

## MINUTES

### SENATE COMMITTEE ON NATURAL RESOURCES

Tuesday, May 14, 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 14, 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 9:07 AM. There being a quorum present, the following business was transacted:

The chair laid out HB 693 and recognized the Senate sponsor, Senator Deuell, 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 Deuell moved that HB 693 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 Deuell moved that the bill be recommended for placement on the Local & Uncontested Calendar; without objection, it was so ordered.

The chair laid out HB 3813 and recognized the Senate sponsor, Senator Watson, to explain the bill. Senator Fraser sent up Committee Amendment 1 and recognized Senator Watson to explain 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 3813 be left pending to await a quorum; without objection, it was so ordered. Upon arrival of a quorum, Senator Estes moved adoption of Committee Amendment 1; without objection, the amendment was adopted. Senator Estes requested unanimous consent to incorporate the amendment into a committee substitute; without objection, it was so ordered. Senator Estes then moved that the committee substitute be adopted; without objection, it was so ordered. Senator Estes moved that HB 3813 do not pass but that CSHB 3813 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 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 3137 and recognized the Senate sponsor, Senator Lucio, Jr., 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 3137 be left pending to await a quorum; without objection, it was so ordered. Upon arrival of a quorum, Senator Estes moved that HB 3137 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 1079 and recognized the Senate sponsor, Senator Hancock, to explain the bill. Senator Estes sent up a committee substitute; the chair recognized Senator Hancock 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 to await a quorum; without objection, it was so ordered. Upon arrival of a quorum, Senator Estes moved adoption of committee substitute; without objection, it was so ordered. Senator Estes moved that HB 1079 do not pass but that CSHB 1079 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, 2 nays, 0 present not voting, and 0 absent.

The chair laid out HB 3933 and recognized the Senate sponsor, Senator Rodríguez, 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 Estes moved that HB 3933 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 HB 852 and recognized the Senate sponsor, Senator Hinojosa, 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 852 be left pending; without objection, it was so ordered.

The chair laid out HB 1864 and recognized the Senate sponsor, Senator Estes, to explain the bill. Senator Estes sent up a committee substitute; the chair recognized Senator Estes 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 Estes moved adoption of the committee substitute; without objection, it was so ordered. Senator Estes moved that HB 1864 do not pass but that CSHB 1864 be reported back 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 1324 and recognized the Senate sponsor, Senator Taylor, to explain the bill. Senator Estes sent up a committee substitute; the chair recognized Senator Taylor 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 Estes moved adoption of the committee substitute; without objection, it was so ordered. Senator Estes moved that HB 1324 do not pass but that CSHB 1324 be reported back 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 1563 and recognized the Senate sponsor, Senator Hegar, 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 Hegar moved that HB 1563 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 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 1330 and recognized Senator Estes, 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 Estes moved that HB 1330 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 2290 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 2290 be left pending to await a quorum; without objection, it was so ordered. Upon arrival of a quorum, Senator Estes moved that HB 2290 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, 1 nay, 0 present not voting, and 0 absent.

The chair laid out HB 2362 and recognized Senator Estes, in the absence of the Senate sponsor, to explain the bill.

Senator Estes assumed the chair.

Senator Fraser sent up Committee Amendment 1 and explained the amendment.

Senator Fraser resumed 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 Fraser moved that HB 2362 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 to adopt Committee Amendment 1; without objection, it was so ordered.

Senator Fraser resumed the chair.

Senator Estes requested unanimous consent to incorporate the amendment into a committee substitute; without objection, it was so ordered. Senator Estes then moved that the committee substitute be adopted; without objection, it was so ordered. Senator Estes moved that HB 2362 do not pass but that CSHB 2362 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, 1 nay, 0 present not voting, and 0 absent.

The chair laid out HB 2446 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 Fraser moved that HB 2446 be left pending to await a quorum; without objection, it was so ordered. Upon arrival of a quorum, Senator Estes moved that HB 2446 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.

Senator Estes assumed the chair.

The chair laid out HB 2615 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 Estes moved committee substitute be left pending to await a quorum; without objection, it was so ordered. Upon arrival of a quorum, Senator Fraser moved adoption of committee substitute; without objection, it was so ordered. Senator Fraser moved that HB 2615 do not pass but that CSHB 2615 be reported back 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 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 2704 and recognized the Senate sponsor, Senator Hegar, 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 2704 be left pending to await a quorum; without objection, it was so ordered. Upon arrival of a quorum, Senator Hegar moved that HB 2704 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 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 2982 and recognized the Senate sponsor, 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 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 to await a quorum; without objection, it was so ordered. Upon arrival of a quorum, Senator Duncan moved adoption of the committee substitute; without objection, it was so ordered. Senator Duncan moved that HB 2982 do not pass but that CSHB 2982 be reported back 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.

The chair laid out HB 3212 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 3212 be left pending to await a quorum; without objection, it was so ordered. Upon arrival of a quorum, Senator Estes moved that HB 3212 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.

Senator Estes assumed the chair.

The chair laid out HB 3233 and recognized the Senate sponsor, Senator Fraser, 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 3233 be left pending to await a quorum; without objection, it was so ordered. Upon arrival of a quorum, Senator Fraser moved that HB 3233 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 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 3309 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 Fraser moved that HB 3309 be left pending to await a quorum; without objection, it was so ordered. Upon arrival of a quorum, Senator Estes moved that HB 3309 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 3604 and recognized the Senate sponsor, Senator Hegar, 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 3604 be left pending to await a quorum; without objection, it was so ordered. Upon arrival of a quorum, Senator Hegar moved that HB 3604 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 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 3511 and recognized Senator Hegar, in the absence of the Senate sponsor, 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. 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 3511 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 3511 do not pass but that CSHB 3511 be reported back 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 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 3605 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. 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 to await a quorum; without objection, it was so ordered. Upon arrival of a quorum, Senator Hegar moved adoption of the committee substitute; without objection, it was so ordered. Senator Hegar moved that HB 3605 do not pass but that CSHB 3605 be reported back 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 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 3234 and recognized the Senate sponsor, Senator Fraser, to explain the bill. Senator Fraser sent up Committee Amendment 1 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 Estes moved that HB 3234 be left pending to await a quorum; without objection, it was so ordered. Upon arrival of a quorum, Senator Fraser moved adoption of Committee Amendment 1; without objection, the amendment was adopted. Senator Fraser requested unanimous consent to incorporate the amendment into a 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 3234 do not pass but that CSHB 3234 be reported back to the Senate with the recommendation that it do pass and be printed. The motion carried with a record vote of 4 ayes, 7 nays, 0 present not voting, and 0 absent. The motion failed to receive a majority vote.

Senator Fraser resumed the chair.

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 12:59 PM at Senator Fraser's Desk to vote on pending business.

At 12:59 PM Senator Fraser reconvened the meeting.

The roll was called. A quorum was present.

The Chairman read Motions in Writing requesting unanimous consent to be shown voting aye submitted by the following: Senator Nichols on HB 1563, HB 1330, and CSHB1864; Senator Ellis on HB 693, CSHB 1324, HB 1330, HB 1563, CSHB 1864, HB 2446, CSHB 2615, HB 2704, CSHB 2982, HB 3137, HB 3212, HB 3233, HB 3309, CSHB 3511, HB 3604, CSHB 3605, CSHB 3813, and HB 3933; Senator Seliger on HB 693, CSHB 3813, and HB 3933; Senator Duncan on HB 693, CSHB 3813, HB 3933, CSHB 1864, CSHB 1324, HB 1563, and HB 1330; Senator Uresti on CSHB 1324, HB 1563, HB 1330, and CSHB 1864; Senator Deuell on CSHB 1324, HB 1563, HB 1330, and CSHB 1864. These votes are reflected in the final votes on the aforementioned bills.

The Chairman read a Motion in Writing requesting unanimous consent to be shown voting nay submitted by the following: Senator Ellis on HB 3234. This vote is reflected in the final votes on the aforementioned bills.

There being no further business, at 1:16 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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