

MINUTES

SENATE COMMITTEE ON NATURAL RESOURCES

Thursday, May 19, 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 Thursday, May 19, 2011, in the Capitol Extension, Room E1.012, at Austin, Texas.

MEMBERS PRESENT:

Senator Troy Fraser, Chair
Senator Craig Estes, Vice Chair
Senator Bob Deuell
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:

None

The chair called the meeting to order at 9:02 AM. The following business was transacted:

Senator Nichols assumed the chair.

The chair laid out HB 1547 and recognized the Senate sponsor, 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 Fraser sent up Committee Amendment 1 and explained the amendment. Senator Fraser sent up Committee Amendment 2 and explained the amendment. Senator Fraser sent up Committee Amendment 3 and explained the amendment. Senator Seliger sent up Committee Amendment 4

and explained the amendment. 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 Nichols moved that HB 1547 be left pending to await a quorum; without objection, it was so ordered. Upon arrival of a quorum, Senator Estes assumed the chair. Senator Fraser moved adoption of Committee Amendment 1; without objection, the amendment was adopted. Senator Fraser moved adoption of Committee Amendment 2; without objection, the amendment was adopted. Senator Fraser moved adoption of Committee Amendment 3; without objection, the amendment was adopted. Senator Seliger moved adoption of Committee Amendment 4; without objection, the amendment was adopted. Senator Fraser moved adoption of the committee substitute; without objection, it was so ordered. Senator Fraser requested unanimous consent to incorporate the amendments into the committee substitute to create a new committee substitute; without objection, it was so ordered. Senator Fraser then moved that the committee substitute be adopted; without objection, it was so ordered. Senator Fraser moved that HB 1547 do not pass but that CSHB 1547 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.

The chair laid out HB 2507 and recognized the Senate sponsor, Senator Seliger, to explain the bill.

Senator Fraser moved to limit testimony to 3 minutes; 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 Fraser moved that HB 2507 be left pending to await a quorum; without objection, it was so ordered. Upon arrival of a quorum, Senator Seliger moved that HB 2507 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.

The chair laid out HB 3109 and recognized the Senate sponsor, 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. There were no witnesses registered on the bill. The chair moved that the public testimony be closed; without objection, it was so ordered. Senator Fraser moved that HB 3109 be left pending to await a quorum; without objection, it was so ordered. Upon arrival of a quorum, Senator Seliger moved adoption of the committee substitute; without objection, it was so ordered. Senator Seliger

moved that HB 3109 do not pass but that CSHB 3109 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.

The chair laid out HB 1119 and recognized Senator Seliger, in the absence of the Senate sponsor, to explain the bill. There were no witnesses registered on the bill. The chair moved that the public testimony be closed; without objection, it was so ordered. Senator Fraser moved that HB 1119 be left pending; without objection, it was so ordered.

The chair laid out HB 51 and recognized Senator Seliger, in the absence of the Senate sponsor, 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 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 that HB 51 be left pending to await a quorum; without objection, it was so ordered. Upon arrival of a quorum, Senator Seliger moved adoption of the committee substitute; without objection, it was so ordered.

Senator Nichols moved to reconsider the vote by which HB 51 failed to receive an affirmative vote; without objection it was so ordered. Senator Nichols was on the prevailing side. Senator Seliger moved that HB 51 do not pass but that CSHB 51 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, 1 nay, 0 present not voting, and 3 absent.

The chair laid out HB 3268 and recognized Senator Nichols, in the absence of the Senate sponsor, 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 HB 3268 be left pending to await a quorum; without objection, it was so ordered. Upon arrival of a quorum, Senator Estes moved that HB 3268 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.

The chair laid out HB 3597 and recognized the Senate sponsor, Senator Uresti, 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.

The roll was called at 9:30 AM. A quorum was present.

Senator Uresti moved that HB 3597 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 Uresti moved that the bill be recommended for placement on the Local & Uncontested Calendar; without objection, it was so ordered.

The chair laid out HB 3754 and recognized Senator Nichols, in the absence of the Senate sponsor, to explain the bill. Senator Nichols sent up a committee substitute; the chair recognized Senator Nichols 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 Nichols moved that HB 3754 be left pending; 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 Hinojosa on CSHB 1547, HB 2507, and HB 3109; Senator Duncan on CSHB 51, HB 3597, CSHB 1547, and HB 3268; Senator Deuell on HB 3597, CSHB 1547, HB 2507, and HB 3109. These votes are reflected in the final votes on the aforementioned bills.

Senator Estes assumed the chair.

The chair laid out HB 3328 and recognized the Senate sponsor, Senator Fraser, to explain the bill. Witnesses testifying and registering on the bill are shown on the attached list.

Senator Hegar assumed the chair.

Senator Hegar moved that HB 3328 be left pending; without objection, it was so ordered.

The chair laid out as a matter of pending business HB 3090 and recognized the Senate sponsor, Senator Nichols, to explain the bill. Senator Nichols sent up a committee substitute; the chair recognized Senator Nichols to explain the difference between the committee substitute and the senate bill as filed. Senator Hegar moved that HB 3090 be left pending; without objection, it was so ordered.

At 10:18 AM Senator Hegar moved the Committee stand at ease for 2 minutes; without objection, it was so ordered.

At 10:20 AM the Committee came back to order.

The chair laid out as a matter of pending business HB 3328 and recognized the Senate sponsor, Senator Fraser, to explain the bill. Witness testimony continued on HB 3328.

The chair moved that the public testimony be closed; without objection, it was so ordered. Senator Hegar moved that HB 3328 be left pending; without objection, it was so ordered.

Senator Fraser resumed the chair.

There being no further business, at 10:31 AM Senator Fraser moved that the Committee stand recessed subject to the call of the chair. Without objection, it was so ordered.

Pursuant to suspension of Senate Rule 11.10 and 11.18, a public hearing of the Senate Committee on Natural Resources was held on Thursday, May 19, 2011, at Senator Fraser's Desk.

The chair called the meeting to order at 6:13 PM. There being a quorum present, the following business was transacted:

Senator Estes assumed the chair.

The chair laid out HB 3866 and recognized the Senate sponsor, Senator Fraser, to explain the bill. There were no witnesses registered on the bill. The chair moved that the public testimony be closed; without objection, it was so ordered. Senator Fraser moved that HB 3866 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.

The chair laid out as a matter of pending business HB 3328 and recognized the Senate sponsor, Senator Fraser, to explain the bill. Senator Fraser moved that HB 3328 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 Fraser resumed the chair.

Senator Estes moved to reconsider the vote by which HB 218 failed to received an affirmative vote; without objection, it was so ordered. Senator Estes was on the prevailing side. The chair laid out HB 218 and recognized the Senate sponsor, 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. Senator Uresti moved adoption of the committee substitute; without objection, it was so ordered. Senator Uresti moved that HB 218 do not pass but that CSHB 218 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 Uresti moved that the bill be recommended for placement on the Local & Uncontested Calendar; without objection, it was so ordered.

The chair laid out as a matter of pending business HB 3090 and recognized the Senate sponsor, Senator Nichols, to explain the bill. Senator Nichols moved adoption of the committee substitute; without objection, it was so ordered. Senator Nichols moved that HB 3090 do not pass but that CSHB 3090 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 Nichols moved that the bill be recommended for placement on the Local & Uncontested Calendar; without objection, it was so ordered.

The chair laid out as a matter of pending business HB 3754 and recognized Senator Nichols, in the absence of the Senate sponsor, to explain the bill. Senator Nichols moved adoption of the committee substitute; without objection, it was so ordered. Senator Nichols moved that HB 3754 do not pass but that CSHB 3754 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 Nichols moved that the bill be recommended for placement on the Local & Uncontested Calendar; without objection, it was so ordered.

There being no further business, at 6:20 PM Senator Fraser moved that the Committee be adjourned. Without objection, it was so ordered.

Senator Troy Fraser, Chair

Tatum Reagan, Clerk

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