

## MINUTES

### SENATE COMMITTEE ON BUSINESS & COMMERCE

Wednesday, April 6, 2011  
1:00 PM or upon adjournment  
E1.004 (Auditorium)

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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 Wednesday, April 6, 2011, in Capitol Extension, E1.004 (Auditorium).

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#### **MEMBERS PRESENT:**

Senator John Carona, Chair  
Senator Chris Harris, Vice Chair  
Senator Kevin Eltife  
Senator Craig Estes  
Senator Mike Jackson  
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 1:33 PM. There being a quorum present, the following business was transacted:

The chair called up SB 1748. Senator Watson moved to reconsider the vote by which SB 1748 was reported; without objection, it was so ordered.

Senator Carona sent up a committee substitute. Senator Carona moved adoption of the committee substitute; without objection, it was so ordered.

Senator Watson moved that SB 1748 do not pass but that CSSB 1748 be reported back to the Senate with the recommendation that it do pass and be printed. The motion carried with a record vote of 5 ayes, 1 nay, 0 present not voting, and 3 absent.

The chair called up SB 95.

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

Senator Lucio, Jr. moved that SB 95 do not pass but that CSSB 95 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, 0 nays, 0 present not voting, and 3 absent.

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

The chair called up SB 1099.

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

Senator Lucio, Jr. moved that SB 1099 do not pass but that CSSB 1099 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 Lucio, Jr. moved that the bill be recommended for placement on the Local & Uncontested Calendar; without objection, it was so ordered. Senator Harris submitted a motion in writing requesting unanimous consent to be shown voting aye on CSSB 1099.

The chair called up SB 1353.

Senator Eltife moved that SB 1353 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 Harris submitted a motion in writing requesting unanimous consent to be shown voting aye on SB 1353.

The chair called up SB 1400.

Senator Carona sent up a committee substitute. Senator Carona moved adoption of the committee substitute; without objection, it was so ordered.

Senator Estes moved that SB 1400 do not pass but that CSSB 1400 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, 2 present not voting, and 0 absent. Senator Harris submitted a motion in writing requesting unanimous consent to be shown voting aye on CSSB 1400.

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

The chair called up SB 1630.

The chair recognized Senator Birdwell to explain the difference between the committee substitute and the senate bill as filed. Senator Carona asked if there was any objection to adoption of the substitution; without objection, it was so ordered.

Senator Estes moved that SB 1630 do not pass but that CSSB 1630 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, 2 present not voting, and 0 absent. Senator Harris submitted a motion in writing requesting unanimous consent to be shown voting aye on CSSB 1630.

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

The chair called up SB 1655.

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

Senator Watson moved that SB 1655 do not pass but that CSSB 1655 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 Harris submitted a motion in writing requesting unanimous consent to be shown voting aye on CSSB 1655.

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

At 1:46 P.M. Senator Watson assumed the chair.

The chair called up SB 898.

The chair called on Senator Carona to remind the committee of the bill. Senator Carona moved that SB 898 be reported favorably to the Senate with the recommendation that it do pass and be printed. The motion carried with a record vote of 5 ayes, 1 nay, 0 present not voting, and 3 absent.

The chair called up SB 924.

The chair called on Senator Carona to remind the committee of the bill.

Senator Carona moved that SB 924 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. Senators Harris and Lucio, Jr., submitted a motion in writing requesting unanimous consent to be shown voting aye on SB 924.

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

The chair called up SB 943.

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 moved that SB 943 do not pass but that CSSB 943 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. Senators Harris and Lucio, Jr., submitted a motion in writing requesting unanimous consent to be shown voting aye on SB 943.

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

The chair called up SB 1001.

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 that SB 1001 do not pass but that CSSB 1001 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, 0 nays, 0 present not voting, and 3 absent. Senator Lucio, Jr., submitted a motion in writing requesting unanimous consent to be shown voting aye on CSSB 1001.

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

The chair called up CSSB 1125. Senator Carona moved to pull down the previously adopted committee substitute; without objection, it was so ordered.

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 and moved adoption; without objection, the amendment was adopted.

Senator Carona requested unanimous consent to incorporate the amendments 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 1125 do not pass but that CSSB 1125 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. Senators Harris and Lucio, Jr., submitted a motion in writing requesting unanimous consent to be shown voting aye on CSSB 1125.

The chair called up SB 1168

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 moved that SB 1168 do not pass but that CSSB 1168 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, 0 nays, 0 present not voting, and 3 absent. Senator Lucio, Jr., submitted a motion in writing requesting unanimous consent to be shown voting aye on CSSB 1168.

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

The chair called up SB 1169.

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 moved that SB 1169 do not pass but that CSSB 1169 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. Senators Harris and Lucio, Jr., submitted a motion in writing requesting unanimous consent to be shown voting aye on CSSB 1169.

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

The chair called up SB 1170.

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 moved that SB 1170 do not pass but that CSSB 1170 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, 0 nays, 0 present not voting, and 2 absent. Senator Lucio, Jr., submitted a motion in writing requesting unanimous consent to be shown voting aye on CSSB 1170.

The chair called up SB 1171.

The chair called on Senator Carona to remind the committee of the bill.

Senator Carona moved that SB 1171 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. Senators Harris and Lucio, Jr., submitted a motion in writing requesting unanimous consent to be shown voting aye on SB 1171.

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

The chair called up SB 1244.

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 moved that SB 1244 do not pass but that CSSB 1244 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, 0 nays, 0 present not voting, and 3 absent.

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

The chair called back up SB 1001. Senator Carona moved to reconsider the vote by which SB 1001 was reported; without objection, it was so ordered.

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 moved that SB 1001 do not pass but that CSSB 1001 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, 0 nays, 0 present not voting, and 3 absent.

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

The chair called up SB 1509.

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 moved that SB 1509 do not pass but that CSSB 1509 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. Senators Harris submitted a motion in writing requesting unanimous consent to be shown voting aye on CSSB 1509.

The chair called up SB 1598.

The chair called on Senator Carona to remind the committee of the bill.

Senator Carona moved that SB 1598 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. Senators Harris submitted a motion in writing requesting unanimous consent to be shown voting aye on SB 1598.

The chair called up CSSB 1810. Senator Carona moved to pull down the previously adopted substitute; without objection, it was so ordered.

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 moved that SB 1810 do not pass but that CSSB 1810 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. Senators Harris submitted a motion in writing requesting unanimous consent to be shown voting aye on CSSB 1810.

The chair called up SB 1693. The chair called on Senator Carona to remind the committee of 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.

At 2:16 PM Senator Carona resumed the chair.

The chair moved that the public testimony be closed on CSSB 1655; without objection, it was so ordered.

The chair laid out SB 1123, SB 1432, SB 1740, SB 1797, SB 1842, and 1889



The chair recognized the author, Senator Fraser, to explain SB 1740 and SB 1842.

The chair recognized the author, Senator Ellis, to explain the SB 1797.

Senator Whitmire sent up a committee substitute; the chair recognized Senator Ellis to explain the difference between the committee substitute and the senate bill as filed.

The chair recognized Senator Whitmire, in the absence of the author, to explain SB 1889.

At 2:36 PM Senator Whitmire assumed the chair.

The chair laid out SB 1123 and recognized the author, Senator Carona, to explain the bill.

The chair laid out SB 1432 and recognized the author, Senator Carona, to explain the bill.

At 2:39 PM Senator Carona 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 Carona moved that SB 1123, SB 1432, SB 1740, SB 1797, SB 1842, and SB 1889 be left pending; without objection, it was so ordered.

There being no further business, at 5:00 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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Kimberly Selinger, Clerk

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