

## MINUTES

### SENATE COMMITTEE ON BUSINESS & COMMERCE

Tuesday, May 7, 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, May 7, 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 Kirk Watson  
Senator John Whitmire

#### **MEMBERS ABSENT:**

Senator Leticia Van de Putte

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The chair called the meeting to order at 8:03 AM. There being a quorum present, the following business was transacted:

The chair laid out HB 798 and recognized the Senate sponsor, Senator Garcia, to explain the bill.

Senator Watson sent up a committee substitute to HB 798; the chair recognized Senator Garcia 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Senator Carona moved that the committee substitute be withdrawn and that HB 798 be left pending; without objection, it was so ordered.

The chair laid out HB 1717 and recognized the Senate sponsor, Senator Nichols, 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 Lucio, Jr. sent up Committee Amendment 1 and explained the amendment. Senator Lucio then moved that Committee Amendment 1 be withdrawn so as to preserve it for debate on the Senator floor; without objection, it was so ordered.

Senator Lucio, Jr. sent up Committee Amendment 2 and explained the amendment. Senator Lucio then moved that Committee Amendment 2 be withdrawn so as to preserve it for debate on the Senator floor; without objection, it was so ordered.

Senator Lucio, Jr. sent up Committee Amendment 3 and explained the amendment. Senator Lucio then moved that Committee Amendment 3 be withdrawn so as to preserve it for debate on the Senator floor; without objection, it was so ordered.

Senator Taylor, in the absence of the author Senator Watson, sent up Committee Amendment 4 and explained the amendment. Senator Taylor then moved that Committee Amendment 4 be withdrawn so as to preserve it for debate on the Senator floor; without objection, it was so ordered.

Senator Taylor, in the absence of the author Senator Van de Putte, sent up Committee Amendment 5 and explained the amendment. Senator Taylor then moved that Committee Amendment 5 be withdrawn so as to preserve it for debate on the Senator floor; without objection, it was so ordered.

Senator Carona moved that HB 1717 be left pending; without objection, it was so ordered.

The chair laid out HB 458 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 Carona moved that HB 458 be left pending; without objection, it was so ordered.

The chair laid out HB 86 and recognized the Senate sponsor, Senator Lucio, Jr., to explain the bill.

Senator Lucio, Jr. sent up a committee substitute to HB 86; the chair recognized Senator Lucio, Jr. 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 Carona moved that the committee substitute be withdrawn and that HB 86 be left pending; without objection, it was so ordered.

The chair laid out HB 1624 and recognized Senator Lucio, Jr., in the absence of the Senate sponsor, to explain the bill.

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

Senator Carona moved that HB 1624 be left pending; without objection, it was so ordered.

The chair laid out HB 1972 and recognized Senator Taylor, 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 Carona moved that HB 1972 be left pending; without objection, it was so ordered.

At 8:48 AM Senator Taylor assumed the chair.

The chair laid out HB 1917 and recognized the Senate sponsor, Senator Carona, to explain the bill.

Senator Carona sent up a committee substitute to HB 1917; the chair recognized Senator Carona 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 Taylor moved that the committee substitute be withdrawn and that HB 1917 be left pending; without objection, it was so ordered.

The chair laid out HB 944 and recognized the Senate sponsor, Senator Carona, to explain the bill.

Senator Carona 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 Taylor moved that Committee Amendment 1 be withdrawn and that HB 944 be left pending; without objection, it was so ordered.

The chair laid out HB 2459 and recognized the Senate sponsor, Senator Carona, 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 Taylor moved that HB 2459 be left pending; without objection, it was so ordered.

The chair laid out HB 2462 and recognized the Senate sponsor, Senator Carona, to explain the bill.

Senator Carona sent up a committee substitute to HB 2462; the chair recognized Senator Carona to explain the difference between the committee substitute and the House bill as engrossed.

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

Senator Taylor moved that the committee substitute be withdrawn and that HB 2462 be left pending; without objection, it was so ordered.

At 9:05 AM Senator Carona resumed the chair.

At 9:05 AM Senator Carona moved that the Committee stand recessed. Without objection, it was so ordered.

At 9:15 AM Senator Carona reconvened the meeting.

Senator Lucio, Jr. moved adoption of the committee substitute to HB 86; without objection, it was so ordered.

Senator Lucio, Jr. moved that HB 86 do not pass but that CSHB 86 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 Estes moved that HB 458 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 Estes 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 to HB 798; without objection, it was so ordered.

Senator Lucio, Jr. moved that HB 798 do not pass but that CSHB 798 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 Eltife moved that HB 1717 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 Eltife moved that HB 1972 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 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 SB 1700 and recognized the author, Senator Taylor, to explain the bill.

Senator Taylor sent up a committee substitute to SB 1700; the chair recognized Senator Taylor to explain the difference between the committee substitute and the Senate bill as filed. Senator Taylor moved adoption of the committee substitute; without objection, it was so ordered.

Senator Taylor moved that SB 1700 do not pass but that CSSB 1700 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, 2 present not voting, and 0 absent.

At 9:25 AM Senator Carona moved that the Committee stand at ease. Without objection, it was so ordered.

At 9:28 AM Senator Carona reconvened the meeting.

At 9:28 AM Senator Taylor assumed the chair.

Senator Carona moved that HB 1624 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 2 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 Committee Amendment 1 to HB 944; 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 to HB 944 be adopted; without objection, it was so ordered.

Senator Carona moved that HB 944 do not pass but that CSHB 944 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, 0 nays, 0 present not voting, and 2 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 to HB 1917; without objection, it was so ordered.

Senator Carona moved that HB 1917 do not pass but that CSHB 1917 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, 0 nays, 0 present not voting, and 2 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 HB 2459 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 2 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 to HB 2462; without objection, it was so ordered.

Senator Carona moved that HB 2462 do not pass but that CSHB 2462 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, 0 nays, 0 present not voting, and 2 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 1506 and recognized Senator Carona, in the absence of the author, to explain the bill.

Senator Carona moved adoption of the committee substitute to SB 1506; without objection, it was so ordered.

Senator Carona moved that SB 1506 do not pass but that CSSB 1506 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, 0 nays, 0 present not voting, and 2 absent.

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

At 9:33 AM Senator Carona resumed the chair.

Senator Carona moved adoption of motions in writings from Senators Estes, Hancock, Watson and Whitmire to reflect their votes on the previous bills; without objection, it was so ordered.

There being no further business, at 9:34 AM 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