

## MINUTES

### SENATE COMMITTEE ON BUSINESS & COMMERCE

Friday, May 19, 2017

10:00 AM

Senate Chamber

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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 Friday, May 19, 2017, in the Senate Chamber.

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#### **MEMBERS PRESENT:**

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

#### **MEMBERS ABSENT:**

Senator Robert Nichols

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The chair called the meeting to order at 10:00 AM. There being a quorum present, the following business was transacted:

The chair laid out as a matter of pending business HB 3287 and recognized the Senate sponsor, Senator Seliger, to explain the bill. Senator Campbell moved to withdraw the committee substitute sent up at a previous hearing. Senator Campbell sent up a committee substitute. The chair recognized Senator Seliger to explain the difference between the committee substitute and the house bill as engrossed. Senator Hancock moved committee substitute be left pending; without objection, it was so ordered.

The chair laid out HB 2119 and recognized the Senate sponsor, Senator West, 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 2119 be left pending; without objection, it was so ordered.

The chair laid out as a matter of pending business HB 3287 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 3287 do not pass but that CSHB 3287 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, 1 nay, 0 present not voting, and 1 absent.

The chair laid out as a matter of pending business SR 712 and recognized Senator Creighton, in the absence of the author. Senator Creighton moved that SR 712 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 2119 and recognized Senator Creighton, in the absence of the author. Senator Creighton moved that HB 2119 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, 1 nays, 0 present not voting, and 1 absent.

The chair laid out as a matter of pending business HB 349 and recognized Senator Creighton, in the absence of the Senate sponsor, to explain the bill. Senator Creighton moved that HB 349 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 442 and recognized Senator Creighton, in the absence of the Senate sponsor. Senator Creighton moved that the committee amendment be adopted; without objection, it was so ordered. Senator Creighton requested unanimous consent to incorporate the amendment into a committee substitute; without objection, it was so ordered. Senator Creighton then moved that the committee substitute be adopted; without objection, it was so ordered. Senator Creighton moved that HB 442 do not pass but that CSHB 442 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 451 and recognized the Senate Sponsor, Senator Creighton. Senator Creighton moved that HB 451 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 457 and recognized the Senate sponsor, Senator Estes. Senator Estes moved adoption of the committee substitute; without objection, it was so ordered. Senator Estes moved that HB 457 do not pass but that CSHB 457 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 Estes 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 462 and recognized the Senate Sponsor, Senator Zaffirini. Senator Zaffirini moved that HB 462 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 1036 and recognized the Senate sponsor, Senator Whitmire. Senator Whitmire moved adoption of the committee substitute; without objection, it was so ordered. Senator Whitmire moved that HB 1036 do not pass but that CSHB 1036 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 Whitmire 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 1296 and recognized Senator Creighton, in the absence of the Senate sponsor. Senator Creighton moved that HB 1296 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.

Senator Creighton assumed the chair.

The chair laid out as a matter of pending business HB 1298 and recognized the Senate Sponsor, Senator Hancock. Senator Hancock moved that HB 1298 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.

Senator Hancock resumed the chair.

The chair laid out as a matter of pending business HB 1470 and recognized the Senate Sponsor, Senator Creighton. Senator Creighton moved that HB 1470 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 1508 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 1508 do not pass but that CSHB 1508 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 1657 and recognized Senator Creighton, in the absence of the Senate sponsor. Senator Creighton moved that HB 1657 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 1698 and recognized the Senate Sponsor, Senator Estes. Senator Estes moved that HB 1698 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.

The chair laid out as a matter of pending business HB 1861 and recognized Senator Creighton, in the absence of the Senate sponsor. Senator Creighton moved that HB 1861 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 1948 and recognized the Senate Sponsor, Senator Creighton. Senator Creighton moved that HB 1948 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, 1 nays, 0 present not voting, and 1 absent.

The chair laid out as a matter of pending business HB 1983 and recognized the Senate Sponsor, Senator Whitmire. Senator Whitmire moved that HB 1983 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 Whitmire 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 HB 1975 and recognized the Senate Sponsor, Senator Hancock. Senator Hancock moved that HB 1975 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 HB 2070 and recognized Senator Creighton, in the absence of the Senate sponsor. Senator Creighton moved that HB 2070 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 2082 and recognized Senator Creighton, in the absence of the Senate sponsor. Senator Creighton moved that HB 2082 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 2111 and recognized the Senate Sponsor, Senator Zaffirini. Senator Zaffirini moved that HB 2111 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 2112 and recognized the Senate sponsor, Senator Zaffirini. Senator Zaffirini moved adoption of the committee substitute; without objection, it was so ordered. Senator Zaffirini moved that HB 2112 do not pass but that CSHB 2112 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 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 2304 and recognized the Senate sponsor, Senator Schwertner. Senator Schwertner moved adoption of the committee substitute; without objection, it was so ordered. Senator Schwertner moved that HB 2304 do not pass but that CSHB 2304 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 Schwertner 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 2305 and recognized the Senate sponsor, Senator Estes. Senator Estes sent up a committee substitute. The chair recognized Senator Estes to explain the difference between the committee substitute and the house bill as engrossed. Senator Estes moved adoption of the committee substitute; without objection, it was so ordered. Senator Estes moved that HB 2305 do not pass but that CSHB 2305 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 Estes 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 2542 and recognized the Senate Sponsor, Senator Larry Taylor. Senator Taylor moved that HB 2542 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.

The chair laid out as a matter of pending business HB 2738 and recognized the Senate Sponsor, Senator Larry Taylor. Senator Taylor moved that HB 2738 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.

The chair laid out as a matter of pending business HB 2739 and recognized the Senate Sponsor, Senator Zaffirini. Senator Zaffirini moved that HB 2739 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 2757 and recognized the Senate Sponsor, Senator Creighton. Senator Creighton moved that HB 2757 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 2818 and recognized Senator Creighton, in the absence of the Senate sponsor. Senator Creighton moved that HB 2818 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 2949 and recognized the Senate sponsor, Senator Creighton. Senator Creighton moved that HB 2949 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 3003 and recognized the Senate Sponsor, Senator Estes. Senator Estes moved that HB 3003 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.

The chair laid out as a matter of pending business HB 3021 and recognized Senator Creighton, in the absence of the Senate sponsor. Senator Creighton moved that HB 3021 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 3029 and recognized the Senate sponsor, Senator Whitmire. Senator Whitmire moved adoption of the committee substitute; without objection, it was so ordered. Senator Whitmire moved that HB 3029 do not pass but that CSHB 3029 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 Whitmire 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 3047 and recognized the Senate Sponsor, Senator Schwertner. Senator Schwertner moved that HB 3047 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 Schwertner 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 3052 and recognized Senator Creighton, in the absence of the Senate sponsor. Senator Creighton moved that HB 3052 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 3107 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 3107 do not pass but that CSHB 3107 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 3131 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 3131 do not pass but that CSHB 3131 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 3218 and recognized the Senate Sponsor, Senator Schwertner. Senator Schwertner moved that HB 3218 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 Schwertner 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 3243 and recognized the Senate Sponsor, Senator Estes. Senator Estes moved that HB 3243 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 Creighton assumed the chair.

The chair laid out as a matter of pending business HB 3370 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 3370 do not pass but that CSHB 3370 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 chair laid out as a matter of pending business HB 3879 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 3879 do not pass but that CSHB 3879 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, 1 nay, 0 present not voting, and 1 absent.

The chair laid out as a matter of pending business HB 4007 and recognized the Senate sponsor, Senator Zaffirini. Senator Zaffirini moved adoption of the committee substitute; without objection, it was so ordered. Senator Zaffirini moved that HB 4007 do not pass but that CSHB 4007 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 resumed the chair.

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

HB 2119

There being no further business, at 10:47 AM Senator Hancock moved that the Committee stand recessed subject to the call of the chair. Without objection, it was so ordered.

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Senator Kelly Hancock, Chair

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Tatum Reagan, Clerk