

**SUBJECT:** Emergency management, toll road photo use, wiretaps, vehicle tags

**COMMITTEE:** Defense Affairs and State-Federal Relations — committee substitute recommended

**VOTE:** 5 ayes — Corte, Escobar, Garcia, Hodge, Raymond  
0 nays  
1 present not voting — Herrero  
3 absent — Noriega, Merritt, Moreno

**SENATE VOTE:** On final passage, April 18 — 31-0

**WITNESSES:** (*On House companion bill, HB 3642 by Corte:*)  
For — Chris Connealy, Texas Fire Chiefs Association; Shelia Jennings, Emergency Management Association of Texas; Thomas Popken, The Dallas Police Association; (*Registered, but did not testify:* Derrick Chubbs, American Red Cross of Central Texas; Tom Gaylor, Texas Municipal Police Association; Mark Mendez, Tarrant County; Glen M. White, Dallas Police Association)  
  
Against — Rebecca Bernhardt, American Civil Liberties Union of Texas  
  
On — Randall Elliston, Texas Department of Public Safety (Highway Patrol); Douglas Kunkel, Texas Department of Public Safety Narcotics Service; Russell P. Lecklider, Texas Department of Public Safety; Chris Luna, MetroPCS Communications, Inc.; Shannon Ratliff, Corporation for Texas Regionalism; Brad Shields II, Texas Retailers Association; Velma Cruz Silva, Sprint Nextel; Dave Williams, Texas School Safety Center

**BACKGROUND:** **Emergency management.** On March 29, 2001, Gov. Rick Perry issued Executive Order RP1 dealing with emergency management and the Texas Disaster Act, found in Government Code, sec. 418.  
  
Under RP 1, the director of the governor's division of emergency management is required to establish emergency operation areas known as disaster districts. These districts must correspond to the boundaries of the

Texas Highway Patrol Districts and sub-districts. The order also designates the mayor of each city and the county judge of each county as the emergency management director for each political subdivision. Each serves as the governor's agent in the administration and supervision of the Texas Disaster Act and can exercise the powers, on an appropriate local scale, granted to the governor.

Local entities use mutual aid agreements to establish the parameters under which they provide resources to each other if needed. The attorney general has developed model agreements used between some counties and regions, and other entities have entered into agreements they developed themselves. There is also a state mutual aid program for fire emergencies.

**Emergency operating plans, school security audits.** Education Code, sec. 37.108 requires each school district to adopt and implement a multi-hazard emergency operations plan for use in district schools and, at least once every three years, to conduct a security audit of the district's facilities. To the extent possible, the district must follow security audit procedures developed by the Texas School Safety Center or a comparable public or private entity. Districts must report the results of the audit to the school board.

The Texas School Safety Center was created in 1999 and authorized by the Legislature in 2001 to serve as a central location for school safety information, including research, training, and technical assistance related to successful school safety programs and as a resource for the prevention of youth violence and the promotion of school safety in the state. The center is advised by a 15-member board of directors that includes designees of the attorney general, the Texas Education Agency commissioner, the Texas Youth Commission, the Department of State Health Services, and other school and juvenile justice representatives.

**Wiretap authority.** Code of Criminal Procedure, art. 18.20 allows judges to authorize the interception of wire, oral, or electronic communications only if the prosecutor applying for the authorization shows probable cause to believe it will show evidence of certain crimes. These crimes are: murder; capital murder; possession or promotion of child pornography; certain felony drug laws; or attempts, conspiracies, or solicitations to commit these offenses.

Art. 18.20, sec. 8 requires that applications for wiretaps include a particular description of the nature and location of the facilities from which or the place where the communication is to be intercepted.

**Temporary vehicle tag database.** Transportation Code, ch. 503 and Texas Department of Transportation (TxDOT) rules establish a system of cardboard tags that serve as temporary authorization to use a motor vehicle while waiting for permanent license plates. There are three types of temporary tags, and “red tags” are issued to identify a newly sold vehicle. Dealers print the temporary tags, with TxDOT prescribing the color, form, and other specifications. Each buyer’s red tag has a unique sequential number logged to the dealers record of sale.

DIGEST:

CSSB 11 would make changes to the structure of the state’s emergency management system, remove restrictions on the use of certain toll road technology, expand wiretap authority, create a state database for temporary vehicle tags, exempt certain discussions about school security and emergency plans from open meetings requirements, and remove limitations on certain pipelines’ use of eminent domain.

Unless otherwise noted, the bill would take effect September 1, 2007.

**Emergency management.** CSSB 11 would designate certain local officials as emergency management directors to serve as the governor’s designated agents for duties under the Texas Disaster Act. Emergency management directors could exercise powers granted to the governor on an appropriate local scale. Presiding officers of cities or counties or the chief administrative director of certain boards governing airports in more than one jurisdiction would be designated as emergency management directors.

The bill would authorize the comprehensive state emergency management plan to include provisions for the education and training of local law enforcement officials on the activation of the federal Emergency Alert System.

*Disaster districts.* CSSB 11 would divide the state into disaster districts for homeland security preparedness and response activities. The districts would follow the boundaries of state planning regions under Local Government Code provisions dealing with regional planning commissions. The bill would establish disaster district committees comprising local

representatives of state agencies, boards, and commission and volunteer groups on the emergency management council. The Department of Public Safety (DPS) would be required to appoint a commanding officer from the highway patrol to serve as chair of each disaster district.

*Mutual aid systems.* CSSB 11 would establish the Texas Statewide Mutual Aid System to provide statewide mutual aid responses between local governments without written mutual aid agreements.

A request for mutual aid assistance between local governmental entities would be considered to be made under the system in CSSB 11 unless the entities requesting aid and responding had a written mutual aid agreement. The system would be administered by the governor's division of emergency management. The bill would not affect written mutual aid agreements between local government entities in effect on or before the bill's effective date.

The bill would establish procedures for requesting and providing mutual aid, including detailing the supervision and control of personnel, equipment, and resources, and the rights and privileges of persons performing duties under the agreements. The bill would establish what information would have to be kept by the supplier of aid and what should be reimbursed.

If a local government entity responded to a request for assistance from the governor's division of emergency management, the state would be required to reimburse the local entity for the cost of the assistance, using state or federal funds. If local entities requested assistance from other local entities, the requesting entity would be required to reimburse the responding entity. The division would be authorized to directly request mutual aid assistance from any local government entity participating in the system. The governor's division of emergency management would be required to administer all requests for reimbursement for costs of providing mutual aid assistance in response to a federal disaster declaration.

The bill would prohibit statewide mutual aid programs for fire emergencies from altering the legal obligations of a political subdivision and would require them to be consistent with the state emergency plan. The governor's division of emergency management, which currently is authorized to develop a statewide mutual aid program for fire

emergencies, would have to consult with state fire protection agencies to develop the program.

These sections would take immediate effect if finally passed by a two-thirds record vote of the membership of each house. Otherwise, they would take effect September 1, 2007.

CSSB 11 would allow the sudden relocation of a large number of residents from the area of a declared disaster to the jurisdiction of a governmental body to be considered a reasonably unforeseeable situation under the emergency exception to state open meetings posting requirements. Notice of a meeting or supplemental notice of the addition of an emergency item added to the agenda of a meeting to address the relocation of residents would have to be given to members of the news media at least one hour before the meeting.

**Emergency operating plans, school security audits.** CSSB 11 would exempt school boards and charter schools from open meetings requirements when deliberating about a district security audit or an emergency operations plan. The bill would require school districts to report the results of the security audit to the Texas School Safety Center in a manner required by the center. The bill would add a representative of the commissioner of higher education to the center's advisory board and specify that the health and human services representative would come from the Department of State Health Services.

CSSB 11 would allow an institution of higher education to use any appropriate model for a multi-hazard emergency operations plan developed by the center and would allow the center to provide on-site technical assistance and safety training to an institution of higher education. The Texas School Safety Center could charge a fee for this assistance and training.

**Amateur radio operators.** The bill would authorize state employees who hold federal amateur radio station licenses to be granted leave of up to 10 days each fiscal year to participate in disaster relief services without deductions in their salary or loss of vacation, sick, overtime, or compensatory time. The leave would have to be taken with the approval of the governor and the authorization of the employee's supervisor. No more than 350 state employees would be eligible for leave under CSSB 11 at any one time. The governor's division of emergency management would

have to coordinate a list of eligible employees.

The bill would amend the current definition of paging devices that can be prohibited by school districts to exclude an amateur radio under control of a federally licensed operator.

**Emergency vehicles.** CSSB 11 would require the state's emergency management council, which assists the governor in disaster preparedness and response, to make recommendations to the DPS about which private emergency organizations should be authorized to operate designated emergency vehicles during a disaster. These organizations could include the American National Red Cross and the Salvation Army, Radio Amateur Civil Emergency Service. TxDOT would be required to use these recommendations to designate which vehicles could be operated as emergency vehicles during declared disasters. A designated vehicle could be operated as an emergency vehicle if the governor declared a state of disaster, TxDOT requested assistance, and the vehicle was being operated in response to a state of disaster.

**Toll road technology and use by certain vehicles.** CSSB 11 would repeal the current prohibition against evidence from automated toll road enforcement technologies, such as photographs, being used in the prosecution of any offenses except for capital murder and certain offenses relating to paying tolls.

The bill would prohibit toll project entities from requiring tolls from certain emergency vehicles used by a nonprofit disaster relief organization exclusively for emergencies.

**Wiretap authority.** CSSB 11 would expand the current authority to use wiretaps to include kidnapping and unlawful restraint, trafficking of persons, and money laundering, and attempts, conspiracies, or solicitations to commit these offenses.

The bill would establish circumstances under which roving wiretaps not tied to a particular facility could be authorized. These would be allowed if a judge determined that the person was likely to circumvent the wiretap order by changing communication devices repeatedly or there were exigent circumstances requiring that the order apply to any communication by the person and not be limited to a specific facility or place.

A judge would not have to include in the order, as required by current law, a description of the nature or location of the facility or place from which communications would be intercepted. As an alternative, the judge could authorize the interception of any communication made by a specified person while the person was in the court's geographic jurisdiction. This would not place any additional legal obligation on a wire or electronic communications provider to identify or locate a person whose communications were to be intercepted.

The bill would exclude the electronic storage of a wire communications, such as voice mails, from the wiretap statute, resulting in these communications being regulated by Code of Criminal Procedure art. 18.21, which deals with access to stored communications. It also would amend the definition of mobile tracking devices so that it would include devices that intercept the content of a communication or function as a pen register, cell phone electronic serial number (ESN) reader, or trap-and-trace device.

These changes would apply only to applications to intercept wire, oral, or electronic communications and to install mobile tracking devices that were submitted on or after the bill's effective date.

**Temporary vehicle tag database.** CSSB 11 would require TxDOT to develop and maintain a real-time database for tracking temporary cardboard tags on vehicles. The requirements would apply to both car dealers and converters who alter a vehicle before its retail sale.

TxDOT would be required to develop and maintain a secure, real-time database of information on vehicles on which dealers and converters had affixed temporary cardboard tags and with information on persons to whom temporary tags were issued. The database would have to allow law enforcement agencies to use vehicle-specific numbers to obtain information about the dealer or buyer of a car.

TxDOT would establish procedures for dealers to generate vehicle-specific numbers and assign them to temporary tags and for the numbers to be displayed on the tag. Before a dealer's temporary cardboard tag could be displayed, the dealer would have to use the Internet to enter information on the vehicle into the database.

Before a temporary tag for a buyer could be displayed, dealers would have to use the Internet to enter into the database information about the buyer and generate the vehicle-specific number for the tag. Dealers would have to obtain 24-hour Internet access to enter information, but the bill would establish a procedure for dealers to submit the information the next day if they were unable to access the Internet at the time of a sale. TxDOT would have to allow dealers to generate in advance enough vehicle-specific numbers to sell vehicles for up to one week if the dealer was unable to access the Internet.

Dealers would charge \$5 for each temporary cardboard buyer's tag, and the money would be deposited in the state highway fund. Dealers would have to give buyers written notice explaining the law concerning temporary cardboard tags, criminal penalties relating to the tags, and actions the buyer needs to take.

The bill would create criminal penalties for illegal actions involving the tags. It would be:

- a state-jail felony (180 days to two years in a state jail and an optional fine of up to \$10,000) to produce a temporary cardboard tag for distribution to someone other than a dealer or converter;
- a class C misdemeanor (maximum fine of \$500) for someone other than a dealer or converter to purchase a temporary tag; and
- a class A misdemeanor (up to one year in jail and/or a maximum fine of \$4,000) to sell or distribute a temporary cardboard tag, unless the person was a dealer issuing it with a purchase or a printer or distributor of the tags.

The penalty for the current offense of operating a vehicle that displays an unauthorized temporary cardboard tag would be changed from a fine ranging from \$50 to \$5,000 to a class C misdemeanor. This offense, along with illegally purchasing a tag and illegally selling or distributing a tag, would be a state-jail felony if the offender conspired to engage in organized criminal activity.

These penalties would apply to offenses committed on or after the bill's effective date.

**Eminent domain for pipelines.** CSSB 11 would extend the current authority to exercise eminent domain given to certain common carriers

subject to the Natural Resources Code and the Texas Business Corporation Act to all common carriers and would not require a common carrier using this authority to operate as a corporation.

This section on eminent domain would take immediate effect if finally passed by a two-thirds record vote of the membership of each house. Otherwise, it would take effect September 1, 2007. The change would apply to exercises of eminent domain by a common carrier if the petition was filed before, on, or after the bill's effective date.

**SUPPORTERS  
SAY:**

CSSB 11 is necessary to improve the state's disaster and emergency resources and to give law enforcement necessary tools to ensure homeland security.

**Emergency management.** CSSB 11 would codify parts of the state's emergency management structure and response currently found in executive orders. Placing this information in statute would help ensure consistency and make it easier to find the guidelines.

*Disaster districts.* Organizing disaster districts along the lines of regional planning commissions would make sense because these are the entities that deal with emergency management issues. This would take advantage of the existing framework for policy making and reflect the best thinking of the stakeholders in this area. Any confusion about the role of a DPS office in a disaster district easily could be clarified.

*Mutual aid agreements.* CSSB 11 would establish a statewide mutual aid system to cover situations in which a local entity needed aid but had not already entered into an agreement. Outlining default parameters in statute would allow aid to flow more quickly and efficiently. Allowing local entities to enter into any type of agreement they wanted, with the model agreement in the bill available as a back-up, would recognize that local control of these agreements should allow them to be tailored to specific needs.

CSSB 11 is designed to streamline the delivery of aid in an emergency and cut red tape. Changing individual provisions to be more detailed or to outline every step that would have to be taken could hamper the delivery of aid and work against the goal of CSSB 11 to streamline efforts and allow the flexibility necessary to meet each unique situation.

The bill would set an appropriate time frame of 30 days for following up on requests for aid. Tighter deadlines could hamstring local entities during an emergency when the focus must be on quickly moving aid, not meeting statutory deadlines. The bill and local practices would establish sufficient recordkeeping to ensure that the proper aid items were reimbursed. The professionals dealing with emergency management would be able to estimate what could be reimbursed. These professionals, such as fire chiefs, are interested in providing aid, not trying to game the system by finding loopholes in the reimbursement system.

**Emergency operating plans, school security audits.** CSSB 11 would protect school districts from having to reveal security information that should be kept private, such as a planned meeting point for children in a terrorist attack, by exempting school boards from open meetings requirements when discussing these plans. School board members, who are elected to represent the public, would have access to this information, but it would not have to be revealed in a public meeting. This would create an incentive for districts to provide more complete information in security audits. Allowing public access to information in emergency operating plans and security audits could give terrorists or others with bad intentions information about vulnerabilities or plans that they could exploit and could compromise the ability of the school to keep students safe.

CSSB 11 would allow statewide coordination of school security audits by requiring that these audits be submitted in a consistent format to the Texas School Safety Center. Having a central repository for this information would eliminate the need to contact each school district to find out about security planning and make it easier for the center to report to the Legislature about school security issues.

The bill would strengthen links between the center and higher education institutions by adding to the advisory board a representative of the Higher Education Coordinating Board and authorizing the center to conduct training and technical assistance at higher education institutions.

**Amateur radio operators.** CSSB 11 would help the state's homeland security and emergency efforts by establishing a framework to allow amateur radio operators who are state employees to serve the state during an emergency. Any leaves of absence would have to be approved by the employee's supervisor and the governor.

**Toll road technology and use by certain vehicles.** Repealing restrictions dealing with toll road enforcement technology would give law enforcement another tool to be used only in limited, but important circumstances, such as a kidnapping or terrorism case. There is no database of stored pictures of non-toll violators and no remote surveillance of the pictures. Concerns about this provision leading to harassment and false arrest are unrealistic.

CSSB 11 would help expedite disaster responses by allowing private non-profit emergency organizations to have certain vehicles authorized as emergency vehicles during a disaster.

**Wiretap authority.** CSSB 11 would expand the wiretap statutes to address kidnapping, trafficking in persons, and money laundering, all crimes that have an impact on homeland security. The state should allow wiretaps in these cases because these are serious crimes for which law enforcement may need to gather information and act quickly. It is appropriate to include money laundering in the wiretap authority because money laundering has a clear connection to homeland security and often involves narcotics, something for which wiretaps already are authorized.

The bill would update outdated statutes written when all telephones operated on land lines, which required law enforcement authorities to obtain roving wiretaps that followed a person rather than an instrument or facility. Wiretaps are very rarely used in Texas now, and roving wiretaps would be used even less frequently. Since wiretapping was approved in 1981, there have been only 79 cases, and in five years none were authorized.

The bill would allow roving wiretaps only in narrow circumstances. The person would have to be likely to circumvent the order by changing phones, or other exigent circumstances would have to exist. Criminals have become more sophisticated in their knowledge of the law and are using cell phones for a short time — sometimes only one day — before discarding them. Without the changes proposed by CSSB 11, law enforcement authorities would remain a step behind these criminals.

Roving wiretaps would continue to have to meet the numerous restrictions and regulations on wiretaps, including receiving authorization from a limited number of high-level judges who monitor the authority and having

DPS operate the equipment. Requirements that wiretaps be minimized and turned off if conversations did not pertain to an investigation would apply.

CSSB 11 would amend some definitions in current law to recognize technological changes, including eliminating the regulation of voice mail messages from the wiretap statutes so they would be covered by the laws governing stored communications. The bill would recognize that some devices, such as cell phones, now have expanded capabilities and would amend the definition of mobile tracking device so that law enforcement agencies could obtain updated equipment.

**Temporary vehicle tag database.** CSSB 11 would address current problems law enforcement authorities face when trying to identify owners and drivers of vehicles with temporary tags. Although temporary buyer's tags currently must have a number logged to the dealer's sale records, these numbers are not recorded in a database and are not unique, official, or easily visible, and law enforcement officials cannot obtain information about them in real time. The current system also raises concerns related to homeland security because the tags are counterfeited easily and used to transfer stolen vehicles across the border, after which time authorities cannot identify owners or whether a vehicle has been stolen.

CSSB 11 would address this problem by creating a temporary tag database that would use unique numbers to track sales by vehicle and buyer. Law enforcement authorities would be able to search the database when investigating crimes and identify vehicle owners. The system would be easy to use because dealers simply would input information through the Internet. The bill would make provisions for sales to continue if Internet access was interrupted and would institute a new \$5 fee that could be used to offset the cost of the database. CSSB 11 would recognize that using pre-printed cardboard tags is a well established system that should not be abandoned for a system of temporary tags issued electronically.

**Eminent domain for pipelines.** CSSB 11 is needed to restore to pipelines, which are common carriers, the traditional authority they have had to use eminent domain. The bill would not be a policy change toward increased use of eminent domain but a clarification on what traditionally has been state policy.

Pipelines are part of the critical infrastructure of the state. They are important to the economy and vital to homeland security efforts, such as

keeping air bases operating and vehicles moving. Due to their crucial role in these areas, they need to have the authority they traditionally have held to use eminent domain.

When the 79th Legislature enacted restrictions on the use of eminent domain in 2005, it included authority for certain pipelines to continue to exercise condemnation power. However, the language placed in the statute was overly restrictive, and in February 2007, the attorney general issued an opinion (GA-0517) that a pipeline must be a corporation for it to qualify for the exception to the restrictions on eminent domain. Most common carriers are not corporations, so CSSB 11 clearly would state that a pipeline could use eminent domain without being organized as a corporation.

Also, current law limits the pipelines authorized to use eminent domain to crude oil pipelines under the Natural Resources Code and the Business Corporation Act. CSSB 11 would restore the same authority to other pipelines, such as those that carry gasoline, diesel fuel, jet fuel, and liquefied natural gas. CSSB 11 does not deal with the environmental standards applied to pipelines, and such concerns more appropriately would be addressed elsewhere.

**OPPONENTS  
SAY:**

**Emergency management.** Placing in statute the language governing emergency management that currently is found in executive orders could reduce the state's flexibility to respond to emergencies. Under CSSB 11, any changes to these directives would have to wait until the law could be amended when the Legislature was in session, whereas now they can be changed through an executive order to meet the needs of a particular emergency.

*Disaster districts.* CSSB 11 would redefine disaster districts to follow the boundaries of regional planning commissions, instead of the current boundaries that follow DPS Highway Patrol Districts. The current boundaries work well, and changing them could create confusion with some regional planning districts that had no DPS district office and some that had more than one. Because the DPS offices are equipped to be the local emergency centers, it would make more sense to have the disaster districts mirror the DPS districts.

*Mutual aid agreements.* CSSB 11 would add to the confusion concerning mutual aid agreements by establishing yet another kind of agreement to go

with the three that already exist. It would be better to develop a single statewide mutual aid system.

Some of the parameters of mutual aid agreements outlined in the bill would not ensure accountability and would run counter to the way public monies usually are handled. For example, the bill would allow a request for mutual aid to be made verbally and followed up by written confirmation within 30 days, but the follow up should happen much sooner because entities reimbursing expenses might receive hundreds of requests for assistance and require proof that an obligation to pay them existed when the expense was incurred.

CSSB 11 also is missing a standard, important provision in many mutual aid agreements that requires those responding to requests for aid to provide an estimate of the cost of the assistance and requesting entities to agree generally to the estimate.

CSSB 11 would require the governor's division of emergency management to fully reimburse with state or local funds local entities that provide assistance at the request of the division of emergency management. It is unclear how the state could agree to reimburse costs that may be unknown since there is no requirement for a cost estimate first, and federal funding sometimes carries restrictions. This provision could result in the state being accountable for costs if it requested aid of one local entity on the behalf of another and could give local entities an incentive to have the state request aid rather than doing it themselves.

**Emergency operating plans, school security audits.** Most emergency operating plans will be needed not for terrorist attacks but for hurricanes, tornadoes, floods, and other natural disasters. Texas needs to publicly vet its emergency plans so that predictable errors can be identified and plans improved before a disaster happens. No one can prepare effectively to abide by an emergency response plan if it is a secret. An emergency plan should be developed with the maximum public input and should be released with an investment in public education about the plan once it is complete.

Sufficient funding should be provided to allow the Texas School Safety Center to establish an online repository for school security audits in a consistent and easily accessible format. The information collected by the

center should be protected to further ensure the confidentiality of security information.

**Toll road technology and use by certain vehicles.** By repealing the current restriction on using toll road photos for law enforcement purposes, CSSB 11 would go too far and could result in a massive expansion of surveillance information. This could lead to misuse and misidentification, resulting in harassment and false arrest of innocent people who look similar to people suspected of crimes. Any expansion of the very narrow current authority to use toll road photos only for capital murder and toll-related offenses should be limited to investigations of kidnapping in which the toll road was used or other similar specific crimes.

**Wiretap authority.** The expansion of wiretap authority to money laundering would go too far. Current law limiting wiretap authority to murder, possession or promotion of child pornography, and drug crimes, rightfully limits this tool to the most serious crimes in which immediate information can be crucial. While kidnapping and trafficking of persons may fit these circumstances, money laundering would not.

Allowing roving wiretaps would expand the potential violations of Texans' privacy rights. Roving wiretaps follow a person and could apply to the use of their home, cell, or other phone. For example, if a person frequently used a phone at a neighbor's house, that phone could fall under the wiretap, and the roving wiretap could violate the neighbor's privacy. It would be better to first require a standard wiretap and then require actual evidence that it was being circumvented before seeking a roving wiretap.

**Temporary vehicle tag database.** CSSB 11 should require temporary tags to be issued electronically and printed by a dealer rather than through a system of pre-printed cardboard tags in which unique numbers are attached.

**Eminent domain for pipelines.** If CSSB 11 is going to expand eminent domain authority relating to pipelines, it should include enhanced protections for people, endangered and threatened species, and critical water features.

**NOTES:**

The committee substitute made several changes to the Senate-passed version of the bill, including deleting a section dealing with prepaid telephones, adding the section dealing with certain notices of public

meetings during the sudden relocation of a large number of people, and adding the provisions dealing with eminent domain.

The fiscal note estimates that CSSB 11 would result in a gain of about \$42.6 million for the state highway fund from the \$5 fee that would be imposed on temporary buyer's tags.

The identical companion, HB 3642 by Corte, was heard and left pending in the House Defense Affairs and State-Federal Relations Committee on April 24.