

MINUTES

SENATE COMMITTEE ON BUSINESS & COMMERCE

Tuesday, May 16, 2017

8:00 AM

Capitol Extension, Room E1.016

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 16, 2017, in the Capitol Extension, Room E1.016, at Austin, Texas.

MEMBERS PRESENT:

Senator Kelly Hancock, Chair
Senator Brandon Creighton, Vice Chair
Senator Donna Campbell
Senator Craig Estes
Senator Robert Nichols
Senator Charles Schwertner
Senator Larry Taylor
Senator John Whitmire
Senator Judith Zaffirini

MEMBERS ABSENT:

None

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

Senator Campbell moved that testimony would be limited to 2 minutes; without objection, it was so ordered.

The chair laid out as a matter of pending business HB 1954 and recognized the Senate sponsor, Senator Nichols. Senator Nichols moved adoption of the committee substitute; without objection, it was so ordered. Senator Nichols moved that HB 1954 do not pass but that CS HB 1954 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 Nichols

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 HB 1989 and recognized the Senate sponsor, Senator Zaffirini. Senator Zaffirini moved that HB 1989 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 Zaffirini 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 HB 1990 and recognized the Senate sponsor, Senator Zaffirini. Senator Zaffirini moved that HB 1990 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 Zaffirini 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 1835 and recognized the author, Senator Estes. Senator Estes sent up a committee substitute. The chair recognized Senator Estes to explain the difference between the committee substitute and the senate bill as filed. Senator Estes moved adoption of the committee substitute; without objection, it was so ordered. Senator Hancock moved committee substitute be left pending; without objection, it was so ordered.

The chair laid out as a matter of pending business HB 2856, in lieu of SB 1835, which has been considered. Senator Estes moved that HB 2856 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 Campbell moved to reconsider the vote by which HB 4042 was favorably voted out of committee. There being no objection, it was so ordered.

The chair laid out HB 2765 and recognized the Senate sponsor, Senator Van Taylor, 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 Hancock moved that HB 2765 be left pending; without objection, it was so ordered.

The chair laid out HB 1284 and recognized the Senate sponsor, Senator Garcia, 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 Hancock moved that HB 1284 be left pending; without objection, it was so ordered.

The chair laid out HB 3342 and recognized the Senate sponsor, Senator Buckingham, to explain the bill. Senator Creighton sent up a committee substitute. The chair recognized Senator Buckingham 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 Hancock moved committee substitute be left pending; without objection, it was so ordered.

The chair laid out HB 1099 and recognized the Senate sponsor, Senator Lucio, 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 Hancock moved that HB 1099 be left pending; without objection, it was so ordered.

The chair laid out HB 1003 and recognized the Senate sponsor, Senator West, to explain the bill. Senator Creighton sent up a committee substitute. The chair recognized Senator West 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 Hancock moved committee substitute be left pending; without objection, it was so ordered.

The chair laid out HB 490 and recognized the Senate sponsor, Senator Kolkhorst, 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 Hancock moved that HB 490 be left pending; without objection, it was so ordered.

The chair laid out HB 931 and recognized the Senate sponsor, Senator Kolkhorst, 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 Hancock moved that HB 931 be left pending; without objection, it was so ordered.

The chair laid out HB 1166 and recognized the Senate sponsor, Senator Kolkhorst, 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 Hancock moved that HB 1166 be left pending; without objection, it was so ordered.

The chair laid out HB 2275 and recognized the Senate sponsor, Senator Hughes, 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 Hancock moved that HB 2275 be left pending; without objection, it was so ordered.

The chair laid out HB 2463 and recognized the Senate sponsor, Senator Hughes, 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 Hancock moved that HB 2463 be left pending; without objection, it was so ordered.

The chair laid out HB 10 and recognized the Senate sponsor, Senator Zaffirini, 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 Hancock moved that HB 10 be left pending; without objection, it was so ordered.

The chair laid out HB 2738 and recognized the Senate sponsor, Senator Larry Taylor, 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 Hancock moved that HB 2738 be left pending; without objection, it was so ordered.

The chair laid out HB 2339 and recognized the Senate sponsor, Senator Zaffirini, 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 Hancock moved that HB 2339 be left pending; without objection, it was so ordered.

The chair laid out HB 91 and recognized the Senate sponsor, Senator Huffman, to explain the bill. Senator Campbell sent up a committee substitute. The chair recognized Senator Huffman 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 Hancock moved committee substitute be left pending; without objection, it was so ordered.

The chair laid out HB 2739 and recognized the Senate sponsor, Senator Zaffirini, to explain the bill. Senator Zaffirini sent up a committee substitute. The chair recognized Senator Zaffirini 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 Hancock moved committee substitute be left pending; without objection, it was so ordered.

The chair laid out HB 3223 and recognized the Senate sponsor, Senator Zaffirini, 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 Hancock moved that HB 3223 be left pending; without objection, it was so ordered.

The chair laid out HB 3496 and recognized the Senate sponsor, Senator Kolkhorst, 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 Hancock moved that HB 3496 be left pending; without objection, it was so ordered.

The chair laid out HB 8 and recognized Senator Campbell, in the absence of the Senate sponsor, to explain the bill. Senator Campbell sent up a committee substitute. The chair recognized Senator Campbell 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 Hancock moved committee substitute be left pending; without objection, it was so ordered.

The chair laid out HB 2546 and recognized the Senate sponsor, Senator Campbell, 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 Hancock moved that HB 2546 be left pending; without objection, it was so ordered.

The chair laid out HB 1247 and recognized the Senate sponsor, Senator Nichols, 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 Hancock moved that HB 1247 be left pending; without objection, it was so ordered.

The chair laid out HB 3215 and recognized the Senate sponsor, Senator Schwertner, to explain the bill. Senator Schwertner sent up a committee substitute. The chair recognized Senator Schwertner 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 Hancock moved committee substitute be left pending; without objection, it was so ordered.

The chair laid out HB 2053 and recognized the Senate sponsor, Senator Creighton, 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 Hancock moved that HB 2053 be left pending; without objection, it was so ordered.

The chair laid out HB 2101 and recognized the Senate sponsor, Senator Creighton, to explain the bill. Senator Creighton sent up a committee substitute. The chair recognized Senator Creighton 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 Hancock moved committee substitute be left pending; without objection, it was so ordered.

The chair laid out HB 3124 and recognized the Senate sponsor, Senator Creighton, 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 Hancock moved that HB 3124 be left pending; without objection, it was so ordered.

The chair laid out HB 2832 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 Hancock moved that HB 2832 be left pending; without objection, it was so ordered.

Senator Nichols assumed the chair.

The chair laid out HJR 37 and recognized the Senate sponsor, Senator Hancock, to explain the bill. Witnesses registering on the joint resolution are shown on the attached list. The chair moved that the public testimony be closed; without objection, it was so ordered. Senator Nichols moved that HJR 37 be left pending; without objection, it was so ordered.

The chair laid out HB 471 and recognized the Senate sponsor, Senator Hancock, 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 Nichols moved that HB 471 be left pending; without objection, it was so ordered.

The chair laid out HB 787 and recognized the Senate sponsor, Senator Hancock, 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 Nichols moved that HB 787 be left pending; without objection, it was so ordered.

The chair laid out HB 2279 and recognized the Senate sponsor, Senator Hancock, 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 Hancock moved that HB 2279 be left pending; without objection, it was so ordered.

Senator Hancock resumed the chair.

At 10:32 AM Senator Hancock moved that the Committee stand at ease. Without objection, it was so ordered.

At 10:44 AM the committee came back to order.

The chair laid out as a matter of pending business HB 8 and recognized Senator Creighton, in the absence of the Senate sponsor. Senator Creighton moved adoption of the committee substitute; without objection, it was so ordered. Senator Creighton moved that HB 8 do not pass but that CSHB 8 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 0 absent. Senator Creighton 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 HB 10 and recognized the Senate sponsor, Senator Zaffirini. Senator Zaffirini moved that HB 10 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 0 absent. Senator Zaffirini 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 HB 490 and recognized Senator Creighton, in the absence of the Senate sponsor. Senator Creighton moved that HB 490 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 0 absent. Senator Creighton 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 HB 931 and recognized Senator Creighton, in the absence of the Senate sponsor. Senator Creighton moved that HB 931 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 Campbell 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 HB 1099 and recognized Senator Creighton, in the absence of the Senate sponsor. Senator Creighton moved that HB 1099 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 Creighton 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 HB 1003 and recognized Senator Creighton, in the absence of the Senate sponsor. Senator Creighton moved adoption of the committee substitute; without objection, it was so ordered. Senator Creighton moved that HB 1003 do not pass but that CSHB 1003 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 0 absent. Senator Creighton 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 HB 1247 and recognized Senator Nichols, the Senate sponsor. Senator Nichols moved that HB 1247 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 Nichols 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 HB 2053 and recognized Senator Creighton, the Senate sponsor. Senator Creighton moved that HB 2053 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 0 absent. Senator Creighton 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 HB 2275 and recognized Senator Creighton, in the absence of the Senate sponsor. Senator Creighton moved that HB 2275 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 Creighton 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 HB 2339 and recognized Senator Zaffirini, the Senate sponsor. Senator Zaffirini moved that HB 2339 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 Zaffirini 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 HB 2463 and recognized Senator Creighton, in the absence of the Senate sponsor. Senator Creighton moved that HB 2463 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 Creighton 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 HB 2546 and recognized Senator Campbell, the Senate sponsor. Senator Campbell moved that HB 2546 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 0 absent. Senator Campbell 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 HB 2765 and recognized Senator Creighton, in the absence of the Senate sponsor. Senator Creighton moved that HB 2765 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 Creighton 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 HB 3124 and recognized Senator Creighton, the Senate sponsor. Senator Creighton moved that HB 3124 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 Creighton 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 HB 3215 and recognized Senator Creighton, in the absence of the Senate sponsor. Senator Creighton moved adoption of the committee substitute; without objection, it was so ordered. Senator Creighton moved that HB 3215 do not

pass but that CSHB 3215 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 Creighton 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 HB 3223 and recognized Senator Zaffirini, the Senate sponsor. Senator Zaffirini moved that HB 3223 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 0 absent. Senator Zaffirini 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 HB 3342 and recognized Senator Creighton, in the absence of the Senate sponsor. Senator Creighton moved adoption of the committee substitute; without objection, it was so ordered. Senator Creighton moved that HB 3342 do not pass but that CSHB 1003 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 Creighton 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 HB 3496 and recognized Senator Creighton, in the absence of the Senate sponsor. Senator Creighton moved that HB 3496 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 Creighton moved that the bill be recommended for placement on the Local & Uncontested Calendar; without objection, it was so ordered.

Senator Creighton assumed the chair.

The chair laid out as a matter of pending business HJR 37 and recognized the Senate sponsor, Senator Hancock. Senator Hancock moved that HJR 37 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.

The chair laid out as a matter of pending business HB 471 and recognized the Senate sponsor, Senator Hancock. Senator Hancock moved that HB 471 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 0 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 HB 2279 and recognized the Senate sponsor, Senator Hancock. Senator Hancock moved adoption of the committee substitute; without objection, it was so ordered. Senator Hancock moved that HB 2279 do not pass but that CSHB 2279 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.

The posting rule, Senate Rule 11.10 and 11.18, was suspended to hear the following bills:

HB 91

HB 931

Motions in Writing requesting unanimous consent to be shown voting aye were submitted by the following: Senator Campbell on CSHB 8, HB 10, and HB 490; Senator Creighton on CSHB 1954, HB 1989, HB 1990, and HB 2856; Senator Estes on CSHB 8, HB 10, HB 490, HB 931, HB 1099, CSHB 1003, HB 1247, HB 2053, HB 2275, HB 2339, HB 2463, HB 2546, HB 2765, HB 3124, CSHB 3215, HB 3223, CSHB 3342, HB 3496, HJR 37, HB 471, and CSHB 2279; Senator Schwertner on HJR 37, HB 10, HB 471, HB 490, HB 931, CSHB 1003, HB 1099, HB 1247, HB 2053, HB 2275, CSHB 2279, HB 2339, CSHB 8, HB 2463, HB 2546, HB 3124, HB 3215, HB 3223, and CSHB 3342; Senator Larry Taylor on CSHB 8, HB 490, HB 210, HB 471, CSHB 1003, HB 2053, HB 2546, and HB 3223; Senator Whitmire on CSHB 1954, HB 1989, HB 1990, and HB 2856. These votes are reflected in the final votes on the aforementioned bills.

There being no further business, at 10:58 AM Senator Hancock moved that the Committee stand recessed subject to the call of the chair. Without objection, it was so ordered.

Senator Kelly Hancock, Chair

Tatum Reagan, Clerk