

**Sierra Club Environmental Voting Record
Texas Senate
80th Regular Legislative Session (2007)**

Introductory Note

There were only five record votes that are used in this analysis because there were relatively few record votes on environmental issues in the Texas Senate this session. Therefore, based on only five votes, it is hard to typify the environmental voting records for the Texas Senate. Because Senators do not offer amendments for the most part unless the author of the legislation agrees to accept them, recorded votes on amendments are rare in the Senate. Still, on these five issues, there were clear pro-environment positions, and Sierra Club and other environmental organizations made their positions clear on these issues.

Description of Selected Record Votes

1. SB 1317 (Passage to Third Reading of SB 1317 by Sen. Mike Jackson)

TOXIC AIR POLLUTION - Prohibiting the City of Houston from enacting regulations to limit toxic emissions outside its city limits

SB 1317 specifically prohibited any municipality from enforcing any regulations on air pollution that would apply outside its city limits. The City of Houston had been considering a new ordinance that would allow it to crack down on toxic emissions outside its corporate limits that could impact its citizens. During a tense discussion on whether to even bring up the legislation for consideration, only 10 of the 11 democrats opposed to the legislation voted to block the legislation from consideration as Senator Lucio failed to vote against bringing the legislation up. Then, once discussion began, the legislation passed 20 to 11 votes, with all nay votes being from Senate Democrats. The legislation eventually died in Calendars Committee in the House. *A vote AGAINST the legislation was a vote for the Sierra Club position.*

2. SB 1687 (Third Reading and Final Passage of SB 1687 by Sen. Kirk Watson)

GLOBAL WARMING - Developing global warming emission reductions strategies

One of the few pieces of legislation filed specifically on global warming, SB 1687 was, said sponsor Senator Kirk Watson, a cautious first step toward reducing emissions of global warming gases. The legislation simply directed the Texas Commission on Environmental Quality to assess cost-effective strategies to accomplish this goal and report back to the Legislature. An initial version of the legislation would also have had the agency begin to enact these strategies, but Senator Watson modified the legislation to get it out of the Senate Natural Resources Committee. Unfortunately, time ran out on the legislation in the House, though it did pass out of the House Environmental Regulation Committee. The legislation passed the Senate overwhelmingly 28-3, with only Senators Ogden, Patrick and Wentworth voting against it. *A vote FOR the legislation was a vote for the Sierra Club position.*

3. **SB 1924 (Third Reading and Final Passage of SB 1924 by Sen. Mario Gallegos)**

TOXIC AIR POLLUTION - Requiring TCEQ to establish an air pollution watch list for areas with high levels of toxics

SB 1924 codified into law the establishment of an air pollution watch list, including putting information about areas subject to high levels of toxic pollution on the TCEQ website, requiring a public meeting, allowing public comment and input on the watch list and requiring a report on the watch list to be submitted to the Governor and legislative leaders. The bill was a priority of the Sierra Club and other statewide environmental groups. The bill by Sen. Gallegos passed overwhelmingly 27-4, with only Senators Brimer, Harris, Nelson and Shapiro voting “no.” *A vote FOR the bill was a vote for the Sierra Club position.*

4. **HB 3732 (Adoption of Floor Amendment No. 5 by Sen. Kip Averitt)**

CUMULATIVE AIR IMPACTS - Requiring TCEQ to assess cumulative air impacts of power plants and other facilities before granting permit for new power plants

HB 3732 was initially opposed by the Lone Star Chapter of the Sierra Club because it creates tax and other regulatory incentives for so-called Advanced Clean Energy Projects, which includes the potential burning of lignite and coal. Nonetheless, the Senate version was substantially improved by adding a three-year review of the emissions profile and tax breaks, and adding several amendments to begin to look at global warming gas reductions, reductions of nitrogen oxides from cement kilns and other improvements. One key amendment, offered by Senate sponsor Kip Averitt (R-Waco) and Senator Kirk Watson (D-Austin) was a provision to require the TCEQ to look at the cumulative impacts of the emissions of a new proposed power plant, and a restriction that no new permits could be granted that could impact the State Implementation Plan or cause an attainment area to become non-attainment. Sierra Club, while not necessarily supporting the legislation, supported – and in fact helped write -- this amendment. Unfortunately, the amendment was stripped out by the House-Senate conferees. The amendment passed overwhelmingly 25-3, with only Senator Harris, Jackson and Williams voting against it. Three other Senators were absent. *A vote FOR the amendment was a vote for the Sierra Club position.*

5. **HB 3732 (Adoption of the Conference Committee Report of HB 3732)**

POLLUTION TAX BREAKS - Creating tax incentives and regulatory flexibility for “advanced clean energy power plants without sufficient environmental controls

Although the Senate had substantially improved HB 3732 by adopting several key amendments to protect the public health before granting new permits for power plants, the House-Senate conferees stripped out nearly all Senate amendments. Four of the five conferees from the Senate – Senators Averitt, Shapleigh, Nichols and Nelson – signed the conference committee report. Senator Brimer did not sign the committee report. The final vote on the bill was extremely close, with several senators such as Senator Watson leading the charge against it. HB 3732 did pass, however, on a 15-13 vote. *A vote AGAINST the*

legislation was a vote for the Sierra Club position.

**TEXAS SENATE VOTING RECORD
80TH LEGISLATURE, 2007 SESSION**

Senator	#1	#2	#3	#4	#5
	SB 1317 Passage to Third Reading	SB 1687 Final Passage	SB 1924 Final Passage	HB 3732 Cumulative Impacts Amendment	HB 3732 Conference Committee Report
Averitt, Kip (R)	-	+	+	+	-
Brimer, Kim (R)	-	+	-	+	+
Carona, John (R)	-	+	+	+	-
Deuell, Bob (R)	-	+	+	+	-
Duncan, Robert (R)	-	+	+	+	A
Ellis, Rodney (D)	+	+	+	+	+
Eltife, Kevin (R)	-	+	+	+	-
Estes, Craig (R)	-	+	+	+	-
Fraser, Troy (R)	-	+	+	A	+
Gallegos, Mario, Jr. (R)	+	+	+	+	E
Harris, Chris (R)	-	+	-	-	+
Hegar, Glenn (R)	-	+	+	+	-
Hinojosa, Juan "Chuy" (D)	+	+	+	A	+
Jackson, Mike (R)	-	+	+	-	-
Janek, Kyle (R)	-	+	+	+	-
Lucio, Eddie, Jr. (D)	+	+	+	+	+
Nelson, Jane (R)	-	+	-	+	-
Nichols, Robert (R)	-	+	+	+	-
Ogden, Steve (R)	-	-	+	+	+
Patrick, Dan (R)	-	-	+	+	-
Seliger, Kel (R)	-	+	+	+	-
Shapiro, Florence (R)	-	+	-	A	-
Shapleigh, Eliot (D)	+	+	+	+	+
Uresti, Carlos (D)	+	+	+	+	+
Van de Putte, Leticia (D)	+	+	+	+	+
Watson, Kirk (D)	+	+	+	+	+
Wentworth, Jeff (R)	-	-	+	+	-
West, Royce (D)	+	+	+	+	A
Whitmire, John (D)	+	+	+	+	+
Williams, Tommy (R)	-	+	+	-	-
Zaffirini, Judith (D)	+	+	+	+	+

LEGEND : + voted for Sierra Club position
 - voted against Sierra Club position
 A absent
 E excused absence

P present, not voting