

MINUTES

House

COMMITTEE ON TRANSPORTATION

April 12, 1977 7:30 P.M.

Old Supreme Court Room

Pursuant to a public notice posted on April 7, 1977, at 5:00 P.M., the Committee on Transportation convened in a public hearing and was called to order by the Chair, Representative Nugent.

The roll was answered as follows:

Present: Nugent, Mankins, Finnell, Hudson, Mayes, Price, Tejada, Temple and Valles (9).

Absent: Henderson, English, Hall and Lauhoff (4).

A quorum was present.

The Chair laid out H.B. 827. With no objections, S.B. 526 was substituted for H.B. 827, and the Chair asked for a subcommittee report.

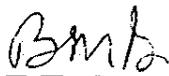
Mr. Mayes delivered the report of the Subcommittee on Motor Transportation and moved its adoption. With no objection, the report was adopted.

Mr. Mayes moved that S.B. 526 be reported to the Floor of the House with the recommendation that it pass. The vote was on that motion.

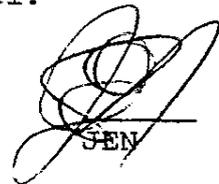
<u>Yes</u>	<u>No</u>	<u>Present</u>	<u>Absent</u>
Nugent			Henderson
Mankins			English
Finnell			Hall
Hudson			Lauhoff
Mayes			
Price			
Tejada			
Temple			
Valles			

There being 9 ayes and 4 absent, the motion to report prevailed.

The Chair laid out H.B. 1377 by Thompson and, at the author's request, laid the bill on the table subject to call.



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HOUSE TRANSPORTATION COMMITTEE

4-12-77

The Chair laid out H.B. 1964 by Henderson. By request of the author, consideration was postponed until further notice.

The Chair laid out H.B. 836 by Chavez. By request of the author, further consideration was postponed until further notice.

The Chair recognized Mr. Tom Holland, representing the City of Selma, to answer questions concerning that city's law enforcement practices and related questions.

Mr. Hall now present.
Mr. Henderson now present.
Mr. English now present.
Mr. Lauhoff now present.

The Chair laid out H.B. 663 and H.B. 664 and recognized Representative Danny Hill.

Mr. Nugent now absent.
Mr. Henderson now in the chair.

The Chair recognized Mr. Walter Roberts of the Department of Public Safety to testify.

The Chair recognized Mr. Robert N. Ray, representing the City of San Antonio, to testify for the bills.

The Chair recognized Mr. Dave Coslett, representing the Texas 3x80 Traffic Safety Program, to testify for the bills.

Mr. Hall now absent.

The Chair recognized Mr. Phil Strickland to testify for the bills.

Mr. Mankins now absent.

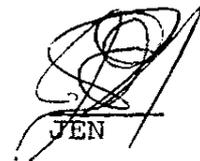
The Chair recognized Mrs. Harriette Whatley, representing the Texas 3x80, the Texas Safety Association and the Texas Federated Womens Clubs, to testify for the bills.

The Chair recognized Col. Wilson E. Speir, representing the Texas Department of Public Safety, to testify for the bills.

The Chair laid out H.B. 1772 by Finnell and recognized Mr. Finnell.

The Chair laid out S.B. 198 by Meier. Mr. Temple moved that S.B. 198 be reported to the Floor of the House with the recommendation that it pass. The vote was on that motion.

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Yes	No	Present	Absent
Henderson		Hudson	Nugent
English			Mankins
Finnell			Hall
Lauhoff			
Mayes			
Price			
Tejeda			
Temple			
Valles			

There being 9 ayes, 1 present and 3 absent, the motion to report carried.

The Chair laid out H.B. 1536 and 1537 and recognized Representative Lewis.

The Chair recognized Mr. Ray M. Cornett, representing the Tax Assessor-Collector Association, to testify for the bills.

The Chair recognized Mr. Reed Stewart, representing the Tax Assessor-Collector Association, to testify for the bills.

The Chair recognized Mr. John H. Cummings, representing the Harris County Tax Assessor-Collector, to testify for the bills.

Mr. Nugent now present.

The Chair laid out H.B. 1176 and recognized its author, Mr. Polumbo.

Mr. Valles now in the Chair.

The Chair laid out H.B. 1190 by Grant and recognized Mr. Grant.

The Chair laid out H.B. 939 by Kaster and recognized Mr. Kaster.

Mr. Mankins now present.

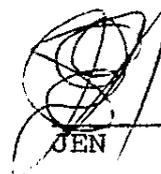
The Chair recognized Mr. Herbert D. Kelleher, representing Southwest Airlines Co., to testify for the bill.

The Chair laid out H.B. 1934 by Nugent and recognized Mr. Nugent.

The Chair recognized Mr. Robert A. Floyd, representing the Texas Motor Transportation Association, to testify against the bill.

Mr. Nugent now in the chair.

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Mr. Temple moved that H.B. 663 by Hill be reported favorably to the Floor of the House. The vote was on that motion.

Yes	No	Present	Absent
Nugent			Hall
Henderson			
Mankins			
English			
Finnell			
Hudson			
Lauhoff			
Mayes			
Price			
Tejeda			
Temple			
Valles			

There being 12 ayes and one absent, the motion to report prevailed.

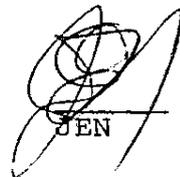
Mr. Temple moved that H.B. 1772 by Finnell be reported to the Floor of the House with recommendations that it pass and be placed on the Consent Calender. The vote was on that motion.

Yes	No	Present	Absent
Nugent			Hall
Henderson			
Mankins			
English			
Finnell			
Hudson			
Lauhoff			
Mayes			
Price			
Tejeda			
Temple			
Valles			

There being 12 ayes and one absent, the motion to report prevailed.

Mr. Temple moved that H.B. 664 by Hill be reported favorably to the Floor of the House. The vote was on that motion.

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Yes	No	Present	Absent
Nugent			Hall
Henderson			
Mankins			
English			
Finnell			
Hudson			
Lauhoff			
Mayes			
Price			
Tejeda			
Temple			
Valles			

There being 12 ayes and one absent, the motion to report prevailed.

Mr. Lauhoff moved that H.B. 1536 by Lewis be reported to the Floor of the House with the recommendations that it be placed on the Consent Calender and that it pass. The vote was on that motion.

Yes	No	Present	Absent
Henderson		Nugent	Hall
Mankins			
English			
Finnell			
Hudson			
Lauhoff			
Mayes			
Price			
Tejeda			
Temple			
Valles			

There being 11 ayes, one present and one absent, the motion to report prevailed.

Mr. Lauhoff moved that H.B. 1537 by Lewis be reported to the Floor of the House with the recommendations that it be placed on the Consent Calender and that it pass. The vote was on that motion.

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Yes	No	Present	Absent
Henderson		Nugent	Hall
Mankins			
English			
Finnell			
Hudson			
Lauhoff			
Mayes			
Price			
Tejeda			
Temple			
Valles			

There being 11 ayes, one present and one absent, the motion to report prevailed.

On a motion by Mayes and with no objections, H.B. 1190 was referred to the Subcommittee on Motor Transportation.

On a motion by Temple and with no objections, H.B. 1176 was referred to the Subcommittee on Motor Transportation.

On a motion by English and with no objections, H.B. 939 was referred to the Subcommittee on Air and Water Transportation, with the instruction that it be reported back the following week.

Mr. Henderson moved that H.B. 1934 by Nugent be reported favorably to the Floor of the House. The vote was on that motion.

Yes	No	Present	Absent
Nugent	English		Hall
Henderson	Mayes		
Mankins	Price		
Finnell	Temple		
Hudson			
Lauhoff			
Tejeda			
Valles			

There being 8 ayes, 4 nays and one absent, the motion to report prevailed.

On a motion by Price and with no objections, H.B. 1671 by Nabers was referred to the Subcommittee on Motor Transportation.

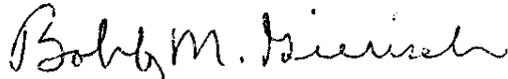
On a motion by Mankins and with no objection, H.B. 542 was referred to the Subcommittee on Motor Transportation.

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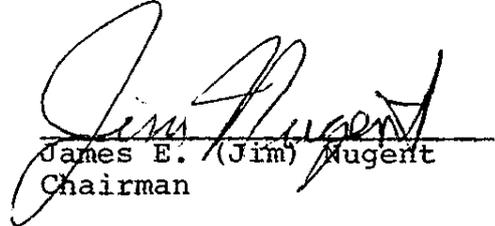
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On a motion by Price and with no objection, H.B. 103 by Head was referred to the Subcommittee on Motor Transportation.

There being no further business, the Committee recessed subject to the call of the Chair at 11:30 P.M.



Bobby M. Gierisch
Clerk



James E. (Jim) Nugent
Chairman

SUB-COMMITTEE REPORT

TO THE HONORABLE: James E. (Jim) Nugent

CHAIRMAN, COMMITTEE ON Transportation

Sir: We, your sub-committee to whom was referred H.B. 827, have had the measure under consideration and beg to report back to the Committee the following:

The measure was heard in a ~~public hearing~~ (formal meeting) held on March 24, 1977,
(date)
at 8:30 A.M.
(time)

At that ~~public hearing~~ (formal meeting) the following information was developed:

BACKGROUND: Current law prohibits a private carrier - a person whose principle business is not transport - from leasing trucks from one source and drivers from another. This is an impediment to many legitimate business operations at this time. The legality of leasing trucks and drivers from different sources has been upheld in other states and in interstate commerce, and Texas is the only state prohibiting such operations.

EFFECT OF THIS MEASURE: This bill, as amended, sanctions the leasing of trucks and drivers from different persons for use by private carriers. It would place such carriers in the same legal situation as those in other states and those engaged in interstate commerce.

RECOMMENDATIONS: Accordingly, we report the measure under consideration back to the Committee with the recommendation that it (do) pass in the form of the attached text, which is [] not amended

[x] amended

[] a complete substitute

Respectfully submitted,

Al Jones
Al Jones
Ed Mayes
Ed Mayes

AMENDMENT NO. 1

BY Mayer

Section 1, Subsection (3),
AMEND H.B. 827, BY DELETING ~~SECTION 1~~ THEREOF AND SUBSTITUTING
THEREFORE THE FOLLOWING:

"(3) The term "transporting property for compensation or hire," defined in Section 1(j) of this Act, does not include furnishing of equipment and drivers during the same period of time by separate persons to a person who is not a common carrier, contract carrier, or specialized motor carrier for his use in bona fide private carriage in furtherance of a primary non-transportation business, provided that the person furnishing the equipment is in the bona fide business of leasing or renting motor vehicle equipment without drivers for compensation to the general public and has complied with the provisions of Section 2(a), (b) and (c) of Article 6701c-1, V.T.C.S., and provided further that said equipment is furnished under a bona fide written lease or rental agreement providing for the exclusive use and possession of said equipment for a minimum of 7 consecutive days, and provided further that the person to whom the equipment and drivers are furnished, directs, supervises and controls the drivers and the use of the equipment, including maintaining all dispatch records, and maintaining and filing all safety records and reports required by the United States Department of Transportation, the Department of Public Safety, and the Commission. The person to whom the drivers are furnished may pay the drivers' compensation or any required taxes or workman's compensation insurance payments directly to the person furnishing the drivers."

MASTER FILE

By Law

H B. No. 827

A BILL TO BE ENTITLED

AN ACT

relating to activities exempted from the railroad commission's jurisdiction over common carriers; adding Subsection (3) to Section 1a, Chapter 314, Acts of the 41st Legislature, Regular Session, 1929, as amended (Article 911b, Vernon's Texas Civil Statutes).

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

Section 1. Section 1a, Chapter 314, Acts of the 41st Legislature, Regular Session, 1929, as amended (Article 911b, Vernon's Texas Civil Statutes), is amended by adding Subsection (3) to read as follows:

"(3) The term 'transporting property for compensation or hire,' defined in Section 1 of this Act, does not include the furnishing of equipment and drivers during the same period of time by separate persons or their lessees to a person who is not a common carrier, contract carrier, or specialized motor carrier for his use in good faith in the carriage operations of a business not primarily engaged in transportation if the person to whom the equipment and drivers are furnished supervises and controls the drivers and the use of the equipment, maintains all dispatch records, and maintains and files all safety records and reports required by the United States Department of Transportation, the Department of Public Safety, and the Commission. The person to whom the drivers are furnished may pay the drivers' compensation or any required taxes or workmen's compensation insurance payments

1 directly to the person or lessee furnishing the drivers."

2 Sec. 2. The importance of this legislation and the crowded
3 condition of the calendars in both houses create an emergency and
4 an imperative public necessity that the constitutional rule
5 requiring bills to be read on three several days in each house be
6 suspended, and this rule is hereby suspended, and that this Act
7 take effect and be in force from and after its passage, and it is
8 so enacted.