

## MINUTES

### SENATE COMMITTEE ON NATURAL RESOURCES

Tuesday, May 7, 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 Tuesday, May 7, 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 Glenn Hegar  
Senator Juan Hinojosa  
Senator Robert Nichols  
Senator Kel Seliger  
Senator Carlos Uresti

#### **MEMBERS ABSENT:**

None

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The chair called the meeting to order at 9:00 AM. The following business was transacted:

The chair laid out SB 1791 and recognized the author, Senator Watson, to explain the bill. Senator Eltife sent up a committee substitute; the chair recognized Senator Watson 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 committee substitute be left pending; without objection, it was so ordered.

The chair laid out SB 1915 and recognized the author, Senator Campbell, to explain the bill.

At 9:25 AM the roll was called. A quorum was present.

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 1915 be reported favorably to the Senate with the recommendation that it do pass and be printed. The motion carried with a record vote of 11 ayes, 0 nays, 0 present not voting, and 0 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 2105 and recognized the Senate sponsor, Senator Lucio, Jr., 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 HB 2105 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 SCR 27 and recognized the author, Senator Rodríguez, 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 SCR 27 be reported favorably to the Senate with the recommendation that it do pass and be printed. The motion carried with a record vote of 11 ayes, 0 nays, 0 present not voting, and 0 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 1462 and recognized the author, Senator Duncan, to explain the bill. Senator Duncan sent up a committee substitute; the chair recognized Senator Duncan 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 committee substitute be left pending; without objection, it was so ordered.

The chair laid out HB 1160 and recognized Senator Eltife, in the absence of the Senate sponsor, 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 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 Eltife moved adoption of the committee substitute; without objection, it was so ordered. Senator Eltife moved that HB 1160 do not pass but that CSHB 1160 be reported back 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 as a matter of pending business HB 115 and recognized the Senate sponsor, Senator Uresti, to explain the bill. Senator Uresti moved that HB 115 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 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 252 and recognized the Senate sponsor, 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 house bill as engrossed. Senator Hegar moved adoption of the committee substitute; without objection, it was so ordered. Senator Hegar moved that HB 252 do not pass but that CSHB 252 be reported back 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 Hegar 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 622 and recognized the Senate sponsor, Senator Hegar, to explain the bill. Senator Hegar moved that HB 622 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 Hegar 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 752 and recognized Senator Hegar, in the absence of the Senate sponsor, to explain the bill. Senator Hegar moved that HB 752 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 Hegar 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 788 and recognized Senator Hegar, in the absence of the Senate sponsor, to explain the bill. Senator Hegar requested unanimous consent to incorporate the amendment that had been adopted at previous hearing into a committee substitute; without objection, it was so ordered. Senator Hegar then moved that the committee substitute be adopted; without objection, it was so ordered. Senator Hegar moved that HB 788 do not pass but that CSHB 788 be reported back 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 Hegar 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 839 and recognized Senator Hegar, in the absence of the Senate sponsor, to explain the bill. Senator Hegar moved that HB 839 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 Hegar 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 1718 and recognized Senator Hegar, in the absence of the Senate sponsor, to explain the bill. Senator Hegar moved that HB 1718 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 Hegar 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 3163 and recognized Senator Hegar, in the absence of the Senate sponsor, to explain the bill. Senator Hegar moved that HB 3163 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 Hegar 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 HCR 55 and recognized Senator Hegar, in the absence of the Senate sponsor, to explain the bill. Senator Hegar moved that HCR 55 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 Hegar moved that the bill be recommended for placement on the Local & Uncontested Calendar; without objection, it was so ordered.

The chair laid out HB 3900 and recognized the Senate sponsor, Senator Hancock, 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 3900 be left pending; without objection, it was so ordered.

The chair laid out HB 857 and recognized the Senate sponsor, Senator Ellis, to explain the bill. Senator Ellis sent up a committee substitute; the chair recognized Senator Ellis 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 committee substitute be left pending; without objection, it was so ordered.

The chair laid out SB 1760 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 testifying and registering on the bill are shown on the attached list. Senator Fraser moved committee substitute be left pending; without objection, it was so ordered.

At 11:04 AM Senator Fraser moved that the Committee stand recessed until 15 minutes after adjournment of the Senate. Without objection, it was so ordered.

At 1:52 PM Senator Fraser reconvened the meeting.

The chair laid out as a matter of pending business SB 1760 and recognized the author, Senator Uresti, to explain the bill. Witnesses testimony continued on committee substitute. 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 SB 239 and recognized Senator Estes, 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 Fraser moved that SB 239 be left pending; without objection, it was so ordered.

The chair laid out HB 878 and recognized the Senate sponsor, 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 HB 878 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 HB 1106 and recognized the Senate sponsor, 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 HB 1106 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 HB 1768 and recognized the Senate sponsor, Senator Hinojosa, 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 Hinojosa moved that HB 1768 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 Hinojosa moved that the bill be recommended for placement on the Local & Uncontested Calendar; without objection, it was so ordered.

The chair laid out HB 1973 and recognized the Senate sponsor, Senator Hegar, 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 Hegar moved that HB 1973 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 Hegar 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 HB 2571 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 Fraser moved that HB 2571 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 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 as a matter of pending business HB 3900 and recognized Senator Estes, in the absence of the Senate sponsor. Senator Estes moved that HB 3900 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 as a matter of pending business HB 857 and recognized the Senate sponsor, Senator Ellis, to explain the bill. Senator Ellis moved adoption of the committee substitute; without objection, it was so ordered. Senator Ellis moved that HB 857 do not pass but that CSHB 857 be reported back 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.

The Chairman read Motions in Writing requesting unanimous consent to be shown voting aye submitted by the following: Senator Uresti on SB 1915 and HB 2105; Senator Deuell on HCR 55, HB 115, HB 252, HB 622, HB 752, CSHB 788, HB 839, HB 1718, HB 3163, CSHB 1160, HB 2105, SB 1915 and SCR 27; Senator Hinojosa on CSHB 788, HB 752, HB 839, HB 1718, HB 3163, and HCR 55; Senator Seliger on SB 1915, HB 2105, CSHB 1160, HB 115, HB 252, HB 622, HB 752, CSHB 788, HB 839, HB 1718, HB 3163, HCR 55, HB 878, HB 1106, HB 1768, HB 1973, HB 2571, HB 3900, and CSHB 857; Senator Ellis on SB 1915 and HB 2105. These votes are votes are reflected in the final votes on the aforementioned bills.

Senator Duncan submitted a Motion in Writing requesting unanimous consent to be shown voting aye on the following bills: SB 1915, CSHB 857, HB 878, HB 1106, HB 1768, HB 1973 and HB 2571. These votes are votes are reflected in the final votes on the aforementioned bills.

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There being no further business, at 2:42 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