

**MINUTES**

**SENATE COMMITTEE ON BUSINESS & COMMERCE**

Tuesday, March 12, 2013

8:00 AM

Capitol Extension, Room E1.016

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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 Business & Commerce was held on Tuesday, March 12, 2013, in the Capitol Extension, Room E1.016, at Austin, Texas.

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**MEMBERS PRESENT:**

Senator John Carona, Chair  
Senator Larry Taylor, Vice Chair  
Senator Kevin Eltife  
Senator Craig Estes  
Senator Kelly Hancock  
Senator Eddie Lucio, Jr.  
Senator Leticia Van de Putte  
Senator Kirk Watson  
Senator John Whitmire

**MEMBERS ABSENT:**

None

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The chair called the meeting to order at 8:00 AM. There being a quorum present, the following business was transacted:

The chair laid out SB 410 and recognized the author, Senator Watson, 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 Carona moved that SB 410 be left pending; without objection, it was so ordered.

The chair laid out SB 723 and recognized the author, Senator Taylor, to explain the bill.

The chair moved that the public testimony be closed; without objection, it was so ordered.

Senator Carona moved that SB 723 be left pending; without objection, it was so ordered.

The chair laid out SB 851 and recognized the author, Senator Taylor, to explain the bill.

Senator Taylor sent up a committee substitute; the chair recognized Senator Taylor to explain the difference between the committee substitute and the Senate bill as filed. Senator Carona moved that the committee substitute be left pending; 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 Carona moved that SB 851 be left pending; without objection, it was so ordered.

The chair laid out SB 649 and recognized the author, Senator Rodríguez, 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 Carona moved that SB 649 be left pending; without objection, it was so ordered.

At 8:48 AM Senator Taylor assumed the chair.

The chair laid out SB 456 and recognized the author, Senator Rodríguez, to explain the bill.

Senator Carona sent up a committee substitute; the chair recognized Senator Rodríguez to explain the difference between the committee substitute and the Senate bill as filed. Senator Taylor moved the committee substitute be left pending; 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.

The chair laid out SB 19 and SB 311 and recognized the author, Senator Carona, to explain the bills.

Senator Carona sent up a committee substitute for both SB 19 and SB 311; the chair recognized Senator Carona to explain the difference between the committee substitutes and the Senate bills as filed. Senator Taylor moved that the committee substitutes be left pending; without objection, it was so ordered.

Witnesses testifying and registering on the bill are shown on the attached list.

At 10:12 AM Senator Lucio, Jr. assumed the chair.

At 10:38 AM Senator Taylor assumed the chair.

At 10:48 AM Senator Carona resumed the chair.

At 10:48 AM Senator Carona moved that the Committee stand recessed, and ordered that it reconvene in room E1.036 10 minutes following adjournment of the Senate. Without objection, it was so ordered.

The posting rule, Senate Rule 11.10 and 11.18, was suspended, and at 1:14 PM Senator Carona reconvened the meeting in room E1.036.

At 1:14 PM Senator Watson assumed the chair.

Public testimony for SB 19 and SB 311 was re-opened.

At 1:39 PM Senator Hancock assumed the chair.

The chair moved that the public testimony be closed; without objection, it was so ordered.

At 1:49 PM Senator Carona resumed the chair.

The chair laid out SB 614 and recognized the author, Senator Lucio, to explain the bill.

Senator Lucio, Jr. sent up Committee Amendment 1 to SB 614, which was left pending.

The chair moved that the public testimony be closed; without objection, it was so ordered.

Senator Carona moved that SB 614 be left pending; without objection, it was so ordered.

The chair laid out SB 839 and recognized the author, Senator Hancock, to explain the bill.

Senator Hancock sent up a committee substitute; the chair recognized Senator Hancock to explain the difference between the committee substitute and the Senate bill as filed. Senator Carona moved committee substitute be left pending; without objection, it was so ordered.

The chair moved that the public testimony be closed; without objection, it was so ordered.

Senator Carona moved that SB 839 be left pending; without objection, it was so ordered.

The chair laid out SB 840 and recognized the author, Senator Hancock, to explain the bill.

The chair moved that the public testimony be closed; without objection, it was so ordered.

Senator Carona moved that SB 840 be left pending; without objection, it was so ordered.

The chair laid out SB 600 and recognized the author, Senator Davis, to explain the bill.

Senator Lucio, Jr. sent up a committee substitute; the chair recognized Senator Davis to explain the difference between the committee substitute and the Senate bill as filed. Senator Carona moved committee substitute be left pending; 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 Carona moved that SB 600 be left pending; without objection, it was so ordered.

The chair laid out SB 852 and recognized the author, Senator Taylor, to explain the bill.

Senator Taylor sent up a committee substitute; the chair recognized Senator Taylor to explain the difference between the committee substitute and the Senate bill as filed. Senator Carona moved committee substitute be left pending; without objection, it was so ordered.

The chair moved that the public testimony be closed; without objection, it was so ordered.

Senator Carona moved that SB 852 be left pending; without objection, it was so ordered.

At 2:08 PM Senator Taylor assumed the chair.

The chair laid out SB 18 and recognized the author, Senator Carona, to explain the bill.

Senator Carona sent up a committee substitute; the chair recognized Senator Carona to explain the difference between the committee substitute and the Senate bill as filed. Senator Taylor moved committee substitute be left pending; 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 Taylor moved that SB 18 be left pending; without objection, it was so ordered.

The chair laid out SB 847 and recognized the author, Senator Carona, to explain the bill.

Senator Carona sent up a committee substitute; the chair recognized Senator Carona to explain the difference between the committee substitute and the Senate bill as filed. Senator Taylor moved committee substitute be left pending; 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 Taylor moved that SB 847 be left pending; without objection, it was so ordered.

The chair laid out SB 849 and recognized the author, Senator Carona, to explain the bill.

Senator Carona sent up a committee substitute; the chair recognized Senator Carona to explain the difference between the committee substitute and the Senate bill as filed. Senator Taylor moved committee substitute be left pending; without objection, it was so ordered.

The chair moved that the public testimony be closed; without objection, it was so ordered.

Senator Taylor moved that SB 849 be left pending; without objection, it was so ordered.

The chair laid out SB 569 and recognized the author, Senator Carona, to explain the bill.

Senator Carona sent up a committee substitute; the chair recognized Senator Carona to explain the difference between the committee substitute and the Senate bill as filed. Senator Taylor moved committee substitute be left pending; without objection, it was so ordered.

The chair moved that the public testimony be closed; without objection, it was so ordered.

Senator Taylor moved that SB 569 be left pending; without objection, it was so ordered.

The chair laid out SB 697 and recognized the author, Senator Carona, to explain the bill.

Senator Carona sent up a committee substitute; the chair recognized Senator Carona to explain the difference between the committee substitute and the Senate bill as filed. Senator Taylor moved committee substitute be left pending; without objection, it was so ordered.

The chair moved that the public testimony be closed; without objection, it was so ordered.

Senator Taylor moved that SB 697 be left pending; without objection, it was so ordered.

The chair laid out SB 698 and recognized the author, Senator Carona, to explain the bill.

The chair moved that the public testimony be closed; without objection, it was so ordered.

Senator Taylor moved that SB 698 be left pending; without objection, it was so ordered.

The chair laid out SB 801 and recognized the author, Senator Carona, to explain the bill.

The chair moved that the public testimony be closed; without objection, it was so ordered.

Senator Taylor moved that SB 801 be left pending; without objection, it was so ordered.

The chair laid out SB 581 and recognized the author, Senator Carona, to explain the bill.

Senator Carona sent up a committee substitute; the chair recognized Senator Carona to explain the difference between the committee substitute and the Senate bill as filed. Senator Taylor moved committee substitute be left pending; 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 Taylor moved that SB 581 be left pending; without objection, it was so ordered.

The chair laid out SB 804 and recognized the author, Senator Carona, to explain the bill.

The chair moved that the public testimony be closed; without objection, it was so ordered.

Senator Taylor moved that SB 804 be left pending; without objection, it was so ordered.

The chair laid out SB 805 and recognized the author, Senator Carona, to explain the bill.

The chair moved that the public testimony be closed; without objection, it was so ordered.

Senator Taylor moved that SB 805 be left pending; without objection, it was so ordered.

The chair laid out SB 845 and recognized the author, Senator Carona, to explain the bill.

The chair moved that the public testimony be closed; without objection, it was so ordered.

Senator Taylor moved that SB 845 be left pending; without objection, it was so ordered.

At 4:36 PM Senator Carona resumed the chair.

At 4:36 PM Senator Carona moved that the Committee stand recessed for 10 until 4:46 PM.

Without objection, it was so ordered.

At 4:47 PM Senator Carona reconvened the meeting.

Senator Watson moved that SB 410 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 1 absent.

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

Senator Lucio, Jr. moved adoption of Amendment 1 to SB 614; without objection, it was so ordered. Senator Lucio, Jr. requested unanimous consent to incorporate Amendment 1 to SB 614 into a committee substitute; without objection, it was so ordered. Senator Lucio, Jr. then moved that the committee substitute be adopted; without objection, it was so ordered. Senator Lucio, Jr. moved that SB 614 do not pass but that CSSB 614 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 1 absent.

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

Senator Lucio, Jr. moved that SB 649 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 1 absent.

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

Senator Taylor moved that SB 723 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 1 absent.

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

Senator Taylor moved adoption of the committee substitute for SB 852; without objection, it was so ordered.

Senator Taylor moved that SB 852 do not pass but that CSSB 852 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 1 absent.

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

Senator Hancock moved adoption of the committee substitute for SB 839; without objection, it was so ordered.

Senator Hancock moved that SB 839 do not pass but that CSSB 839 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 1 absent.

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

Senator Hancock moved that SB 840 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 1 absent.

Senator Hancock 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 SB 515, SB 516, SB 517, and SB 518.

Senator Eltife sent up committee substitutes for SB 515, SB 516, and SB 517; the chair recognized Senator Eltife to explain the difference between the committee substitutes and the Senate bills as filed. Senator Eltife moved adoption of the committee substitutes; without objection, it was so ordered.

Senator Eltife moved that SB 515 do not pass but that CSSB 515 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 1 absent.

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

Senator Eltife moved that SB 516 do not pass but that CSSB 516 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 1 absent.

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

Senator Eltife moved that SB 517 do not pass but that CSSB 517 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 1 absent.

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

Senator Eltife moved adoption of the committee substitute for SB 518 that was previously sent up; without objection, it was so ordered.

Senator Eltife moved that SB 518 do not pass but that CSSB 518 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 1 absent.

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

At 4:59 PM Senator Taylor assumed the chair.

Senator Carona moved adoption of the committee substitute for SB 847; without objection, it was so ordered.

Senator Carona moved that SB 847 do not pass but that CSSB 847 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 1 absent.

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

Senator Carona moved adoption of the committee substitute for SB 849; without objection, it was so ordered.

Senator Carona moved that SB 849 do not pass but that CSSB 849 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 1 absent.

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

Senator Carona moved adoption of the committee substitute for SB 569; without objection, it was so ordered.

Senator Carona moved that SB 569 do not pass but that CSSB 569 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 1 absent.

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

Senator Carona moved adoption of the committee substitute for SB 697; without objection, it was so ordered.

Senator Carona moved that SB 697 do not pass but that CSSB 697 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 1 absent.

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

Senator Carona moved that SB 698 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 1 absent.

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

Senator Carona moved that SB 801 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 1 absent.

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

Senator Carona moved adoption of the committee substitute for SB 581; without objection, it was so ordered.

Senator Carona moved that SB 581 do not pass but that CSSB 581 be reported back to the Senate with the recommendation that it do pass and be printed. The motion carried with a record vote of 6 ayes, 1 nay, 0 present not voting, and 2 absent.

Senator Carona moved that SB 804 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 1 absent.

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

Senator Carona moved that SB 805 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 1 absent.

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

Senator Carona moved that SB 845 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 1 absent.

Senator Carona 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 SB 639 and recognized the author, Senator Carona, to explain the bill.

Senator Carona sent up a committee substitute; the chair recognized Senator Carona to explain the difference between the committee substitute and the Senate bill as filed. Senator Carona moved adoption of the committee substitute; without objection, it was so ordered.

Senator Carona sent up Committee Amendment 1 to CSSB 639 and moved adoption; without objection, the amendment was adopted.

Senator Carona requested unanimous consent to incorporate the amendment into a committee substitute; without objection, it was so ordered. Senator Carona then moved that the committee substitute be adopted; without objection, it was so ordered. Senator Carona moved that SB 639 do not pass but that CSSB 639 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 1 absent.

Senator Carona 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 SB 673.

Senator Carona moved that SB 673 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 1 absent.

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

At 5:10 PM Senator Carona resumed the chair.

There being no further business, at 5:10 PM Senator Carona moved that the Committee stand recessed subject to the call of the chair. Without objection, it was so ordered.

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Senator John Carona, Chair

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Troupe Brewer, Clerk