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SENATE COMMITTEE ON INTERGOVERNMENTAL RELATIONS

MINUTES - Thursday, May 12, 1983

The Senate Committee on Intergovernmental Relations met in the Lieutenant Governor's Committee Room at 9:00 A. M. and again at 4:10 P. M. on Thursday, May 12, 1983 to consider the following bills:

House Bill 134
House Bill 1991
House Bill 1619
House Bill 657
House Bill 965
House Bill 724
House Bill 1031
Senate Bill 1366
Senate Bill 104
House Bill 1200
Subcommittee Report on Senate Bill 784
Committee Substitute for SB 784
House Bill 2161
4:10 PM Senate Bill 1331 substitute House Bill 2313
Senate Bill 1237
Senate Bill 1349
Senate Bill 630 substitute House Bill 2307
Senate Bill 631
Senate Bill 945
Senate Bill 1318
Subcommittee Report on Senate Bill 504
Senate Bill 504
Senate Bill 1388
House Bill 1475
Senate Bill 1407
Senate Bill 1377
House Joint Resolution 91
Senate Bill 851

Chairman John A. Traeger called the meeting to order and called for Roll Call #1, which resulted as follows:

Present - ALL MEMBERS.

With a quorum present Chairman Traeger laid out House Bill 134 and recognized Senator Brooks, Senate sponsor, who explained that the bill related to the salaries of the district court judges in Galveston County only. There being no witnesses desiring to testify on the bill, Senator Kothmann moved to report HB 134 back to the Senate with the recommendation that it do pass and be printed. Roll Call #2 on the motion resulted in the following vote: Ayes - Kothmann, Leedom, Lyon, Sims, Whitmire and Traeger. There being 6 ayes - 0 nays, the motion prevailed.

On a motion by Senator Leedom, HB 134 was unanimously recommended for placement on the Local and Uncontested Calendar.

The Chairman next laid out House Bill 1991 and recognized its Senate sponsor, Senator Vale, who explained that the bill implemented what had already been passed by a Constitutional amendment whereby certain county officers who elect not to be paid shall not be. There being no witnesses desiring to testify either in behalf of or in opposition to the bill, Senator Leedom moved to report HB 1991 back to the Senate with the recommendation that it do pass and be printed. Roll Call #3 on motion resulted in the following vote: Ayes - Kothmann, Leedom, Lyon, Parmer, Sims, Whitmire and Traeger. There being 7 ayes - 0 nays, the motion prevailed. On a motion by Senator Sims, HB 1991 was unanimously recommended for placement on the Local and Uncontested Calendar.

House Bill 1619 was laid out next, and the Chairman recognized its Senate sponsor, Senator Montford, who explained that it related to filing notice of a sale of real estate under a power conferred by a contract lien. Senator Sims sent Committee Amendment #1, and there was no objection to the adoption of the amendment. Senator Montford explained the amendment, and the Chair then recognized the following witness in support of the bill:

1. Mark J. Hanna
Texas Association of Realtors
Austin, Texas

There being no other person desiring to testify either in behalf of or in opposition to the bill, Senator Sims moved to report HB 1619 back to the Senate with the recommendation that it do pass as amended and be printed. Roll Call #4 on the motion resulted in the following vote: Ayes - Kothmann, Leedom, Parmer, Sharp, Sims, Whitmire, Traeger; Nays - None; Present, not voting - Lyon. There being 7 ayes - 0 nays, 1 - present, not voting, the motion prevailed. On a motion by Senator Sharp, HB 1619 as amended was unanimously recommended for placement on the Local and Uncontested Calendar.

Chairman Traeger next laid out House Bill 657 and recognized its Senate sponsor, Senator Harris, who explained that the bill related to the appointment of substitute municipal judges. There being no one desiring to testify either in behalf of or in opposition to the bill, Senator Sims moved to report HB 657 back to the Senate with the recommendation that it do pass and be printed. Roll Call #5 on the motion resulted in the following vote: Ayes - Kothmann, Leedom, Lyon, Parmer, Sharp, Sims, Whitmire, Williams and Traeger. There being 9 ayes - 0 nays, the motion prevailed. On a motion by Senator Parmer, HB 657 was unanimously recommended for placement on the Local and Uncontested Calendar.

The Chairman then laid out House Bill 965 and again recognized Senator Harris, the Senate sponsor of the bill, who explained that it allowed the commissioners court of a county to impose a fee for registering a vehicle in the county. Senator Lyon sent up Committee Amendment No. 1 for House Bill 965, and there was no objection to the adoption of the amendment. The following persons were recognized in support of the bill:

1. David Sapp
Texas Automobile Dealers Assn.
Austin, Texas
2. Jim Jackson
Dallas County Commissioners Court (no testimony)
Dallas, Texas
3. Jim Lewis
Harris County Commissioners Court (no testimony)
Houston, Texas
4. Sam Clonts
Texas Association of Counties (no testimony)
Austin, Texas
5. Carl Smith
Harris County (no testimony)
Houston, Texas

There being no one appearing in opposition to the bill, Senator Lyon moved to report HB 965 back to the Senate with the recommendation that it do pass as amended and be printed. Roll Call #6 on the motion resulted in the following vote: Ayes - Leedom, Lyon, Sharp, Sims, Whitmire, Williams and Traeger; Nays - Parmer; Present, not voting - Kothmann. There being 7 ayes - 1 nay - 1 present not voting, the motion prevailed.

Chairman Traeger next laid out House Bill 724 and recognized its Senate sponsor, Senator Truan, who explained that the bill had been heard at the previous meeting and had been left pending at his request. There being no witnesses to testify on the bill, Senator Leedom moved to report SB 724 back to the Senate with the recommendation that it do pass and be printed. Roll Call #7 on the motion resulted in the following vote: Ayes - Kothmann, Leedom, Lyon, Parmer, Sharp, Sims, Whitmire, Williams and Traeger. There being 9 ayes - 0 nays, the motion prevailed. On a motion by Senator Leedom, HB 724 was unanimously recommended for placement on the Local and Uncontested Calendar.

The Chair then laid out House Bill 1031, which had also been sponsored by Senator Truan and left pending at the previous meeting.

With no witnesses and with Senator Truan present, Senator Williams moved to report HB 1031 back to the Senate with the recommendation that it do pass and be printed. Roll Call #8 on the motion resulted in the following vote: Ayes - Kothmann, Leedom, Lyon, Parmer, Sharp, Sims, Whitmire, Williams and Traeger. There being 9 ayes - 0 nays, the motion prevailed. On a motion by Senator Williams, HB 1031 was unanimously recommended for placement on the Local and Uncontested Calendar.

Senate Bill 1366 was laid out next, and the Chair recognized its sponsor, Senator Truan, who explained that the bill established juvenile boards in Brooks, Jim Wells, Kenedy, Kleberg and Willacy counties. Senator Lyon then sent up a Committee Substitute and moved its adoption. There was no objection to the motion. There being no witnesses desiring to testify either in behalf of or in opposition to the bill, Senator Parmer moved to report SB 1366 back to the Senate with the recommendation that it do not pass, but the Committee Substitute adopted in lieu thereof do pass and be printed. Roll Call #9 on the motion resulted in the following vote: Ayes - Kothmann, Leedom, Lyon, Parmer, Sharp, Sims, Whitmire, Williams and Traeger. There being 9 ayes - 0 nays, the motion prevailed. On a motion by Senator Sharp, CSSB 1366 was unanimously recommended for placement on the Local and Uncontested Calendar.

Chairman Traeger then laid out Senate Bill 104 and again recognized Senator Truan, who explained that this bill had also been heard at the last meeting of this committee and that he knew of no opposition to the bill, which would give ordinance-making power to coastal counties. Senator Leedom moved to refer SB 104 to a subcommittee to determine the importance of the legislation to the State of Texas. There being no objection to the motion, the Chair named the following members to serve on that subcommittee: Senator Williams (chairman), Senator Kothmann and Senator Leedom.

House Bill 1200 was laid out next, and Senator Truan, its Senate sponsor, explained that the bill would allow the application of a foreign trade zone and subzones at or near the Customs Port of Entry of Corpus Christi. The following witnesses were recognized in support of the bill:

1. Luther Jones, Mayor
City of Corpus Christi
Corpus Christi, Texas
2. F. J. Spencer
(representing himself)
League City, Texas
3. Pat M. Eisenhauer
Past President, Corpus Christi Chamber of Commerce
Corpus Christi, Texas (submitted a copy of her remarks)

4. Joe Galan, Jr.
International Longshoremen Asso.
Corpus Christi, Texas

Senator Truan stated that the County Judge, Robert Barnes; and the Commissioners Court had endorsed the legislation. Senator Sharp was then recognized for his complaint that it had been erroneously printed in the Corpus Christi Caller Times newspaper that he was a sponsor of the bill and in trying to correct the error he had been unsuccessful. He wanted to go on record that he had nothing to do with the bill and cited poor journalism as the blame for not getting it straightened out. There being no one desiring to testify in opposition to the bill, Senator Williams moved to report HB 1200 back to the Senate with the recommendation that it do pass and be printed. Roll Call #10 on the motion resulted in the following vote: Ayes - Kothmann, Leedom, Lyon, Parmer, Sharp, Sims, Whitmire, Williams and Traeger. There being 9 ayes - 0 nays, the motion prevailed. On a motion by Senator Sharp, HB 1200 was unanimously recommended for placement on the Local and Uncontested Calendar.

(At this point a discussion was held on the continuation of this meeting, since the Committee of the Whole was about to meet and this committee would have to recess for members to attend that meeting.)

Chairman Traeger then recognized Senator Leedom, who sent up the Subcommittee Report on Senate Bill 784. After explanation of the Report, Senator Leedom moved that it in its present form of a Committee Substitute be adopted. There was no objection to the motion. Senator Leedom then sent up Committee Amendment No. 1 to the Substitute and moved its adoption. There was no objection to the motion. Senator Leedom then moved to report SB 784 back to the Senate with the recommendation that it do not pass, but the Committee Substitute adopted in lieu thereof (with the amendment included) do pass and be printed. Roll Call #11 on the motion resulted in the following vote: Ayes - Kothmann, Leedom, Lyon, Parmer, Sharp, Sims, Whitmire, Williams and Traeger. There being 9 ayes - 0 nays, the motion prevailed. This bill would serve as the Omnibus Courts Bill for this legislative session, and all those bills having been referred to the Courts Subcommittee were considered in the preparation of the Subcommittee Report.

(Senator Whitmire requested and received unanimous consent to be shown voting "aye" on the bills heard prior to this time, which has been reflected in the minutes).

The Chair then laid out House Bill 2161 by Geistweidt, which Senator Traeger, Senate sponsor, explained as being the companion bill to his SB 855, which was passed by this committee earlier. It related to the Edwards Underground Water Authority. The only witness signing a card was Mr. Thomas P. Fox, representing the Edwards Underground

Water District, but he did not testify. There being no opposition to the bill, Senator Sims moved to report HB 2161 back to the Senate with the recommendation that it do pass and be printed. Roll Call #12 on the motion resulted in the following vote: Ayes - Kothmann, Leedom, Lyon, Parmer, Sharp, Sims, Whitmire, Williams and Traeger. There being 9 ayes - 0 nays, the motion prevailed. On a motion by Senator Sims, HB 2161 was unanimously recommended for placement on the Local and Uncontested Calendar.

(The Committee recessed at 10:00 A. M. until adjournment of the Senate today).

Chairman Traeger called the meeting to order at 4:10 P. M. and called for Roll Call #13, which resulted as follows:

Present - Kothmann, Leedom, Lyon, Parmer,
 Sharp, Sims, Whitmire and Traeger.
Absent - Williams.

With a quorum present the Chairman laid out Senate Bill 1331 and recognized its sponsor, Senator Farabee, who asked that it be laid on the table and House Bill 2313 be substituted for it. The Chair laid SB 1331 on the table and there was no objection to this action. House Bill 2313, which established a juvenile board in Denton County, was then laid out. There being no witnesses desiring to testify either in behalf of or in opposition to the bill, Senator Sharp moved to report HB 2313 back to the Senate with the recommendation that it do pass and be printed. Roll Call #14 on the motion resulted in the following vote: Ayes - Kothmann, Leedom, Sharp, Sims and Traeger. There being 5 ayes - 0 nays, the motion prevailed. On a motion by Senator Leedom, HB 2313 was unanimously recommended for placement on the Local and Uncontested Calendar.

The Chairman next laid out Senate Bill 1237 and recognized its sponsor, Senator Parker, who explained that the bill related to the membership of the Court of Appeals for the Ninth Supreme Judicial District. There being no witnesses desiring to testify either in behalf of or in opposition to the bill, Senator Leedom moved to report SB 1237 back to the Senate with the recommendation that it do pass and be printed. Roll Call #15 on the motion resulted in the following vote: Ayes - Kothmann, Leedom, Parmer, Sharp, Sims, Whitmire and Traeger. There being 7 ayes - 0 nays, the motion prevailed.

Chairman Traeger then laid out Senate Bill 1349 and told the Committee that a revised statement from the Pension Review Board had been received. Senator Leedom then moved to refer Senate Bill 1349 to a subcommittee for further consideration. The Chair named the following members to that subcommittee: Traeger (chairman), Leedom and Sharp.

Senate Bill 630 was laid out next, and the Chair recognized its

sponsor, Senator Caperton, who asked that House Bill 2307 be laid out instead. Senator Leedom moved to lay SB 630 on the table. There was no objection to the motion. The Chair then laid out HB 2307, which Senator Caperton explained as relating to the jurisdiction of the County Courts at Law Nos. 1 and 2 of Montgomery County. There being no witnesses either for or against the bill, Senator Sims moved to report HB 2307 back to the Senate with the recommendation that it do pass and be printed. Roll Call #16 on the motion resulted in the following vote: Ayes - Kothmann, Leedom, Lyon, Parmer, Sharp, Sims, and Traeger. There being 7 ayes - 0 nays, the motion prevailed. On a motion by Senator Sharp, HB 2307 was unanimously recommended for placement on the Local and Uncontested Calendar.

The Chair then laid out Senate Bill 631 and again recognized Senator Caperton, sponsor, who explained that this bill also related to Montgomery County - County Court at Law No. 3. Senator Sims sent up a Committee Substitute and moved its adoption. There was no objection to the motion. There being no witnesses either for or against the bill, Senator Parmer moved to report SB 631 back to the Senate with the recommendation that it do not pass, but the Committee Substitute adopted in lieu thereof do pass and be printed. Roll Call #17 on the motion resulted in the following vote: Ayes - Kothmann, Leedom, Parmer, Sharp, Sims, and Traeger. There being 6 ayes - 0 nays, the motion prevailed. On a motion by Leedom, CSSB 631 was unanimously recommended for placement on the Local and Uncontested Calendar.

Senate Bill 945 was laid out next, and Senator Caperton, sponsor, was again recognized. Following his explanation that the bill established a juvenile board in Brazos County, he asked that his substitute be sent up. Senator Sims then sent up a Committee Substitute for SB 945 and moved its adoption. There was no objection. There being no one desiring to testify either in behalf of or in opposition to the bill, Senator Sharp moved to report SB 945 back to the Senate with the recommendation that it do not pass, but the Committee Substitute adopted in lieu thereof do pass and be printed. Roll Call #18 on the motion resulted in the following vote: Ayes - Kothmann, Leedom, Parmer, Sharp, Sims and Traeger. There being 6 ayes - 0 nays, the motion prevailed. On a motion by Senator Leedom, CSSB 945 was unanimously recommended for placement on the Local and Uncontested Calendar.

Chairman Traeger then laid out Senate Bill 1318 and recognized its sponsor, Senator Sims, who explained that the bill related to the place that the Court of Appeals for the Third Supreme Judicial District transacts business. Witnesses present in support of the bill were:

1. Judge Bob Shannon
3rd Court of Appeals
Austin, Texas
2. Judge Earl W. Smith
3rd Court of Appeals
Austin, Texas

There being no opposition desiring to testify on the bill, Senator Sims moved to report SB 1318 back to the Senate with the recommendation that it do pass and be printed. Roll Call #19 on the motion resulted in the following vote: Ayes - Kothmann, Leedom, Parmer, Sharp, Sims, Whitmire and Traeger. There being 7 ayes - 0 nays, the motion prevailed. On a motion by Senator Sims, SB 1318 was unanimously recommended for placement on the Local and Uncontested Calendar.

The Chair then recognized Senator Sharp, who sent up the Subcommittee Report on Senate Bill 504 and moved its adoption. There was no objection to the motion. The Chair then asked Senator Caperton, sponsor of the bill, to explain it. Following explanation by Senator Caperton that it required all cities to comply with the standards for operating animal shelters, Senator Sharp moved to report SB 504 back to the Senate with the recommendation that it do pass and be printed. Roll Call #20 on the motion resulted in the following vote: Ayes - Leedom, Parmer, Sharp, Sims, Whitmire and Traeger; Nays - Kothmann. There being 6 ayes - 1 nay, the motion prevailed.

Senate Bill 1388 was laid out then, and the Chairman recognized Senator Caperton again, who explained that the bill applied only to Bryan, Texas although it was written to have general application. The only witness to appear in support of the bill was as follows:

1. Rayford Price
City of Bryan, Texas
Austin, Texas

There being no opponents desiring to testify, Senator Parmer moved to report SB 1388 back to the Senate with the recommendation that it do pass and be printed. Roll Call #21 on the motion resulted in the following vote: Ayes - Kothmann, Leedom, Parmer, Sharp, Sims, Whitmire and Traeger. There being 7 ayes - 0 nays, the motion prevailed. On a motion by Senator Parmer, SB 1388 was unanimously recommended for placement on the Local and Uncontested Calendar.

The Chair next laid out House Bill 1475 and recognized its Senate sponsor, Senator Sims, who explained that the bill related to the authority of a county to issue bonds for a public library. There being no witnesses desiring to testify either in behalf of or in opposition to the bill, Senator Sims moved to report HB 1475 back to the Senate with the recommendation that it do pass and be printed. Roll Call #22 on the motion resulted in the following vote: Ayes - Kothmann, Leedom, Parmer, Sharp, Sims, Whitmire and Traeger. There being 7 ayes - 0 nays, the motion prevailed. On a motion by Senator Sims, HB 1475 was unanimously recommended for placement on the Local and Uncontested Calendar.

Senator Leedom then took the Chair, laid out Senate Bill 1407 and recognized its sponsor, Senator Traeger, who explained the bill and

noted the fiscal implication. Witnesses recognized were as follows:
FOR:

1. J. Kenneth Green
Texas Rural Water Association
Austin, Texas

During his testimony, Mr. Green answered questions from Senators Leedom, Sims and Traeger.

2. Jack Bishop
Texas Assoc. of Rural Water
Austin, Texas

There being no witnesses desiring to testify in opposition to the bill, Senator Traeger moved to hold SB 1407 as pending business until the meeting next Tuesday. There was no objection to the motion.

Acting Chairman Leedom then laid out Senate Bill 1377 and again recognized Senator Traeger, sponsor, who sent up a Committee Substitute and moved its adoption. There was no objection to the adoption of the substitute. The only witness appearing in behalf of the bill was as follows:

1. Dick Brown
Texas Municipal League
Austin, Texas

There being no one desiring to testify in opposition to the bill, Senator Traeger moved to report SB 1377 back to the Senate with the recommendation that it do not pass, but the Committee Substitute adopted in lieu thereof do pass and be printed. Roll Call #23 on the motion resulted in the following vote: Ayes - Kothmann, Leedom, Sharp, Sims, and Traeger. There being 5 ayes - 0 nays, the motion prevailed.

Chairman Traeger next laid out House Joint Resolution 91 and recognized its Senate sponsor, Senator Sims, who explained that it would authorize certain counties to have fewer justice of the peace and constable precincts. Witnesses appearing in behalf of the bill were as follows:

1. Sam E. Clonts
Texas Association of Counties
Austin, Texas
2. Thomas Bowden
San Saba County Judge
San Saba, Texas
3. James Paschall
Justice of the Peace & Constables
Dallas, Texas

There being no opposition to the bill, Senator Sims moved to report HJR 91 back to the Senate with the recommendation that it do pass and be printed. Roll Call #24 on the motion resulted in the following vote: Ayes - Kothmann, Leedom, Parmer, Sharp, Sims and Traeger. There being 6 ayes - 0 nays, the motion prevailed.

Chairman Traeger then laid out Senate Bill 851 and again recognized Senator Caperton, sponsor, who stated that a substitute had been prepared. Senator Sims sent Committee Substitute for SB 851 and moved its adoption. There was no objection to the motion. Following Caperton's explanation that the bill would give certain subdivision controls to counties and had the full backing of the Texas Association Realtors, the Chairman recognized the following witnesses:

FOR:

1. Mark D. Chambers
Texas Association of Realtors
Austin, Texas

Mr. Chambers stated that he was appearing as a technical witness, and then answered questions from Senators Traeger, Leedom, Sims, Parmer and Kothmann. Senator Sharp said that this was what should be adopted.

AGAINST:

1. Jim Short
Greater Houston Builders Association
Houston, Texas
2. Galt Graydon
Texas Association of Builders
Austin, Texas
3. Doug Stringfellow
Texas Association Builders (no testimony - not present at time)
Austin, Texas
4. Jim Allison
County Judges and Commissioners Assn.
Austin, Texas

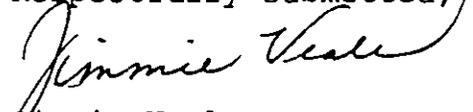
Following the testimony of Mr. Allison, Senator Caperton stated that the word "or" in the bill should be changed to "and" and would agree to an amendment. There being no other witnesses, Senator Caperton closed on the bill and asked that it be held as pending business. The Chair ruled that CSSB 851 would be held as pending business.

Before the Committee recessed, the Chairman handed out the newly prepared copies of the Omnibus Courts Bill, CSSB 784, which had been

passed out of Committee earlier today, and stated that he would put it on the Notice of Intent to be laid out Monday when the Senate was in session.

With no further business, the Committee stood recessed subject to call of the Chair.

Respectfully submitted,

A handwritten signature in cursive script that reads "Jimmie Veale". The signature is written in dark ink and is positioned above the typed name and title.

Jimmie Veale
Clerk