

L 1803.9

ST 29 77

2001: Feb 26

LEGISLATIVE REFERENCE LIBRARY

MAR 02 2001

**MINUTES**

**SENATE COMMITTEE ON STATE AFFAIRS**

Monday, February 26, 2001

1:00 p.m. or upon adjournment

Senate Chamber

\*\*\*\*\*

Pursuant to a notice posted in accordance with Senate Rule 11.18, a public hearing of the Senate Committee on State Affairs was held on Monday, February 26, 2001, in the Senate Chamber at Austin, Texas.

\*\*\*\*\*

**MEMBERS PRESENT:**

Senator Florence Shapiro  
Senator Carlos Truan  
Senator Kenneth Armbrister  
Senator John Carona  
Senator Troy Fraser  
Senator Mario Gallegos, Jr.  
Senator Chris Harris  
Senator Frank Madla  
Senator Eliot Shapleigh

**MEMBERS ABSENT:**

None

\*\*\*\*\*

The chair called the meeting to order at 2:41 p.m. There being a quorum present, the following business was transacted:

Senator Truan moved adoption of the minutes from the previous hearing held on February 19, 2001; without objection, it was so ordered.

The chair laid out SB472 and recognized the author, Senator Barrientos, to explain the bill.

Witnesses testifying and registering on the bill are shown on the attached list. The chair moved that the public testimony be closed; without objection, it was so ordered.

Senator Harris moved that SB472 be reported favorably to the Senate with the recommendation that it do pass and be printed. The motion carried with a record vote of 8 ayes, 0 nay, 0 present not voting, and 1 absent.

Senator Madla moved that the bill be recommended for placement on the Local & Uncontested Calendar; without objection, it was so ordered.

**SENATE COMMITTEE ON STATE AFFAIRS**

Minutes

Monday, February 26, 2001

page 2

The chair laid out SB587 and recognized the author, Senator Duncan, to explain the bill.

Senator Gallegos, Jr. sent up a committee substitute; the chair recognized Senator Duncan to explain the difference between the committee substitute and the bill as filed.

Witnesses testifying and registering on the bill are shown on the attached list. The chair moved that the public testimony be closed; without objection, it was so ordered.

The chair moved that SB587 be left pending; without objection, it was so ordered.

The chair laid out SB629 and recognized the author, Senator Staples, to explain the bill.

Senator Shapiro moved that SB629 be left pending; without objection, it was so ordered.

The chair laid out SB565 and recognized the author, Senator Armbrister, to explain the bill.

Witnesses testifying and registering on the bill are shown on the attached list. The chair moved that the public testimony be closed; without objection, it was so ordered.

Senator Armbrister moved that SB565 be reported favorably to the Senate with the recommendation that it do pass and be printed. The motion carried with a record vote of 9 ayes, 0 nay, 0 present not voting, and 0 absent.

Senator Armbrister moved that the bill be recommended for placement on the Local & Uncontested Calendar; without objection, it was so ordered.

At 3:35 p.m. Senator Truan assumed the chair.

The chair laid out SB645 and recognized the author, Senator Shapiro, to explain the bill.

Senator Shapiro sent up a committee substitute; the chair recognized Senator Shapiro to explain the difference between the committee substitute and the bill as filed. Senator Shapiro moved adoption of the committee substitute; without objection, it was so ordered.

Witnesses testifying and registering on the bill are shown on the attached list. The chair moved that the public testimony be closed; without objection, it was so ordered.

Senator Armbrister sent up Committee Amendment 1 and moved adoption; without objection, the amendment was adopted.

Senator Truan requested unanimous consent to incorporate the amendment into the committee substitute; without objection, it was so ordered.

**SENATE COMMITTEE ON STATE AFFAIRS**

Minutes

Monday, February 26, 2001

page 3

Senator Shapiro then moved that the new committee substitute be adopted; without objection, it was so ordered. Senator Shapiro moved that SB645 do not pass but that CSSB645 be reported back to the Senate with the recommendation that it do pass and be printed. The motion carried with a record vote of 8 ayes, 0 nay, 1 present not voting, and 0 absent.

At 4:05 p.m. Senator Shapiro resumed the chair.

The chair laid out SB757 and recognized the author, Senator Jackson, to explain the bill.

Witnesses testifying and registering on the bill are shown on the attached list. The chair moved that the public testimony be closed; without objection, it was so ordered.

Senator Shapiro moved that SB757 be left pending; without objection, it was so ordered.

At 4:13 p.m. Senator Armbrister assumed the chair.

The chair laid out SB4 and SJR16 and recognized the author, Senator Shapiro, to explain the bills.

Senator Shapiro sent up committee substitutes; the chair recognized Senator Shapiro to explain the difference between the committee substitutes and the bills as filed. Senator Shapiro moved adoption of the committee substitutes; without objection, it was so ordered.

Witnesses testifying and registering on the bills are shown on the attached list. The chair moved that the public testimony be closed; without objection, it was so ordered.

Senator Armbrister moved that SB4 be left pending to await a quorum; without objection, it was so ordered.

Senator Armbrister moved that SJR16 be left pending to await a quorum; without objection, it was so ordered.

At 5:24 p.m. Senator Shapiro resumed the chair.

The chair laid out SB487 and recognized the author, Senator Ogden, to explain the bill.

Witnesses testifying and registering on the bill are shown on the attached list. The chair moved that the public testimony be closed; without objection, it was so ordered.

Senator Shapiro moved that SB487 be left pending; without objection, it was so ordered.

The chair laid out SB586 and recognized the author, Senator Ogden, to explain the bill.

**SENATE COMMITTEE ON STATE AFFAIRS**

Minutes

Monday, February 26, 2001

page 4

Witnesses testifying and registering on the bill are shown on the attached list. The chair moved that the public testimony be closed; without objection, it was so ordered.

Senator Shapiro moved that SB586 be left pending; without objection, it was so ordered.

The chair laid out SB157 and recognized the author, Senator Truan, to explain the bill.

Witnesses testifying and registering on the bill are shown on the attached list. The chair moved that the public testimony be closed; without objection, it was so ordered.

Senator Truan moved that SB157 be reported favorably to the Senate with the recommendation that it do pass and be printed. The motion carried with a record vote of 7 ayes, 0 nay, 0 present not voting, and 2 absent.

At 6:10 p.m. Senator Truan resumed the chair.

The chair laid out SB27 and recognized the author, Senator Shapiro, to explain the bill.

Witnesses testifying and registering on the bill are shown on the attached list. The chair moved that the public testimony be closed; without objection, it was so ordered.

Senator Shapiro moved that SB27 be left pending; without objection, it was so ordered.

At 6:34 p.m. Senator Shapiro resumed the chair.

The chair laid out SB545 and recognized the author, Senator Brown, to explain the bill. Senator

Shapleigh sent up a committee substitute; the chair recognized Senator Brown to explain the difference between the committee substitute and the bill as filed.

Witnesses testifying and registering on the bill are shown on the attached list. The chair moved that the public testimony be closed; without objection, it was so ordered.

Senator Shapiro moved that SB545 be left pending; without objection, it was so ordered.

At 7:00 p.m. Senator Truan resumed the chair.

The chair laid out SB220 and recognized the author, Senator Shapiro, to explain the bill.

Senator Shapiro sent up a committee substitute; the chair recognized Senator Shapiro to explain the difference between the committee substitute and the bill as filed. Senator Shapiro moved adoption of the committee substitute; without objection, it was so ordered.

## **SENATE COMMITTEE ON STATE AFFAIRS**

Minutes

Monday, February 26, 2001

page 5

Senator Shapleigh sent up Committee Amendment 1 and moved adoption; without objection, the amendment was adopted.

Senator Shapiro sent up Committee Amendment 2 and moved adoption; without objection, the amendment was adopted.

Senator Shapiro sent up Committee Amendment 3 and moved adoption; without objection, the amendment was adopted.

Senator Shapiro requested unanimous consent to incorporate amendments into the committee substitute; without objection, it was so ordered.

Witnesses testifying and registering on the bill are shown on the attached list. The chair moved that the public testimony be closed; without objection, it was so ordered.

Senator Shapiro then moved that the new committee substitute be adopted; without objection, it was so ordered. Senator Shapiro moved that SB220 do not pass but that CSSB220 be reported back to the Senate with the recommendation that it do pass and be printed. The motion carried with a record vote of 6 ayes, 0 nay, 0 present not voting, and 3 absent.

The chair laid out SB492 and recognized Senator Shapiro, in the absence of the author, to explain the bill.

Witnesses testifying and registering on the bill are shown on the attached list. The chair moved that the public testimony be closed; without objection, it was so ordered.

Senator Shapiro moved that SB492 be left pending; without objection, it was so ordered.

At 7:20 p.m. Senator Shapiro resumed the chair.

The chair laid out SB454 and recognized the author, Senator Armbrister, to explain the bill.

Senator Armbrister sent up a committee substitute; the chair recognized Senator Armbrister to explain the difference between the committee substitute and the bill as filed. Senator Armbrister moved adoption of the committee substitute; without objection, it was so ordered.

Witnesses testifying and registering on the bill are shown on the attached list. The chair moved that the public testimony be closed; without objection, it was so ordered.

Senator Armbrister moved that SB454 do not pass but that CSSB454 be reported back to the Senate with the recommendation that it do pass and be printed. The motion carried with a record vote of 7 ayes, 0 nay, 0 present not voting, and 2 absent.

**SENATE COMMITTEE ON STATE AFFAIRS**

Minutes

Monday, February 26, 2001

page 6

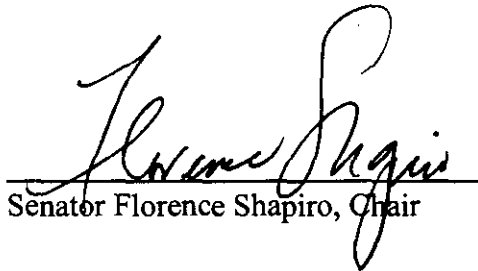
At 7:25 p.m. Senator Truan resumed the chair.

Senator Shapiro moved that SB4 do not pass but that CSSB4 be reported back to the Senate with the recommendation that it do pass and be printed. The motion carried with a record vote of 7 ayes, 0 nay, 0 present not voting, and 2 absent.

Senator Shapiro moved that SJR16 do not pass but that CSSJR16 be reported back to the Senate with the recommendation that it do pass and be printed. The motion carried with a record vote of 7 ayes, 0 nay, 0 present not voting, and 2 absent.

At 7:29 p.m. Senator Shapiro resumed the chair.

There being no further business, at 7:32 p.m. Senator Shapiro moved that the Committee stand recessed subject to the call of the chair. Without objection, it was so ordered.

  
Senator Florence Shapiro, Chair

  
Cindy S. Hodges, Clerk

## WITNESS LIST

State Affairs

February 26, 2001 - 1:00 PM or upon adjournment

### SB 4

FOR: Allen, Mike (Texas Border Infrastructure Coalition), McAllen, TX  
Chambers, Spencer (Texas Association of Business & Chambers of Commerce), Austin, TX  
Hutchison, Ray (Self), Dallas, TX  
Jackson, Judge Lee (Dallas County), Dallas, TX  
Kirk, Mayor Ron (City of Dallas), Dallas, TX  
Pulman, Charles (Self), Dallas, TX

AGAINST: Gadbois, Glenn (Texas Citizen Fund), Austin, TX

ON: Bass, James (TxDOT), Austin, TX  
Heald, Wes (TxDOT), Austin, TX  
Laney, David (Texas Transportation Commission), Austin, TX

#### Registering, but not testifying:

FOR: Byron, Bruce (Capital Area Transportation Coalition), Austin, TX  
Garza, Jorge (Salomon Smith Barney), Dallas, TX  
Igo, Shanna (Texas Municipal League), Austin, TX  
Lee, Donald (Texas Conference of Urban Counties), Austin, TX  
Oneacre, Amanda (Greater Dallas Chamber), Dallas, TX  
Paniagua, Joe (City of Fort Worth City Council), Fort Worth, TX  
Plaster, Michael (Texas Transit Association), Austin, TX  
Sitton, Mayor Windy (City of Lubbock), Lubbock, TX  
Stewart, Jay (Salomon Smith-Barney/Hance, Scarborough), Austin, TX  
Stewart, Michael (Texas Aggregates & Concrete Association), Austin, TX  
Suhm, Vic (North Texas Commission), DFW Airport, TX  
White, Michael (Greater Houston Partnership), Austin, TX

ON: Coleman, Rob (Comptroller of Public Accounts), Austin, TX  
Porter, Rick (McCall Parkhurst & Horton), Dallas, TX

### SB 27

FOR: Buchanan, Bree (Texas Council on Family Violence), Austin, TX  
Montgomery, Angela (Self), Bedford, TX  
Walsh, Kim (Self/Texas Council on Family Violence), Lindale, TX

ON: Wright, Amy C. (University of Texas School of Law-Domestic Violence Clinic), Austin, TX

SB 157

- FOR: Colmenares, Robert (Dallas, Corpus, Houston Minority Business Development Centers), Austin, TX  
Fuentes, Frank (Hispanic Contractors Association de Texas), Austin, TX  
Trevino, Senaido Adam (Hispanic Contractors Association de Texas), Austin, TX
- ON: Bohuslav, Thomas (TxDOT), Austin, TX  
Davenport, John (General Services Commission), Austin, TX

SB 220

- FOR: Zacharias, Larry (City of Richardson), Richardson, TX

Registering, but not testifying:

- FOR: Alcorn, Charles A. (P. & O. Ports North America), Houston, TX  
Allison, Jim (County Judges & Commissioner's Association of Texas), Austin, TX  
Igo, Shanna (Texas Municipal League), Austin, TX  
Lee, Donald (Texas Conference of Urban Counties), Austin, TX  
Lewis, Judge Jim (McLennan County), Waco, TX  
Morrison, Jim (West Gulf Maritime Association), Houston, TX  
Richardson, Jody (Plains c/o Akin Gump Strauss Hauer & Feld), Austin, TX  
Stewart, Michael (Texas Aggregates & Concrete Association), Austin, TX  
Suhm, Vic (North Texas Commission), DFW Airport, TX  
Thorjussen, Ted (West Gulf Maritime Association), Houston, TX  
Turner, Jill (Texas Farm Bureau), Austin, TX  
Webb, Bill (Texas Motor Transportation Association), Austin, TX  
Wheless, Skipper (West Texas County Judges & Commissioner's Association), Ballinger, TX
- ON: Fleming, Martin (Texas Independent Producers & Royalty Owners Association), Austin, TX  
Smith, Lawrance (TxDOT), Austin, TX  
Stevens, Bill (Texas Alliance of Energy Producers), Abilene, TX

SB 454

Registering, but not testifying:

- ON: Lopez, Carlos (TxDOT), Austin, TX  
Russell, Phillip (TxDOT), Austin, TX

SB 472

- FOR: Brown, David O. (Council of Texas Archeologists), Utopia, TX



Heide, Jean (Protection of Unmarked Graves/Human Remains), San Antonio, TX

Shunatona, Paul Richard (Self), Dallas, TX

ON: Hite, Gerron (Texas Historical Commission), Austin, TX  
Mercado-Allinger, Patricia (Texas Historical Commission), Austin, TX

Registering, but not testifying:

FOR: Brooks, Joanna (Self), Austin,  
Garza, Mario (Tap Pilam Coahuiltecan Nation), Austin, TX  
Kamper, David (Self), Austin, TX  
Magor, Kathleen (Self), Austin, TX  
TenBarge, Christine (Self), Austin, TX

SB 487

Registering, but not testifying:

ON: Bohuslav, Thomas (TxDOT), Austin, TX

SB 492

FOR: Webb, Bill (Texas Motor Transportation Association), Austin, TX

ON: Fleming, Martin (Texas Independent Producers & Royalty Owners Association), Austin, TX

Registering, but not testifying:

FOR: Allison, Jim (County Judges & Commissioner's Association of Texas), Austin, TX  
Currie, Bob (Texas Logging Council), Kennard, TX  
Findeisen, Les (Texas Motor Transportation Association), Austin, TX  
Hufford, Ron (Texas Forestry Association), Lufkin, TX  
Igo, Shanna (Texas Municipal League), Austin, TX  
Lee, Donald (Texas Conference of Urban Counties), Austin, TX  
Lewis, Judge Jim (McLennan County), Waco, TX  
Richardson, Jody (Plains c/o Akin Gump Strauss Hauer & Feld), Austin, TX  
Suhm, Vic (North Texas Commission), DFW Airport, TX  
Turner, Jill (Texas Farm Bureau), Austin, TX  
Wheless, Skipper (West Texas County Judges & Commissioner's Association), Ballinger, TX

ON: Behrens, Mike (TxDOT), Austin, TX  
Laney, David (Texas Transportation Commission), Austin, TX  
Ralls, Mary Lou (TxDOT), Austin, TX  
Stevens, Bill (Texas Alliance of Energy Producers), Abilene, TX

SB 545

- FOR: Allison, Jim (County Judges & Commissioner's Association of Texas), Austin, TX  
Harris, Commissioner Jack (Brazoria County), Alvin, TX  
Lee, Donald (Texas Conference of Urban Counties), Austin, TX
- AGAINST: Fleming, Martin (Texas Independent Producers & Royalty Owners Association), Austin, TX  
Hufford, Ron (Texas Forestry Association), Lufkin, TX  
Turner, Jill (Texas Farm Bureau), Austin, TX

Registering, but not testifying:

- FOR: Igo, Shanna (Texas Municipal League), Austin, TX  
Lewis, Judge Jim (McLennan County), Waco, TX  
Suhm, Vic (North Texas Commission), DFW Airport, TX  
Wheless, Skipper (West Texas County Judges & Commissioner's Association), Ballinger, TX
- AGAINST: Currie, Bob (Texas Logging Council), Kennard, TX  
Findeisen, Les (Texas Motor Transportation Association), Austin, TX  
Smith, Kim (Kim R. Smith Logging, Inc.), Tatum, TX  
Stevens, Bill (Texas Alliance of Energy Producers), Abilene, TX
- ON: Smith, Lawrance (TxDOT), Austin, TX

SB 565

- FOR: Lee, Donald (Texas Conference of Urban Counties), Austin, TX  
Weber, Fredric (Fulbright & Jaworski L.L.P.), Houston, TX
- ON: Porter, Rick (McCall Parkhurst & Horton), Dallas, TX

Registering, but not testifying:

- FOR: Allison, Jim (County Judges & Commissioner's Association of Texas), Austin, TX  
Cron, Richard (Harris County Judge Robert Eckels), Houston, TX  
Grace, Cary (City of Houston), Houston, TX  
Hrncir, John (City of Austin), Austin, TX  
Igo, Shanna (Texas Municipal League), Austin, TX  
Lewis, Judge Jim (McLennan County), Waco, TX  
Paniagua, Joe (City of Fort Worth City Council), Fort Worth, TX  
Rubottom, John (Lower Colorado River Authority), Austin, TX  
Utter, Tom (City of Corpus Christi), Corpus Christi, TX  
Wheless, Skipper (West Texas County Judges & Commissioner's Association), Ballinger, TX

ON: Hull, Terry (U.T. Systems), Austin, TX  
Schwartz, Suzanne (Texas Water Development Board), Austin, TX

SB 586

FOR: DeSoto, Dean S. (Traffic Safety Educational Alliances), San Antonio, TX  
Lewis, Bill (Mothers Against Drunk Driving), Austin, TX

ON: Griffin, Lindsay (Texas Transportation Institute), College Station, TX  
Loe, Jr., Hardy (University of Texas School of Public Health/Houston Health Science Center), Houston, TX  
Richardson, Dr. Herbert (Texas Transportation Institute), Bryan, TX

Registering, but not testifying:

FOR: Harrison, Tony (Self), Austin, TX

ON: Lopez, Carlos (TxDOT), Austin, TX

SB 587

ON: Harm, Gregory P. (Comptroller of Public Accounts), Austin, TX  
Robbins, Stacey (State Auditor's Office), Austin, TX

SB 645

ON: Harm, Gregory P. (Comptroller of Public Accounts), Austin, TX  
Purcell, Carolyn (Department of Information Resources), Austin, TX

SB 757

FOR: Kuluickci, Daniel B. (Self), Dickinson, TX

SJR 16

FOR: Allen, Mike (Texas Border Infrastructure Coalition), McAllen, TX  
Hutchison, Ray (Self), Dallas, TX  
Jackson, Judge Lee (Dallas County), Dallas, TX  
Kirk, Mayor Ron (City of Dallas), Dallas, TX

AGAINST: Gadbois, Glenn (Texas Citizen Fund), Austin, TX

ON: Bass, James (TxDOT), Austin, TX  
Heald, Wes (TxDOT), Austin, TX  
Laney, David (Texas Transportation Commission), Austin, TX

Registering, but not testifying:

FOR: Garza, Jorge (Salomon Smith Barney), Dallas, TX  
Igo, Shanna (Texas Municipal League), Austin, TX  
Lee, Donald (Texas Conference of Urban Counties), Austin, TX  
Oneacre, Amanda (Greater Dallas Chamber), Dallas, TX

Paniagua, Joe (City of Fort Worth City Council), Fort Worth, TX  
Plaster, Michael (Texas Transit Association), Austin, TX  
Stewart, Jay (Salomon, Smith-Barney/Hance, Scarborough), Austin, TX  
Stewart, Michael (Texas Aggregates & Concrete Association), Austin, TX  
Suhm, Vic (North Texas Commission), DFW Airport, TX  
White, Michael (Greater Houston Partnership), Austin, TX

ON: Buie, Jim (Texas Bond Review Board), Austin, TX  
Coleman, Rob (Comptroller of Public Accounts), Austin, TX  
Porter, Rick (McCall Parkhurst & Horton), Dallas, TX