SB 785 Mauzy

DIGEST: SB 785 would have allowed the judges of each district court in Dallas to appoint a "master." The master would serve under the judge, and would be permitted to hear any matter over which the court had jurisdiction. The bill required that the master be an attorney licensed to practice law in the state. Compensation for the masters would come from local funds.

REASONS FOR VETO: SB 785 was vetoed out of concern that it may be an unconstitutional delegation of authority for a district judge to delegate to a master powers and duties s/he was elected to perform. Further, the Governor was concerned that the right to trial by jury might be abrogated under the provisions of this bill.

REACTION: The Governor's veto of SB 785 is totally inconsistent with the Governor's earlier veto of an "omnibus courts" bill (HB 1626 by Heatly). The reasons given for vetoing HB 1626 were that the legislative and judicial systems need to develop less expensive, but effective, alternatives to the problems in our judicial system, instead of just building more courts. The use of masters has proven to be an inexpensive and effective means of reducing court dockets without prejudicing the rights of any party to the fair disposition of their claims. The constitutional argument raised is purely contrived.

SB 851 and SB 861 Parker

DIGEST: SB 851 provided that in criminal cases jeopardy attaches where the defendant voluntarily absents himself after the jury is impaneled and sworn in (or after pleading to the indictment or information if the trial is to the judge), and the trial may proceed to its conclusion even in the defendant's absence.

SB 861 required that a sheriff, after executing a capias, must notify the clerk of the trial court, who shall then notify the Court of Criminal Appeals when the mandate is carried out.

REASONS FOR VETO: Both of these bills were vetoed because other bills (HB 1135 by Rudd and HB 1571 by Nabers) were passed and signed by the Governor, making essentially the same changes as these bills.

REACTION: Senator Parker said that these were possibly the only valid reasons the Governor gave for vetoing any of his bills. Even still, it is noteworthy that the Governor chose to veto these two bills instead of the House versions.