478
02:40:56,640 --> 02:41:02,189
sorry you would consider the

2479
02:40:59,460 --> 02:41:08,790
appropriation bill to be a document that

2480
02:41:02,189 --> 02:41:11,609
each state agency director and assistant

2481
02:41:08,790 --> 02:41:13,350
director and other personnel in charge

2482
02:41:11,609 --> 02:41:16,050
of expenditures would want to read

2483
02:41:13,350 --> 02:41:21,020
what's very definite yes okay I want to

2484
02:41:16,050 --> 02:41:27,149
ask you briefly about the necessity for

2485
02:41:21,020 --> 02:41:28,949
adopting textbooks often for instance I

2486
02:41:27,149 --> 02:41:32,130
believe you testified that there's a new

2487
02:41:28,949 --> 02:41:34,260
adoption about every five years sitting

2488
02:41:32,130 --> 02:41:37,020
right no so there's an adoption of

2489
02:41:34,260 --> 02:41:40,319
textbooks every year well but I mean but

2490
02:41:37,020 --> 02:41:44,130
the books are adopted usually for three

2491
02:41:40,319 --> 02:41:47,399
to five or six years depending on a book

2492
02:41:44,130 --> 02:41:50,159
and they come up for read option C as as

2493
02:41:47,399 --> 02:41:53,430
those adoption periods run out yes oh

2494
02:41:50,159 --> 02:41:56,489
they adopted annually I have had a

2495
02:41:53,430 --> 02:41:59,159
number of communications from various

2496
02:41:56,489 --> 02:42:02,010
individual citizens around the state and

2497
02:41:59,159 --> 02:42:04,859
also from teachers who have indicated to

2498

02:42:02,010 --> 02:42:08,130
me that they feel perhaps we're adopting

2499
02:42:04,859 --> 02:42:10,859
too often that we have good books that

2500
02:42:08,130 --> 02:42:16,170
could continue to be used that we're

2501
02:42:10,859 --> 02:42:18,600
rendering those obsolete at a rate

2502
02:42:16,170 --> 02:42:22,199
that's really unnecessary do you have an

2503
02:42:18,600 --> 02:42:24,989
opinion on them yes sir under the under

2504
02:42:22,199 --> 02:42:27,239
the statutes we are required to survey

2505
02:42:24,989 --> 02:42:30,569
the school districts and get reports

2506
02:42:27,239 --> 02:42:33,390
from them on what they believe to be a

2507
02:42:30,569 --> 02:42:36,689
book that needs to be readapted

2508
02:42:33,390 --> 02:42:39,029
or a new book and we annually review

2509
02:42:36,689 --> 02:42:43,240
these surveys from the school districts

2510
02:42:39,029 --> 02:42:46,180
we generally do not

2511
02:42:43,240 --> 02:42:49,510
we cannot follow their recommendations

2512
02:42:46,180 --> 02:42:52,720
we generate Li because of availability

2513
02:42:49,510 --> 02:42:55,560
books are for other reasons but we

2514
02:42:52,720 --> 02:42:58,510
generally care adoption periods longer

2515
02:42:55,560 --> 02:43:00,250
then we're recommended from the school

2516
02:42:58,510 --> 02:43:05,590
districts that they be carried

2517
02:43:00,250 --> 02:43:08,220
well did you normally adopt somewhere in

2518
02:43:05,590 --> 02:43:10,450
the neighborhood of every five years

2519
02:43:08,220 --> 02:43:14,860
somewhere in the neighborhood of every

2520
02:43:10,450 --> 02:43:16,810
five years we won't adopt a book it's my

2521
02:43:14,860 --> 02:43:19,150
understanding that the procedure is that

2522
02:43:16,810 --> 02:43:22,630
the textbook committee makes

2523
02:43:19,150 --> 02:43:26,350
recommendations to the board yes sir

2524
02:43:22,630 --> 02:43:28,360
from a bid list is that right they they

2525

02:43:26,350 --> 02:43:31,510
make recommendations on whether to adopt

2526
02:43:28,360 --> 02:43:33,550
or read opt books for the next year yes

2527
02:43:31,510 --> 02:43:36,250
all right does this textbook committee

2528
02:43:33,550 --> 02:43:39,010
when it makes its decision does it

2529
02:43:36,250 --> 02:43:42,880
consider the overall amount of money

2530
02:43:39,010 --> 02:43:45,400
involved it appears from the situation

2531
02:43:42,880 --> 02:43:47,590
that we have here now that perhaps the

2532
02:43:45,400 --> 02:43:49,990
textbook committee went in and made

2533
02:43:47,590 --> 02:43:52,300
decisions without a great lot of regard

2534
02:43:49,990 --> 02:43:54,670
for the amount of money available could

2535
02:43:52,300 --> 02:43:58,140
you tell us a little bit about them well

2536
02:43:54,670 --> 02:44:01,120
at the time they make their decision the

2537
02:43:58,140 --> 02:44:05,740
they do not have firm figures before

2538
02:44:01,120 --> 02:44:08,170
them on what the various books cost well

2539
02:44:05,740 --> 02:44:12,670
let me let me be more specific

2540
02:44:08,170 --> 02:44:16,300
I have a copy of a document called

2541
02:44:12,670 --> 02:44:18,100
catalog of textbook bids received by

2542
02:44:16,300 --> 02:44:22,570
State Board of Education for state

2543
02:44:18,100 --> 02:44:28,090
adoption of November 1973 looking on

2544
02:44:22,570 --> 02:44:33,550
page 54 of that particular publication I

2545
02:44:28,090 --> 02:44:38,290
see that there were four different

2546
02:44:33,550 --> 02:44:41,560
titles adopted the book called design

2547
02:44:38,290 --> 02:44:45,040
drafting for seven dollars and eleven

2548
02:44:41,560 --> 02:44:47,590
cents was adopted the book called

2549
02:44:45,040 --> 02:44:50,950
engineering design graphics for eleven

2550
02:44:47,590 --> 02:44:53,229
dollars and sixty cents was adopted the

2551
02:44:50,950 --> 02:44:55,360
book titled drafting technology in

2552

02:44:53,229 --> 02:45:00,850
practice for 890

2553
02:44:55,360 --> 02:45:04,420
was adopted the book called exploring

2554
02:45:00,850 --> 02:45:11,950
drafting for 5:52 was adopted other

2555
02:45:04,420 --> 02:45:14,320
books for 525 \$3 546 in 576 were not

2556
02:45:11,950 --> 02:45:17,320
adopted the question I'm trying to ask

2557
02:45:14,320 --> 02:45:20,830
is whether or not in the process of the

2558
02:45:17,320 --> 02:45:23,950
textbook committee considering all of

2559
02:45:20,830 --> 02:45:27,521
these different titles do they consider

2560
02:45:23,950 --> 02:45:30,910
that they only have X number of dollars

2561
02:45:27,521 --> 02:45:34,750
to expend and do they try to fit this

2562
02:45:30,910 --> 02:45:37,061
within what they have to finally decide

2563
02:45:34,750 --> 02:45:39,580
them it appears that perhaps they sat

2564
02:45:37,061 --> 02:45:41,440
down and made the decisions without a

2565
02:45:39,580 --> 02:45:47,021
great lot of regard to the amount of

2566
02:45:41,440 --> 02:45:48,940
money available mr. head I I would

2567
02:45:47,021 --> 02:45:52,660
believe that that text cook book

2568
02:45:48,940 --> 02:45:54,940
committee sitting is that as they do at

2569
02:45:52,660 --> 02:45:58,870
the time of the year that they they're

2570
02:45:54,940 --> 02:46:04,360
making this decision does not take into

2571
02:45:58,870 --> 02:46:05,500
account a sum certain for the year to to

2572
02:46:04,360 --> 02:46:08,860
when they're making those

2573
02:46:05,500 --> 02:46:10,570
recommendations to us nor do I believe

2574
02:46:08,860 --> 02:46:12,370
that the local school districts

2575
02:46:10,570 --> 02:46:15,430
and telling us whether they think books

2576
02:46:12,370 --> 02:46:19,061
ought to be readapted are new books

2577
02:46:15,430 --> 02:46:22,690
purchased as their substitutes would be

2578
02:46:19,061 --> 02:46:26,110
taking that information into account you

2579

02:46:22,690 --> 02:46:29,080
know across the board now I would say

2580
02:46:26,110 --> 02:46:33,790
though that it is it is a responsibility

2581
02:46:29,080 --> 02:46:35,950
that we look at this when the state when

2582
02:46:33,790 --> 02:46:39,660
the committee is making their selection

2583
02:46:35,950 --> 02:46:43,180
see for our current year they have

2584
02:46:39,660 --> 02:46:45,700
better information available than they

2585
02:46:43,180 --> 02:46:48,790
do when they're making it making the

2586
02:46:45,700 --> 02:46:50,530
recommendations for future years which i

2587
02:46:48,790 --> 02:46:58,420
think is what you're addressing to me at

2588
02:46:50,530 --> 02:46:59,740
this time we we do select the books I'd

2589
02:46:58,420 --> 02:47:02,021
say that committee made up of

2590
02:46:59,740 --> 02:47:04,960
professionals are selecting books upon

2591
02:47:02,021 --> 02:47:08,470
what they deemed to be the quality of

2592
02:47:04,960 --> 02:47:09,200
the books and how they address what

2593
02:47:08,470 --> 02:47:12,740
we're attempting

2594
02:47:09,200 --> 02:47:15,021
to teach in the state well in light of

2595
02:47:12,740 --> 02:47:17,210
the statement you've just made do you

2596
02:47:15,021 --> 02:47:21,260
think we need to overhaul the procedure

2597
02:47:17,210 --> 02:47:24,771
by which we make these decisions so that

2598
02:47:21,260 --> 02:47:28,160
the committee the textbook committee and

2599
02:47:24,771 --> 02:47:29,830
the board can be better advised as to

2600
02:47:28,160 --> 02:47:34,610
cost before they make their final

2601
02:47:29,830 --> 02:47:37,010
decisions well sir I think we should we

2602
02:47:34,610 --> 02:47:40,160
should be working of course all the way

2603
02:47:37,010 --> 02:47:43,460
always to try to reduce the cost of our

2604
02:47:40,160 --> 02:47:46,521
textbooks and we should we should do

2605
02:47:43,460 --> 02:47:48,500
whatever measures can be taken to do

2606

02:47:46,521 --> 02:47:50,960
that I think we should attempt to do it

2607
02:47:48,500 --> 02:47:55,130
as long as we can deliver a quality book

2608
02:47:50,960 --> 02:47:57,800
to the school systems so we do look at

2609
02:47:55,130 --> 02:47:59,931
what other states do our personnel is

2610
02:47:57,800 --> 02:48:01,820
doing that as well to see if we pick up

2611
02:47:59,931 --> 02:48:08,210
better ideas from other states as well

2612
02:48:01,820 --> 02:48:09,920
as internally here on it we there is it

2613
02:48:08,210 --> 02:48:13,010
is true that there will always be a

2614
02:48:09,920 --> 02:48:16,040
range I think of the quality of the book

2615
02:48:13,010 --> 02:48:18,380
that the publishers put out and that the

2616
02:48:16,040 --> 02:48:20,840
people doing the selecting would be

2617
02:48:18,380 --> 02:48:23,360
trying to make their judge modify about

2618
02:48:20,840 --> 02:48:26,780
the best dollar buy rather than the

2619
02:48:23,360 --> 02:48:28,940
cheapest book that's on the list and I

2620
02:48:26,780 --> 02:48:30,561
think they do go into that examination

2621
02:48:28,940 --> 02:48:35,660
of the books I know our textbook

2622
02:48:30,561 --> 02:48:37,460
provision examines that well I'm quite

2623
02:48:35,660 --> 02:48:39,820
disappointed and I think a number of

2624
02:48:37,460 --> 02:48:42,620
other members are that we did not

2625
02:48:39,820 --> 02:48:44,150
through your agency when you know the

2626
02:48:42,620 --> 02:48:47,391
amount of money that you had to spend

2627
02:48:44,150 --> 02:48:49,820
that you did not go back and try to pare

2628
02:48:47,391 --> 02:48:53,811
this down and I've seen a number of

2629
02:48:49,820 --> 02:48:56,510
areas in these bit lists here where we

2630
02:48:53,811 --> 02:48:58,190
could have cut back in this this is the

2631
02:48:56,510 --> 02:49:03,620
point that I think we're trying to make

2632
02:48:58,190 --> 02:49:05,840
here it's very difficult for me to

2633

02:49:03,620 --> 02:49:08,300
understand why we did not at the time

2634
02:49:05,840 --> 02:49:11,150
your agency knew the amount of money

2635
02:49:08,300 --> 02:49:12,891
available you did not go back now make

2636
02:49:11,150 --> 02:49:14,630
that determination that you could not

2637
02:49:12,891 --> 02:49:16,580
spend quite as much for the book since

2638
02:49:14,630 --> 02:49:18,290
you had initially thought you could now

2639
02:49:16,580 --> 02:49:19,150
said the decision had already been made

2640
02:49:18,290 --> 02:49:21,360
in the book

2641
02:49:19,150 --> 02:49:24,700
chartered when we learned in October

2642
02:49:21,360 --> 02:49:26,471
1974 that this era had been made alright

2643
02:49:24,700 --> 02:49:30,511
I'd like to read you section the state

2644
02:49:26,471 --> 02:49:30,511
constitution and ask your opinion on it

2645
02:49:34,410 --> 02:49:42,011
this has to do with the legislative

2646
02:49:37,120 --> 02:49:44,351
department in each section 44 has to do

2647
02:49:42,011 --> 02:49:47,440
with compensation of public officers

2648
02:49:44,351 --> 02:49:49,870
servants agents and contractors extra

2649
02:49:47,440 --> 02:49:53,860
compensation unauthorized claims and

2650
02:49:49,870 --> 02:49:57,610
unauthorized employment it's on page 17

2651
02:49:53,860 --> 02:49:59,980
of our handbook on rules and it states

2652
02:49:57,610 --> 02:50:02,730
this the legislature shall provide by

2653
02:49:59,980 --> 02:50:06,101
law for the compensation of all officers

2654
02:50:02,730 --> 02:50:08,160
servants agents and public contractors

2655
02:50:06,101 --> 02:50:11,141
not provided for in this constitution

2656
02:50:08,160 --> 02:50:14,200
but shall not grant extra compensation

2657
02:50:11,141 --> 02:50:17,290
to any officer agent servant or public

2658
02:50:14,200 --> 02:50:20,170
contractors after such public service

2659
02:50:17,290 --> 02:50:22,420
shall have been performed our contract

2660

02:50:20,170 --> 02:50:25,570
entered into for the performance of the

2661
02:50:22,420 --> 02:50:28,061
same nor grant by appropriation or

2662
02:50:25,570 --> 02:50:30,910
otherwise any amount of money out of the

2663
02:50:28,061 --> 02:50:34,271
Treasury of the state to any individual

2664
02:50:30,910 --> 02:50:36,551
on a claim real or pretended when the

2665
02:50:34,271 --> 02:50:39,881
same shall not have been provided for by

2666
02:50:36,551 --> 02:50:41,561
pre-existing law nor employ anyone in

2667
02:50:39,881 --> 02:50:44,110
the name of the state unless authorized

2668
02:50:41,561 --> 02:50:45,820
by pre-existing law it would be my

2669
02:50:44,110 --> 02:50:49,570
opinion from reading this section the

2670
02:50:45,820 --> 02:50:53,040
Constitution that when we took the the

2671
02:50:49,570 --> 02:50:55,271
phrase estimated to be out of the

2672
02:50:53,040 --> 02:50:57,971
appropriation bill that we strictly

2673
02:50:55,271 --> 02:51:01,000
limited the expenditure for these

2674
02:50:57,971 --> 02:51:02,920
textbooks to the amount of money stated

2675
02:51:01,000 --> 02:51:04,181
and for that reason I don't believe the

2676
02:51:02,920 --> 02:51:06,641
legislature is going to have the

2677
02:51:04,181 --> 02:51:08,410
authority to pay this bill would you

2678
02:51:06,641 --> 02:51:10,480
agree with that or do you have an

2679
02:51:08,410 --> 02:51:17,561
opinion on it yes sir I do have an

2680
02:51:10,480 --> 02:51:20,170
opinion sir where we do operate under

2681
02:51:17,561 --> 02:51:23,021
the statutes that the legislature passes

2682
02:51:20,170 --> 02:51:24,551
and the legislature of course passes

2683
02:51:23,021 --> 02:51:27,521
statutes in keeping with the

2684
02:51:24,551 --> 02:51:31,670
Constitution that has been adopted and

2685
02:51:27,521 --> 02:51:35,870
the statute that applies is twelve volt

2686
02:51:31,670 --> 02:51:40,580
twelve point o2 for the other education

2687

02:51:35,870 --> 02:51:42,649
code and that Education Code section II

2688
02:51:40,580 --> 02:51:45,470
says on the basis of the information

2689
02:51:42,649 --> 02:51:48,500
furnished the State Board shall have the

2690
02:51:45,470 --> 02:51:50,960
power to set apart from the available

2691
02:51:48,500 --> 02:51:54,920
school fund the estimated amount needed

2692
02:51:50,960 --> 02:51:57,439
with 25% additional this additional sum

2693
02:51:54,920 --> 02:52:00,050
to be used to meet emergencies or an

2694
02:51:57,439 --> 02:52:02,810
assist is caused by an unusually

2695
02:52:00,050 --> 02:52:05,780
increase in Scholastic attendance are by

2696
02:52:02,810 --> 02:52:08,359
unusual and for unforeseen expenses and

2697
02:52:05,780 --> 02:52:12,080
school conditions the board or the

2698
02:52:08,359 --> 02:52:14,390
agency has never used that 25% that's

2699
02:52:12,080 --> 02:52:16,700
authorized under the statute here

2700
02:52:14,390 --> 02:52:18,680
because we've used the word estimate to

2701
02:52:16,700 --> 02:52:21,170
come as close to what we think that it

2702
02:52:18,680 --> 02:52:24,260
would be as possible feeling that we

2703
02:52:21,170 --> 02:52:31,430
could make an adjustment to that

2704
02:52:24,260 --> 02:52:32,439
estimate mr. chairman will the gentleman

2705
02:52:31,430 --> 02:52:35,210
yield

2706
02:52:32,439 --> 02:52:38,420
yes mr. mee mr. merchant harder question

2707
02:52:35,210 --> 02:52:42,109
dr. Berg it would be helpful to me if

2708
02:52:38,420 --> 02:52:44,810
you would go through the process step by

2709
02:52:42,109 --> 02:52:47,560
step by which you acquire textbooks for

2710
02:52:44,810 --> 02:52:47,560
our students

2711
02:52:55,660 --> 02:53:04,561
it is as I've remarked now almost around

2712
02:52:58,870 --> 02:53:09,160
the calendar process mr. Nugent we

2713
02:53:04,561 --> 02:53:13,631
annually survey the schools first of all

2714

02:53:09,160 --> 02:53:19,291
to see what they recommend as books that

2715
02:53:13,631 --> 02:53:22,211
need to be adopted our readapted we also

2716
02:53:19,291 --> 02:53:25,240
take into account the statutes that have

2717
02:53:22,211 --> 02:53:28,631
been passed by the last session of the

2718
02:53:25,240 --> 02:53:30,791
legislature are that what that might be

2719
02:53:28,631 --> 02:53:35,320
under consideration by the legislature

2720
02:53:30,791 --> 02:53:37,990
of new laws that affect textbooks such

2721
02:53:35,320 --> 02:53:40,450
as in recent years bilingual education

2722
02:53:37,990 --> 02:53:42,370
or kindergarten education are some

2723
02:53:40,450 --> 02:53:45,011
vocational fields of education right

2724
02:53:42,370 --> 02:53:47,801
after you get through with that do you

2725
02:53:45,011 --> 02:53:50,561
then contact a depository and tell them

2726
02:53:47,801 --> 02:53:54,820
that you want to buy some books there we

2727
02:53:50,561 --> 02:53:57,070
go with that information in hand then we

2728
02:53:54,820 --> 02:54:01,240
bring to the State Board of Education in

2729
02:53:57,070 --> 02:54:05,650
March every year a list of the books

2730
02:54:01,240 --> 02:54:08,051
that we recommend for read option and

2731
02:54:05,650 --> 02:54:12,131
the list of books that are new for

2732
02:54:08,051 --> 02:54:14,370
purchase and a period of years that we

2733
02:54:12,131 --> 02:54:18,610
are recommending that those books be

2734
02:54:14,370 --> 02:54:20,291
adopted for we bring estimated prices of

2735
02:54:18,610 --> 02:54:23,561
the books and that's sort of the best

2736
02:54:20,291 --> 02:54:26,171
that we have at that point in March when

2737
02:54:23,561 --> 02:54:30,551
the board has accepted or rejected or

2738
02:54:26,171 --> 02:54:33,610
modified that list of books then we move

2739
02:54:30,551 --> 02:54:36,730
from that point to set up a state

2740
02:54:33,610 --> 02:54:40,990
textbook committee and to set up a

2741

02:54:36,730 --> 02:54:44,381
proclamation that says what should be in

2742
02:54:40,990 --> 02:54:46,900
the books well let me put that short if

2743
02:54:44,381 --> 02:54:49,931
I may well I'm interested in the process

2744
02:54:46,900 --> 02:54:51,971
of purchase at the point where the books

2745
02:54:49,931 --> 02:54:54,761
are approved and you're ready to fire

2746
02:54:51,971 --> 02:54:57,700
them what do you do when they're

2747
02:54:54,761 --> 02:55:00,311
approved and ready to buy it beans that

2748
02:54:57,700 --> 02:55:02,261
we have five books for each one of the

2749
02:55:00,311 --> 02:55:04,721
subjects are as many books as were

2750
02:55:02,261 --> 02:55:07,240
available up to five we go to the

2751
02:55:04,721 --> 02:55:10,300
textbook companies for contracts for the

2752
02:55:07,240 --> 02:55:13,330
books and they issue those contracts or

2753
02:55:10,300 --> 02:55:16,540
sign those contracts on these books and

2754
02:55:13,330 --> 02:55:18,550
for delivery to us as well as for the

2755
02:55:16,540 --> 02:55:24,250
period of time of extension farm in

2756
02:55:18,550 --> 02:55:27,780
December of the year following the the

2757
02:55:24,250 --> 02:55:32,350
delivery of the books to our schools and

2758
02:55:27,780 --> 02:55:35,800
then it's in July after the books have

2759
02:55:32,350 --> 02:55:38,950
been selected for a given year in the

2760
02:55:35,800 --> 02:55:41,260
spring months that the board then firms

2761
02:55:38,950 --> 02:55:45,520
up the amount of money under this

2762
02:55:41,260 --> 02:55:49,380
latitude of in section 1202 for the

2763
02:55:45,520 --> 02:55:52,960
payment of the books for the next year

2764
02:55:49,380 --> 02:55:54,670
that's done in July as well if you've

2765
02:55:52,960 --> 02:55:57,370
got so much detail in there you're

2766
02:55:54,670 --> 02:56:00,520
completely losing me once you get the

2767
02:55:57,370 --> 02:56:03,130
books approved you then submit those

2768

02:56:00,520 --> 02:56:05,110
approved books to the publishers and you

2769
02:56:03,130 --> 02:56:06,790
ask them to give you a price on them is

2770
02:56:05,110 --> 02:56:08,410
that correct well to give us a firm

2771
02:56:06,790 --> 02:56:10,330
contract they've been given they've

2772
02:56:08,410 --> 02:56:12,610
given us a price prior to that all right

2773
02:56:10,330 --> 02:56:15,810
at that point you then contract with

2774
02:56:12,610 --> 02:56:19,180
them to print and deliver how many books

2775
02:56:15,810 --> 02:56:21,670
well the number that we've judged to be

2776
02:56:19,180 --> 02:56:23,620
needed in the schools for the next for

2777
02:56:21,670 --> 02:56:27,270
the next year's all right then

2778
02:56:23,620 --> 02:56:30,820
how do you make payment for those books

2779
02:56:27,270 --> 02:56:32,760
we make payment by issuing a voucher

2780
02:56:30,820 --> 02:56:37,690
through the comptroller's office in

2781
02:56:32,760 --> 02:56:40,450
beginning in September on through the

2782
02:56:37,690 --> 02:56:43,570
fiscal year down through August we are

2783
02:56:40,450 --> 02:56:46,960
paying costs of delivery of these books

2784
02:56:43,570 --> 02:56:48,670
and services all right now who you make

2785
02:56:46,960 --> 02:56:51,070
that voucher payable to the Comptroller

2786
02:56:48,670 --> 02:56:53,860
you say no the comptroller makes it

2787
02:56:51,070 --> 02:56:57,880
payable to these vendors that we have

2788
02:56:53,860 --> 02:57:00,220
for the books and they send the delivery

2789
02:56:57,880 --> 02:57:03,100
system for the books all right then the

2790
02:57:00,220 --> 02:57:04,750
Comptroller pays the publisher price

2791
02:57:03,100 --> 02:57:07,240
well I'm not sure is issued through

2792
02:57:04,750 --> 02:57:10,630
their office yesterday prior to or after

2793
02:57:07,240 --> 02:57:13,690
the books are delivered yes sir

2794
02:57:10,630 --> 02:57:15,220
which after they're delivered yes all

2795

02:57:13,690 --> 02:57:17,520
right after the books are delivered

2796
02:57:15,220 --> 02:57:20,909
where to the local school district

2797
02:57:17,520 --> 02:57:23,550
and who the depositories that deliver

2798
02:57:20,909 --> 02:57:26,159
Omar send them to the local districts

2799
02:57:23,550 --> 02:57:27,810
well which is it are they paid when they

2800
02:57:26,159 --> 02:57:29,520
are delivered to the depository or will

2801
02:57:27,810 --> 02:57:31,380
they deliver to the SCOOTER delivered to

2802
02:57:29,520 --> 02:57:33,239
the depositories and the orders go

2803
02:57:31,380 --> 02:57:34,199
through the depository and and they're

2804
02:57:33,239 --> 02:57:36,810
paid for the books

2805
02:57:34,199 --> 02:57:39,270
alright at what point in this process

2806
02:57:36,810 --> 02:57:42,029
are they paid when they're delivered to

2807
02:57:39,270 --> 02:57:43,890
the depository are afterwards as I

2808
02:57:42,029 --> 02:57:45,960
understand our process it's after

2809
02:57:43,890 --> 02:57:50,060
they're delivered sir after they've been

2810
02:57:45,960 --> 02:57:52,979
shipped to these schools all right then

2811
02:57:50,060 --> 02:57:56,159
we don't owe for the books until such

2812
02:57:52,979 --> 02:57:59,789
time as the depository ships them to the

2813
02:57:56,159 --> 02:58:02,159
school is that correct that's the way it

2814
02:57:59,789 --> 02:58:05,520
works sir yes all right then once those

2815
02:58:02,159 --> 02:58:08,430
books are shipped to the school we owe

2816
02:58:05,520 --> 02:58:10,470
for them that's my understanding or the

2817
02:58:08,430 --> 02:58:14,569
way the process is that the point at

2818
02:58:10,470 --> 02:58:14,569
which you issue the voucher for payment

2819
02:58:14,630 --> 02:58:20,189
yes sir following that following that

2820
02:58:17,569 --> 02:58:22,229
shipment is the way I understand we pay

2821
02:58:20,189 --> 02:58:23,729
for the books now I think I have some

2822

02:58:22,229 --> 02:58:28,260
people here to get a little bit more

2823
02:58:23,729 --> 02:58:30,270
into detail with you on that if if need

2824
02:58:28,260 --> 02:58:31,770
be but that's the way I understand our

2825
02:58:30,270 --> 02:58:34,170
process all right

2826
02:58:31,770 --> 02:58:36,989
once the books are shipped we then owe

2827
02:58:34,170 --> 02:58:40,560
the money yes sir who do we owe that

2828
02:58:36,989 --> 02:58:44,310
money to well to the suppliers and to

2829
02:58:40,560 --> 02:58:49,460
the obvi of the books well it who is the

2830
02:58:44,310 --> 02:58:53,100
supplier well we deal with companies and

2831
02:58:49,460 --> 02:58:54,930
we the publishing companies that I read

2832
02:58:53,100 --> 02:58:56,640
here a while ago the suppliers you're

2833
02:58:54,930 --> 02:58:59,279
speaking of are the publishing companies

2834
02:58:56,640 --> 02:59:03,119
yes sir and the Book Depository that

2835
02:58:59,279 --> 02:59:04,979
that coordinates the shipment of many of

2836
02:59:03,119 --> 02:59:06,510
these books to the school district all

2837
02:59:04,979 --> 02:59:08,909
right do you make the check payable to

2838
02:59:06,510 --> 02:59:11,909
the publishers and the depository or to

2839
02:59:08,909 --> 02:59:15,449
the depository or to the publisher well

2840
02:59:11,909 --> 02:59:18,149
I thinking we make the check that is

2841
02:59:15,449 --> 02:59:20,159
issued to the depository I believe for

2842
02:59:18,149 --> 02:59:22,500
the books now all right I don't know

2843
02:59:20,159 --> 02:59:25,140
what is exceptions to that or not then

2844
02:59:22,500 --> 02:59:28,050
normally you pay the depository for the

2845
02:59:25,140 --> 02:59:28,680
books after their shift I believe that's

2846
02:59:28,050 --> 02:59:30,930
correct

2847
02:59:28,680 --> 02:59:33,149
all right now then does

2848
02:59:30,930 --> 02:59:35,580
payment you make to the depository on

2849

02:59:33,149 --> 02:59:38,390
the textbooks include the freight our

2850
02:59:35,580 --> 02:59:40,800
transportation charge to the schools I

2851
02:59:38,390 --> 02:59:44,029
really don't know sir whether that I

2852
02:59:40,800 --> 02:59:46,529
think the freight charges go to the

2853
02:59:44,029 --> 02:59:48,330
freight people but I'm not certain of

2854
02:59:46,529 --> 02:59:50,100
how that the mechanics of that operate

2855
02:59:48,330 --> 02:59:52,710
all right who pays the freight charges

2856
02:59:50,100 --> 02:59:58,649
the publishers depository schools or

2857
02:59:52,710 --> 03:00:01,199
state well the state pays the cost of

2858
02:59:58,649 --> 03:00:03,600
the transportation whether this these

2859
03:00:01,199 --> 03:00:06,210
invoices actually come from the freight

2860
03:00:03,600 --> 03:00:07,920
company to our office and then to the

2861
03:00:06,210 --> 03:00:10,020
comptroller's office the check going

2862
03:00:07,920 --> 03:00:13,859
directly to the freight companies

2863
03:00:10,020 --> 03:00:15,330
I'm not advised technically as how that

2864
03:00:13,859 --> 03:00:17,880
takes place mr. mayor right now let me

2865
03:00:15,330 --> 03:00:19,830
ask you another question the money that

2866
03:00:17,880 --> 03:00:21,449
we're asked to appropriate here is that

2867
03:00:19,830 --> 03:00:23,670
for books which have already been

2868
03:00:21,449 --> 03:00:32,430
delivered that's four books that have

2869
03:00:23,670 --> 03:00:32,850
already been delivered to the school all

2870
03:00:32,430 --> 03:00:34,680
right

2871
03:00:32,850 --> 03:00:36,930
does the amount of money that we're

2872
03:00:34,680 --> 03:00:39,210
asking to be appropriated here include

2873
03:00:36,930 --> 03:00:40,279
any transportation cost for the delivery

2874
03:00:39,210 --> 03:00:42,960
of those books

2875
03:00:40,279 --> 03:00:45,359
does it provide for the delivery of the

2876

03:00:42,960 --> 03:00:47,189
books what we're asking for here yes

2877
03:00:45,359 --> 03:00:50,550
there there's no that's not my question

2878
03:00:47,189 --> 03:01:00,479
my question is mr. chairman can we have

2879
03:00:50,550 --> 03:01:03,170
a little better order let's have a

2880
03:01:00,479 --> 03:01:05,430
little better order members of committee

2881
03:01:03,170 --> 03:01:07,290
some members are complainants they're

2882
03:01:05,430 --> 03:01:09,779
having difficulty hearing the testimony

2883
03:01:07,290 --> 03:01:15,149
of the women please give it your

2884
03:01:09,779 --> 03:01:18,239
attention your further questions mr.

2885
03:01:15,149 --> 03:01:20,790
moody yes I have sir the question I'm

2886
03:01:18,239 --> 03:01:22,680
asking you is is any of the money it is

2887
03:01:20,790 --> 03:01:24,810
seeking to be appropriated here for

2888
03:01:22,680 --> 03:01:26,970
payment of transportation of those books

2889
03:01:24,810 --> 03:01:29,670
from the depository to the schools by

2890
03:01:26,970 --> 03:01:31,620
the state yes sir can you tell me how

2891
03:01:29,670 --> 03:01:39,630
much of that 2.8 million is for

2892
03:01:31,620 --> 03:01:41,220
transportation four thousand six hundred

2893
03:01:39,630 --> 03:01:43,529
twenty nine dollars and fifty eight

2894
03:01:41,220 --> 03:01:44,560
cents and the rest of it is purchase

2895
03:01:43,529 --> 03:01:47,560
price for books

2896
03:01:44,560 --> 03:01:49,960
already been delivered that's my

2897
03:01:47,560 --> 03:01:52,180
understanding yes is the freight charge

2898
03:01:49,960 --> 03:01:56,220
for services that have already been

2899
03:01:52,180 --> 03:01:59,109
delivered that is also my understanding

2900
03:01:56,220 --> 03:02:00,699
in other words the people who have

2901
03:01:59,109 --> 03:02:02,710
shipped these books and the people who

2902
03:02:00,699 --> 03:02:05,229
have hold these books did so on the

2903

03:02:02,710 --> 03:02:08,170
basis of an order from your agency

2904
03:02:05,229 --> 03:02:11,020
that's my understanding of this

2905
03:02:08,170 --> 03:02:13,329
information I have before me sir and as

2906
03:02:11,020 --> 03:02:17,109
far as you know they acted in reliance

2907
03:02:13,329 --> 03:02:19,329
upon your order yes sir and they have

2908
03:02:17,109 --> 03:02:21,279
put their products their time and their

2909
03:02:19,329 --> 03:02:25,409
money into fulfilling this order for the

2910
03:02:21,279 --> 03:02:28,000
state that's correct sir thank you sir

2911
03:02:25,409 --> 03:02:30,579
miss chairman I have a question mr.

2912
03:02:28,000 --> 03:02:34,420
Evans has a question dr. Berg mr. Haack

2913
03:02:30,579 --> 03:02:37,479
bracket first off I didn't get the total

2914
03:02:34,420 --> 03:02:38,829
figure that you said we owned I did pick

2915
03:02:37,479 --> 03:02:40,840
up the forty four thousand two hundred

2916
03:02:38,829 --> 03:02:43,829
and fifty-eight do we have a total

2917
03:02:40,840 --> 03:02:46,689
figure here is two million eight hundred

2918
03:02:43,829 --> 03:02:48,609
thousand dollars that's the total figure

2919
03:02:46,689 --> 03:02:51,699
that we owe at the present time is that

2920
03:02:48,609 --> 03:02:55,540
correct has in there that makes up that

2921
03:02:51,699 --> 03:02:58,989
figure two million six hundred forty

2922
03:02:55,540 --> 03:03:00,880
five thousand one hundred seventy four

2923
03:02:58,989 --> 03:03:05,409
dollars fifty five cents

2924
03:03:00,880 --> 03:03:07,149
it has emergencies a hundred fifty four

2925
03:03:05,409 --> 03:03:11,260
thousand eight hundred twenty-five

2926
03:03:07,149 --> 03:03:15,819
dollars and forty-five cents money is

2927
03:03:11,260 --> 03:03:17,859
that we put in for emergencies on to

2928
03:03:15,819 --> 03:03:19,840
take care of conditions that I read it

2929
03:03:17,859 --> 03:03:22,569
about in this paragraph over here while

2930

03:03:19,840 --> 03:03:24,850
ago of section 1202 so what you're

2931
03:03:22,569 --> 03:03:27,670
saying is that we don't actually owe the

2932
03:03:24,850 --> 03:03:31,540
2.8 million at the present time you owe

2933
03:03:27,670 --> 03:03:34,210
that less the less the commitments that

2934
03:03:31,540 --> 03:03:41,279
we have made you know for Braille books

2935
03:03:34,210 --> 03:03:41,279
and so on that are I believe that

2936
03:03:43,839 --> 03:03:55,459
well let me see I'm trying to review my

2937
03:03:46,489 --> 03:03:57,770
data here on the inch incurred cost the

2938
03:03:55,459 --> 03:04:03,459
incurred cost and the commitments that

2939
03:03:57,770 --> 03:04:07,249
we have two freight lines for deliveries

2940
03:04:03,459 --> 03:04:08,959
in in mr. Nugent's question here he

2941
03:04:07,249 --> 03:04:12,649
wanted to know if these are all

2942
03:04:08,959 --> 03:04:15,289
commitments are for invoices that we've

2943
03:04:12,649 --> 03:04:21,069
already made future the sheet that I'm

2944
03:04:15,289 --> 03:04:24,829
referring to on supporting detail list

2945
03:04:21,069 --> 03:04:27,589
summer freight and freight rate increase

2946
03:04:24,829 --> 03:04:32,209
and and summer Braille and large type

2947
03:04:27,589 --> 03:04:34,399
books that adds to these invoices that

2948
03:04:32,209 --> 03:04:36,289
we have already received which I did

2949
03:04:34,399 --> 03:04:39,319
overlooked while ago and responding to

2950
03:04:36,289 --> 03:04:41,060
mr. Nugent but the hundred fifty four

2951
03:04:39,319 --> 03:04:43,339
thousand dollars would be for these

2952
03:04:41,060 --> 03:04:45,589
kinds of emergencies and these others

2953
03:04:43,339 --> 03:04:46,939
are commitments that we have now words

2954
03:04:45,589 --> 03:04:49,479
you're saying one hundred and fifty four

2955
03:04:46,939 --> 03:04:52,879
thousand of this money is for future in

2956
03:04:49,479 --> 03:04:55,249
encumbrances it's for taking care of it

2957

03:04:52,879 --> 03:04:57,049
for school house burns tomorrow we have

2958
03:04:55,249 --> 03:04:58,819
to deliver some books to them you know

2959
03:04:57,049 --> 03:04:59,270
to finish out the year and that sort of

2960
03:04:58,819 --> 03:05:02,449
thing

2961
03:04:59,270 --> 03:05:05,389
would you explain to me I'm not fully

2962
03:05:02,449 --> 03:05:10,489
aware of what textbook number three is

2963
03:05:05,389 --> 03:05:14,509
textbook fund number three what is

2964
03:05:10,489 --> 03:05:17,060
textbook fund number three are you

2965
03:05:14,509 --> 03:05:21,129
looking at the appropriation I'm looking

2966
03:05:17,060 --> 03:05:21,129
at house at Senate bill five five nine

2967
03:05:21,520 --> 03:05:28,069
it says there is hereby appropriated for

2968
03:05:24,859 --> 03:05:29,899
fiscal year 1975 to the State Board of

2969
03:05:28,069 --> 03:05:32,449
Education to the unexpended and

2970
03:05:29,899 --> 03:05:35,089
unappropriated balances in the textbook

2971
03:05:32,449 --> 03:05:38,919
fund number three I'm advised that that

2972
03:05:35,089 --> 03:05:43,159
is the number of the fun in the in the

2973
03:05:38,919 --> 03:05:45,499
comptroller's office that carries our

2974
03:05:43,159 --> 03:05:48,169
textbook fund and there's a balance in

2975
03:05:45,499 --> 03:05:50,600
that fund sufficient to to pay off our

2976
03:05:48,169 --> 03:05:52,909
obligations for this year in other words

2977
03:05:50,600 --> 03:05:56,200
this fund is thereby coming out of

2978
03:05:52,909 --> 03:05:59,300
textbook fund number three yes

2979
03:05:56,200 --> 03:06:02,450
and it's not coming out of the General

2980
03:05:59,300 --> 03:06:05,000
Revenue Fund is that correct correct do

2981
03:06:02,450 --> 03:06:07,851
you know how much there is in this fund

2982
03:06:05,000 --> 03:06:10,521
I understand approximately 4.5 million

2983
03:06:07,851 --> 03:06:12,320
dollars all right these are the

2984

03:06:10,521 --> 03:06:14,960
automatic funds that are set up by the

2985
03:06:12,320 --> 03:06:16,160
highway taxes is that correct well

2986
03:06:14,960 --> 03:06:18,710
though they come from the available

2987
03:06:16,160 --> 03:06:21,550
school fund that that's interest on our

2988
03:06:18,710 --> 03:06:25,730
permanent school fund and other sources

2989
03:06:21,550 --> 03:06:27,590
thank you dr. Berg yes mr. chairman

2990
03:06:25,730 --> 03:06:31,160
would you recognize me for a motion to

2991
03:06:27,590 --> 03:06:34,160
get rid of this bill just a moment mr.

2992
03:06:31,160 --> 03:06:35,900
president in the proper time the chair

2993
03:06:34,160 --> 03:06:40,340
will be happy to recognize you are there

2994
03:06:35,900 --> 03:06:42,980
further questions of this witness on

2995
03:06:40,340 --> 03:06:44,931
behalf of the committee dr Brockett let

2996
03:06:42,980 --> 03:06:47,150
the chair express appreciation to you

2997
03:06:44,931 --> 03:06:48,891
for your courtesy and answering all

2998
03:06:47,150 --> 03:06:50,480
these questions and for a very fine

2999
03:06:48,891 --> 03:06:52,280
label presentation of the matters

3000
03:06:50,480 --> 03:06:53,630
pending before the committee Thank You

3001
03:06:52,280 --> 03:06:56,570
mr. speaker

3002
03:06:53,630 --> 03:06:58,940
mr. president now mr. chairman I know

3003
03:06:56,570 --> 03:07:01,190
your other witnesses no further worries

3004
03:06:58,940 --> 03:07:09,320
are there any further witnesses to be

3005
03:07:01,190 --> 03:07:11,690
heard far against Senate bill 559 the

3006
03:07:09,320 --> 03:07:15,050
big nor the witness chair recognizes mr.

3007
03:07:11,690 --> 03:07:17,511
president all to close on the bill mr.

3008
03:07:15,050 --> 03:07:19,490
Chairman I think this situation had been

3009
03:07:17,511 --> 03:07:22,400
fully explored let me say once again as

3010
03:07:19,490 --> 03:07:23,630
I said last week I think the way if you

3011

03:07:22,400 --> 03:07:24,830
want to do something about this

3012
03:07:23,630 --> 03:07:26,960
situation you ought to look at the

3013
03:07:24,830 --> 03:07:29,990
statutes where it gives the State Board

3014
03:07:26,960 --> 03:07:33,050
of Education certain broad authority in

3015
03:07:29,990 --> 03:07:34,820
this area but I don't think that killing

3016
03:07:33,050 --> 03:07:36,891
an appropriations bill on books that

3017
03:07:34,820 --> 03:07:39,440
have already been delivered is way to do

3018
03:07:36,891 --> 03:07:40,851
it I just suggest that you look at those

3019
03:07:39,440 --> 03:07:42,920
statutes if you don't have them in front

3020
03:07:40,851 --> 03:07:44,870
of me I do here and and I think that

3021
03:07:42,920 --> 03:07:48,290
you'll see where the where the problem

3022
03:07:44,870 --> 03:07:52,221
really exists or how it came about and

3023
03:07:48,290 --> 03:07:55,070
mr. chairman if you'll recognize me for

3024
03:07:52,221 --> 03:07:57,080
a motion right now let's chair the chair

3025
03:07:55,070 --> 03:07:59,360
had one other motion that needs to be

3026
03:07:57,080 --> 03:08:02,811
hurt in four years chair recognized mr.

3027
03:07:59,360 --> 03:08:05,030
agnese for a motion mr. chairman members

3028
03:08:02,811 --> 03:08:08,511
of the committee I hope you listen very

3029
03:08:05,030 --> 03:08:11,121
carefully to my motion my motion is sit

3030
03:08:08,511 --> 03:08:14,241
this that this committee of the whole

3031
03:08:11,121 --> 03:08:18,171
instruct its chairman to seek an

3032
03:08:14,241 --> 03:08:21,201
attorney general's opinion as to whether

3033
03:08:18,171 --> 03:08:23,421
or not it can legally appropriate the

3034
03:08:21,201 --> 03:08:26,991
sums that are requested on their Senate

3035
03:08:23,421 --> 03:08:31,811
bill five five nine with particular

3036
03:08:26,991 --> 03:08:34,820
respect to sections 44 49 and 50 of

3037
03:08:31,811 --> 03:08:37,521
article 3 of the Constitution of the

3038

03:08:34,820 --> 03:08:40,070
state of Texas may I speak briefly on

3039
03:08:37,521 --> 03:08:41,241
the motion sure I recognize you on the

3040
03:08:40,070 --> 03:08:44,121
motion mister

3041
03:08:41,241 --> 03:08:45,881
you may not as you know raise a valid

3042
03:08:44,121 --> 03:08:48,650
point of order in the house about a

3043
03:08:45,881 --> 03:08:51,801
constitutional matter and this is the

3044
03:08:48,650 --> 03:08:54,141
only way we can really resolve whether

3045
03:08:51,801 --> 03:08:56,751
or not these sums can be appropriated to

3046
03:08:54,141 --> 03:08:58,581
me it seems clear that there is a

3047
03:08:56,751 --> 03:09:00,951
prohibition against this in the

3048
03:08:58,581 --> 03:09:03,711
Constitution now remember this is

3049
03:09:00,951 --> 03:09:05,931
different than the other emergency

3050
03:09:03,711 --> 03:09:08,751
appropriations bills we have discussed

3051
03:09:05,931 --> 03:09:11,001
because in all of those the proponents

3052
03:09:08,751 --> 03:09:13,791
came forth and said if you don't

3053
03:09:11,001 --> 03:09:16,070
appropriate the money we'll have to shut

3054
03:09:13,791 --> 03:09:18,650
down this program or we'll have to close

3055
03:09:16,070 --> 03:09:21,110
shop in other words they all recognize

3056
03:09:18,650 --> 03:09:23,241
that they could not expend monies which

3057
03:09:21,110 --> 03:09:25,610
have not been appropriated to them and

3058
03:09:23,241 --> 03:09:28,730
this is the only case where an agency

3059
03:09:25,610 --> 03:09:31,701
has expended money which has not been

3060
03:09:28,730 --> 03:09:34,791
appropriated to them and in effect has

3061
03:09:31,701 --> 03:09:37,431
created state debt and this is why I am

3062
03:09:34,791 --> 03:09:40,101
asking you to instruct the Chairman to

3063
03:09:37,431 --> 03:09:42,831
get that attorney general's opinion this

3064
03:09:40,101 --> 03:09:44,961
cherÃ¼n establish what purpose do you the

3065

03:09:42,831 --> 03:09:45,711
gym in you you yield for courses and

3066
03:09:44,961 --> 03:09:48,201
gentlemen here

3067
03:09:45,711 --> 03:09:49,730
it's rabbits now you're you're made of

3068
03:09:48,201 --> 03:09:52,161
motion that we asked an attorney general

3069
03:09:49,730 --> 03:09:54,591
attorney general's opinion under this

3070
03:09:52,161 --> 03:09:56,241
section now is it your intent to get the

3071
03:09:54,591 --> 03:09:57,951
Attorney General's opinion didn't have

3072
03:09:56,241 --> 03:10:00,141
the committee the whole to act on this

3073
03:09:57,951 --> 03:10:02,421
bill or do you favor us acting on this

3074
03:10:00,141 --> 03:10:05,351
bill and reporting it back to the House

3075
03:10:02,421 --> 03:10:09,171
floor and what our intent behind I mean

3076
03:10:05,351 --> 03:10:12,320
well the only mr. Everett's only intent

3077
03:10:09,171 --> 03:10:14,690
I have is to get in attorney general's

3078
03:10:12,320 --> 03:10:16,581
opinion now as to whether or not the

3079
03:10:14,690 --> 03:10:18,530
committee feels it should delay

3080
03:10:16,581 --> 03:10:20,851
proceedings or not I leave that up to

3081
03:10:18,530 --> 03:10:23,971
the committee in some other motion

3082
03:10:20,851 --> 03:10:26,101
emotion speaks only to asking the

3083
03:10:23,971 --> 03:10:26,851
Chairman to get that opinion Thank You

3084
03:10:26,101 --> 03:10:38,480
mr. Eggman

3085
03:10:26,851 --> 03:10:41,431
I love the adoption my motion a

3086
03:10:38,480 --> 03:10:42,990
stagnation has moved that the chairman

3087
03:10:41,431 --> 03:10:44,251
of the committee be instructed to

3088
03:10:42,990 --> 03:10:45,961
request an opinion of the Attorney

3089
03:10:44,251 --> 03:10:50,581
General on the constitutionality of

3090
03:10:45,961 --> 03:10:53,240
Senate bill 559 all those in favor of

3091
03:10:50,581 --> 03:10:57,150
the motion they'd be known by saying aye

3092

03:10:53,240 --> 03:10:58,700
opposed no eyes have it and the motion

3093
03:10:57,150 --> 03:11:01,320
is adopted

3094
03:10:58,700 --> 03:11:03,811
chair recognize mr. president all for a

3095
03:11:01,320 --> 03:11:05,700
motion mr. Chairman I move the Senate

3096
03:11:03,811 --> 03:11:09,001
bill five five nine being reported back

3097
03:11:05,700 --> 03:11:12,331
to to the floor with the recommendation

3098
03:11:09,001 --> 03:11:14,370
that it do pass mr. chairman mr. temple

3099
03:11:12,331 --> 03:11:17,610
parliamentary inquiry States your aunt

3100
03:11:14,370 --> 03:11:20,280
Claire does it take a an affirmative

3101
03:11:17,610 --> 03:11:22,230
vote of a majority of the committee to

3102
03:11:20,280 --> 03:11:23,791
report this bill out as it doesn't any

3103
03:11:22,230 --> 03:11:26,131
other committee yes sir with the eyes

3104
03:11:23,791 --> 03:11:28,261
and nays recorded in the committee

3105
03:11:26,131 --> 03:11:31,200
records which will be the house Journal

3106
03:11:28,261 --> 03:11:35,030
I presume so they take 76 votes at a

3107
03:11:31,200 --> 03:11:39,211
minimum to report this bill back right

3108
03:11:35,030 --> 03:11:39,780
76 votes that's correct Thank You mr.

3109
03:11:39,211 --> 03:11:42,900
chairman

3110
03:11:39,780 --> 03:11:46,171
missed our would you recognize me for a

3111
03:11:42,900 --> 03:11:48,211
substitute motion to postpone reporting

3112
03:11:46,171 --> 03:11:49,530
this bill back until we receive the

3113
03:11:48,211 --> 03:11:51,240
opinion of the Attorney General

3114
03:11:49,530 --> 03:11:53,660
regarding whether or not we can legally

3115
03:11:51,240 --> 03:11:53,660
do this

3116
03:12:05,439 --> 03:12:10,510
cheers of the opinion that's not a valid

3117
03:12:07,780 --> 03:12:13,780
substitute motion missed how well if

3118
03:12:10,510 --> 03:12:15,700
your recourse would be to kill the

3119

03:12:13,780 --> 03:12:17,979
motion to report and then make your

3120
03:12:15,700 --> 03:12:19,930
motion to postpone or to report it

3121
03:12:17,979 --> 03:12:21,670
unfavorably rather than favorably that I

3122
03:12:19,930 --> 03:12:23,470
would be except the proper substitute

3123
03:12:21,670 --> 03:12:25,330
well I I'd hate to take that latter

3124
03:12:23,470 --> 03:12:28,080
course I think it's just to kill the

3125
03:12:25,330 --> 03:12:28,080
motion be

3126
03:12:47,971 --> 03:12:50,030
you