

## MINUTES

### SENATE COMMITTEE ON NATURAL RESOURCES

Thursday, May 16, 2013

9:00 AM

Capitol Extension, Room E1.012

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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 16, 2013, in the Capitol Extension, Room E1.012, at Austin, Texas.

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#### **MEMBERS PRESENT:**

Senator Troy Fraser, Chair  
Senator Craig Estes, Vice Chair  
Senator Bob Deuell  
Senator Robert Duncan  
Senator Rodney Ellis  
Senator Kevin Eltife  
Senator Juan Hinojosa  
Senator Robert Nichols  
Senator Kel Seliger  
Senator Carlos Uresti

#### **MEMBERS ABSENT:**

Senator Glenn Hegar

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The chair called the meeting to order at 9:07 AM. The following business was transacted:

The chair laid out HB 738 and recognized the Senate sponsor, Senator Nelson, 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 Fraser moved that HB 738 be left pending to await a quorum; without objection, it was so ordered. Upon arrival of a quorum, Senator Estes moved that HB 738 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 HB 3903 and recognized the Senate sponsor, Senator Campbell, 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 3903 be left pending to await a quorum; without objection, it was so ordered. Upon arrival of a quorum, Senator Estes moved that HB 3903 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 Estes moved that the bill be recommended for placement on the Local & Uncontested Calendar; without objection, it was so ordered.

The chair laid out HB 3924 and recognized the Senate sponsor, Senator Campbell, 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 3924 be left pending; without objection, it was so ordered.

The chair laid out HB 3941 and recognized the Senate sponsor, Senator Campbell, 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 3941 be left pending to await a quorum; without objection, it was so ordered. Upon arrival of a quorum, Senator Estes moved that HB 3941 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 assumed the chair.

The chair laid out HB 1461 and recognized the Senate sponsor, 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 Uresti moved that HB 1461 be left pending to await a quorum; without objection, it was so ordered. Upon arrival of a quorum, Senator Fraser moved that HB 1461 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, 1 nay, 0 present not voting, and 3 absent.

Senator Fraser resumed the chair.

The chair laid out HB 2590 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 house bill as engrossed. 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 2590 be left pending to await a quorum; without objection, it was so ordered. Upon arrival of a quorum, Senator Eltife moved adoption of the committee substitute; without objection, it was so ordered. Senator Eltife moved that HB 2590 do not pass but that CSHB 2590 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 Eltife moved that the bill be recommended for placement on the Local & Uncontested Calendar; without objection, it was so ordered.

The chair laid out HB 2133 and recognized the Senate sponsor, 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 house bill as engrossed. Senator Fraser sent up Committee Amendment 1 and explained the amendment. 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 2133 be left pending to await a quorum; without objection, it was so ordered. Upon arrival of a quorum, Senator Uresti requested unanimous consent to incorporate the amendment into a committee substitute; without objection, it was so ordered. Senator Uresti then moved that the committee substitute be adopted; without objection, it was so ordered. Senator Uresti moved that HB 2133 do not pass but that CSHB 2133 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 Uresti assumed the chair.

The chair laid out HB 3898 and recognized the Senate sponsor, 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 Uresti moved that HB 3898 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 that HB 3898 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 Fraser resumed the chair.

The chair laid out HB 2859 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 house bill as engrossed. 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 2859 be left pending to await a quorum; without objection, it was so ordered. Upon arrival of a quorum, Senator Estes moved adoption of the committee substitute; without objection, it was so ordered. Senator Estes moved that HB 2859 do not pass but that CSHB 2859 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 Estes moved that the bill be recommended for placement on the Local & Uncontested Calendar; without objection, it was so ordered.

The chair laid out HB 2152 and recognized Senator Uresti, in the absence of the Senate sponsor, 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 Fraser moved that HB 2152 be left pending to await a quorum; without objection, it was so ordered. Upon arrival of a quorum, Senator Uresti moved that HB 2152 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 824 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 house bill as engrossed. 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 committee substitute be left pending; without objection, it was so ordered.

The chair laid out HCR 59 and recognized the Senate sponsor, Senator Lucio, Jr., 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 HCR 59 be left pending to await a quorum; without objection, it was so ordered. Upon arrival of a quorum, Senator Uresti moved that HCR 59 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 3459 and recognized the Senate sponsor, Senator Taylor, to explain the bill. Senator Uresti sent up a committee substitute; the chair recognized Senator Taylor to explain the difference between the committee substitute and the house bill as engrossed.

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 3459 be left pending to await a quorum; without objection, it was so ordered. Upon arrival of a quorum, Senator Uresti moved adoption of the committee substitute; without objection, it was so ordered. Senator Uresti moved that HB 3459 do not pass but that CSHB 3459 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 2767 and recognized Senator Seliger, in the absence of the Senate sponsor, 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 Fraser moved that HB 2767 be left pending to await a quorum; without objection, it was so ordered. Upon arrival of a quorum, Senator Estes moved that HB 2767 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 HB 3934 and recognized Senator Seliger, 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 3934 be left pending to await a quorum; without objection, it was so ordered. Upon arrival of a quorum, Senator Seliger moved that HB 3934 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 Seliger assumed the chair.

The chair laid out HB 2532 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 house bill as engrossed. 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 2532 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 the committee substitute; without objection, it was so ordered. Senator Fraser moved that HB 2532 do not pass but that CSHB 2532 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.

At 10:28 AM Senator Fraser moved that the Committee stand in recess. Without objection, it was so ordered.

At 10:31 AM Senator Fraser reconvened the meeting. The roll was called. A quorum was present.

The chair laid out as a matter of pending business HB 852 and explained the bill. Senator Uresti moved that HB 852 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, 1 nay, 0 present not voting, and 3 absent.

There being no further business, at 11:00 AM Senator Fraser moved that the Committee stand recessed subject to the call of the chair. Without objection, it was so ordered.

Upon a motion by Senator Fraser, to suspend Senate Rules 11.10 and 11.18, the Senate Committee on Natural Resources reconvened at 1:05 PM at Senator Fraser's Desk to hear HB 2781 and HB 3509.

At 1:05 PM Senator Fraser reconvened the meeting.

The roll was called a quorum was present.

The chair laid out HB 2781 and recognized the Senate sponsor, Senator Campbell, 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 Uresti moved that HB 2781 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 3509 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 house bill as engrossed. 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 HB 3509 do not pass but that CSHB 3509 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 Chairman read Motions in Writing requesting unanimous consent to be shown voting aye on the following: Senator Nichols on HB 738 and CSHB 2133; Senator Hinojosa on HB 738, HB 1461, CSHB 2133, HB 2152, CSHB 2532, CSHB 2590, HB 2767, CSHB 2859, CSHB 3459, CSHB 3898, HB 3934, HB 3941, HCR 59, and HB 852. These votes are reflected in the final votes on the aforementioned bills.

The Chairman read a Motions in Writing requesting unanimous consent to be shown voting nay on the following: Senator Nichols on HB 1461. This vote is reflected in the final vote on the aforementioned bill.

There being no further business, at 1:19 PM Senator Fraser moved that the Committee stand recessed subject to the call of the chair. Without objection, it was so ordered.

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Senator Troy Fraser, Chair

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Tatum Reagan, Clerk

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