

MINUTES

SENATE COMMITTEE ON NATURAL RESOURCES

Tuesday, March 22, 2011

9:00 AM

Capitol Extension, Room E1.012

Pursuant to a notice posted in accordance with Senate Rule 11.10 and 11.18, a public hearing of the Senate Committee on Natural Resources was held on Tuesday, March 22, 2011, in the Capitol Extension, Room E1.012, at Austin, Texas.

MEMBERS PRESENT:

Senator Troy Fraser, Chair
Senator Craig Estes, Vice Chair
Senator Robert Duncan
Senator Kevin Eltife
Senator Glenn Hegar
Senator Juan Hinojosa
Senator Mike Jackson
Senator Robert Nichols
Senator Kel Seliger
Senator Carlos Uresti

MEMBERS ABSENT:

Senator Bob Deuell

The chair called the meeting to order at 9:03 AM. The following business was transacted:

The chair laid out SB 385 and recognized the author, Senator Williams, 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.

At 9:18 AM the roll was called. A quorum was present.

Senator Estes moved that SB 385 be reported favorably to the Senate with the recommendation that it do pass and be printed. The motion carried with a record vote of 10 ayes, 0 nays, 0 present not voting, and 1 absent.

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

The chair laid out SB 914 and recognized the author, Senator Wentworth, to explain the bill. Witnesses 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 Eltife moved that SB 914 be reported favorably to the Senate with the recommendation that it do pass and be printed. The motion carried with a record vote of 10 ayes, 0 nays, 0 present not voting, and 1 absent. Senator Eltife moved that the bill be recommended for placement on the Local & Uncontested Calendar; without objection, it was so ordered.

The chair laid out SB 353 and recognized the author, Senator Birdwell, 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 Jackson moved that SB 353 be reported favorably to the Senate with the recommendation that it do pass and be printed. The motion carried with a record vote of 10 ayes, 0 nays, 0 present not voting, and 1 absent. Senator Jackson moved that the bill be recommended for placement on the Local & Uncontested Calendar; without objection, it was so ordered.

The chair laid out SB 403 and recognized the author, Senator Eltife, to explain the bill. Senator Eltife sent up a committee substitute; the chair recognized Senator Eltife to explain the difference between the committee substitute and the senate 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 Eltife moved adoption of the committee substitute; without objection, it was so ordered. Senator Eltife moved that SB 403 do not pass but that CSSB 403 be reported back to the Senate with the recommendation that it do pass and be printed. The motion carried with a record vote of 9 ayes, 0 nays, 0 present not voting, and 2 absent. Senator Eltife moved that the bill be recommended for placement on the Local & Uncontested Calendar; without objection, it was so ordered.

The chair laid out SB 691 and recognized the author, Senator Estes, 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 Estes moved that SB 691 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 nays, 0 present not voting, and 2 absent. Senator Estes moved that the bill be recommended for placement on the Local & Uncontested Calendar; without objection, it was so ordered.

The chair laid out SJR 28 and recognized the author, Senator Rodriguez, to explain the bill. Senator Estes sent up a committee substitute; the chair recognized Senator Rodriguez to explain the difference between the committee substitute and the senate 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 Seliger moved adoption of the committee substitute; without objection, it was so ordered. Senator Seliger moved that SJR 28 do not pass but that CSSJR 28 be reported back to the Senate with the recommendation that it do pass and be printed. The motion carried with a record vote of 9 ayes, 0 nays, 0 present not voting, and 2 absent. Senator Seliger moved that the bill be recommended for placement on the Local & Uncontested Calendar; without objection, it was so ordered.

The chair laid out SB 893 and recognized Senator Eltife, in the absence of the author, to explain the bill. Senator Eltife sent up a committee substitute; the chair recognized Senator Eltife to explain the difference between the committee substitute and the senate bill as filed. Witnesses 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 Eltife moved adoption of the committee substitute; without objection, it was so ordered. Senator Eltife moved that SB 893 do not pass but that CSSB 893 be reported back to the Senate with the recommendation that it do pass and be printed. The motion carried with a record vote of 9 ayes, 0 nays, 0 present not voting, and 2 absent. Senator Eltife moved that the bill be recommended for placement on the Local & Uncontested Calendar; without objection, it was so ordered.

The chair laid out SB 727 and recognized the author, Senator Seliger, to explain the bill. Senator Seliger sent up a committee substitute; the chair recognized Senator Seliger to explain the difference between the committee substitute and the senate bill as filed. Witnesses 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 Seliger moved adoption of the committee substitute; without objection, it was so ordered. Senator Seliger moved that SB 727 do not pass but that CSSB 727 be reported back to the Senate with the recommendation that it do pass and be printed. The motion carried with a record vote of 9 ayes, 0 nays, 0 present not voting, and 2 absent. Senator Seliger moved that the bill be recommended for placement on the Local & Uncontested Calendar; without objection, it was so ordered.

The chair laid out SB 692 and recognized the author, Senator Estes, to explain the bill. Witnesses 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 Estes moved that SB 692 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 nays, 0 present not voting, and 3 absent. Senator Estes moved that the bill be recommended for placement on the Local & Uncontested Calendar; without objection, it was so ordered.

The chair laid out SB 728 and recognized the author, Senator Seliger, to explain the bill. Witnesses 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 Seliger moved that SB 728 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 nays, 0 present not voting, and 3 absent. Senator Seliger moved that the bill be recommended for placement on the Local & Uncontested Calendar; without objection, it was so ordered.

Senator Estes assumed the chair.

The chair laid out SB 875 and recognized the author, Senator Fraser, to explain the bill. Senator Fraser sent up a committee substitute; the chair recognized Senator Fraser to explain the difference between the committee substitute and the senate 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 Fraser moved adoption of the committee substitute; without objection, it was so ordered. Senator Fraser moved that SB 875 do not pass but that CSSB 875 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, 2 nays, 0 present not voting, and 3 absent.

Senator Fraser resumed the chair.

The chair laid out SCR 2 and recognized the author, Senator Uresti, to explain the bill. Senator Uresti sent up a committee substitute; the chair recognized Senator Uresti to explain the difference between the committee substitute and the senate bill as filed. Witnesses 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 Uresti moved adoption of the committee substitute; without objection, it was so ordered. Senator Uresti moved that SCR 2 do not pass but that CSSCR 2 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 nays, 0 present not voting, and 3 absent. Senator Uresti moved that the bill be recommended for placement on the Local & Uncontested Calendar; without objection, it was so ordered.

Senator Estes assumed the chair.

The chair laid out SB 1003 and recognized the author, Senator Fraser, to explain the bill. Witnesses 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 Fraser moved that SB 1003 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 nays, 0 present not voting, and 3 absent. Senator Fraser moved that the bill be recommended for placement on the Local & Uncontested Calendar; without objection, it was so ordered.

Senator Jackson assumed the chair.

The chair laid out SCR 20 and recognized the author, Senator Fraser, to explain the bill.

Senator Duncan assumed the chair.

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 Duncan moved that SCR 20 be left pending to await a quorum; without objection, it was so ordered. Upon arrival of a quorum, Senator Jackson assumed the chair. Senator Fraser moved that SCR 20 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 nays, 0 present not voting, and 4 absent. Senator Fraser moved that the bill be recommended for placement on the Local & Uncontested Calendar; without objection, it was so ordered.

Senator Fraser resumed the chair.

The chair laid out SB 737 and recognized the author, Senator Hegar, to explain the bill. Senator Hegar sent up a committee substitute; the chair recognized Senator Hegar to explain the difference between the committee substitute and the senate 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 Hegar moved adoption of the committee substitute; without objection, it was so ordered. Senator Hegar moved that SB 737 do not pass but that CSSB 737 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 nays, 0 present not voting, and 4 absent.

The chair laid out as a matter of pending business SB 497 and recognized the author, Senator Jackson, to explain the bill. Senator Jackson sent up a committee substitute; the chair recognized Senator Jackson to explain the difference between the committee substitute and the senate bill as filed.

Senator Estes assumed the chair.

Senator Estes re-opened public testimony; without objection, it was so ordered. Witnesses testifying and registering on the bill are shown on the attached list.

Senator Fraser resumed the chair.

The chair moved that the public testimony be closed; without objection, it was so ordered. Senator Jackson moved adoption of the committee substitute; without objection, it was so ordered. Senator Jackson moved that SB 497 do not pass but that CSSB 497 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 nays, 0 present not voting, and 4 absent.

At 10:58 AM Senator Fraser moved that the Committee stand recessed until 30 minutes after adjournment of the Senate. Without objection, it was so ordered.

At 1:07 PM Senator Fraser reconvened the meeting.

The chair laid out as a matter of pending business SB 512 and recognized the author, Senator Hegar, to explain the bill. Senator Hegar moved that SB 512 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 nays, 0 present not voting, and 3 absent. Senator Hegar moved that the bill be recommended for placement on the Local & Uncontested Calendar; without objection, it was so ordered.

The Chairman read Motions in Writing requesting unanimous consent to be shown voting aye submitted by the following: Senator Uresti on SB 1003, CSSB 737, and CSSB 497; Senator Nichols on SB 353, SB 385, CSSB 403, SB 691, SB 692, CSSB 727, SB 728, CSSB 893, SB 914, and CSSJR 28; Senator Duncan on SB 353, SB 385, SB 914, SB 691, CSSJR 28, CSSB 893, CSSCR 2. These votes are reflected in the final votes on the aforementioned bills.

Senator Jackson assumed the chair.

The chair laid out as a matter of pending business SB 332 and recognized the author, Senator Fraser, to explain the bill. Senator Fraser sent up a committee substitute; the chair recognized Senator Fraser to explain the difference between the committee substitute and the senate bill as filed. Senator Hegar sent up Committee Amendment 1 and explained the amendment. Senator Fraser moved adoption of the committee substitute; without objection, it was so ordered. Senator Hegar moved adoption of Committee Amendment 1; without objection, the amendment was adopted. Senator Fraser requested unanimous consent to incorporate the amendment into the committee substitute; without objection, it was so ordered. Senator Fraser then moved that the new committee substitute be adopted; without objection, it was so ordered. Senator Fraser moved that SB 332 do not pass but that CSSB 332 be reported back to the Senate with the recommendation that it do pass and be printed. The motion carried with a record vote of 9 ayes, 0 nays, 0 present not voting, and 2 absent.

Senator Fraser resumed the chair.

There being no further business, at 1:25 PM Senator Fraser moved that the Committee stand recessed subject to the call of the chair. Without objection, it was so ordered.

Senator Troy Fraser, Chair

Tatum Reagan, Clerk