HB 1626 Heatly

DIGEST: This bill created 23 judicial district courts and the necessary reorganization of 12 other districts.

REASONS FOR VETO: The newly created courts were to be filled by election, not gubernatorial appointment. Between 1969 and 1978 there were 124 district courts created and only 3 were filled by election.

REACTION: The Governor vetoed this bill because the courts were filled by election not gubernatorial appointment, and not because the courts are not needed. This bill is needed to reduce the district court caseloads that have increased tremendously over the last 10 years. This problem now cannot be addressed until the next legislature.

HB 1689 Hendricks

DIGEST: This bill requires prosecutors to make a full and complete opening argument, and gives them the right to make a concluding summation and rebuttal to the jury.

REASONS FOR VETO: This bill will weaken the state's position by altering how the state presents its case. Current law requires the state to make the concluding address to the jury. This bill requires the state's counsel only to make a concluding address; this changes current procedure by allowing the defense to have the final say. Also, the bill requires the state's counsel to make a "full and complete opening address" but does not require the defendant's counsel to do the same thing.

REACTION: This bill did not do what the Governor stated in the veto proclamation. The bill does not restrict the state's final argument. The Governor did not contact Rep. Hendricks concerning his problems with the bill. This bill was not opposed by the County and District Attorneys Association.

HB 1708 Coody

DIGEST: This bill sets out the conditions under which a county may acquire public interest in a private road. The bill requires that a private road be dedicated for public use by explicit, written communication to the commissioners court. Neither verbal dedication, intent to dedicate, public use, or public maintenance are sufficient to establish a public interest in the road.

REASONS FOR VETO: This bill would go against established case law regarding acquisition of public interest in a private road. Although the bill was designed to correct one situation, it has the potential to change the status of thousands of roads all over the state.

REACTION: Representative Coody has no real quarrel with the veto. He thought it was a relatively simple bill but now realizes that it could cause some problems.