

## MINUTES

### SENATE COMMITTEE ON BUSINESS & COMMERCE

Friday, May 17, 2019

8:00 AM

Betty King Committee Room

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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 17, 2019, in the Betty King Committee Room at Austin, Texas.

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#### **MEMBERS PRESENT:**

Senator Kelly Hancock, Chair

Senator Robert Nichols, Vice Chair

Senator Donna Campbell

Senator Brandon Creighton

Senator José Menéndez

Senator Angela Paxton

Senator Charles Schwertner

Senator John Whitmire

Senator Judith Zaffirini

#### **MEMBERS ABSENT:**

None

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The chair called the meeting to order at 8:00 AM. The following business was transacted:

The chair moved that the Committee stands in recess until 11:00 AM.

The chair called the meeting to order at 11:00 AM. There being a quorum present, the following business was transacted:

The chair laid out HB 29 as a matter of pending business by Senator Hughes. Senator Nichols moved that HB 29 be reported back to the full 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 HB 69 as a matter of pending business by Senator Zaffirini. Senator Zaffirini moved that HB 69 be reported back to the full 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 HB 170 as a matter of pending business by Senator Alvarado. Senator Nichols moved that HB 170 be reported back to the full 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 HB 1025 as a matter of pending business by Senator Whitmire. Senator Menendez sent up the committee substitute. The chair recognized Senator Menendez, in the absence of the author, to explain the difference between the substitute and the bill as filed. Senator Menendez moved adoption of the committee substitute; without objection, it was so ordered. Senator Menendez moved that HB 1025 do not pass but that the committee substitute to HB 1025 do pass and be recommended to the full senate. The motion carried with a record vote of 8 ayes, 0 nays, 0 present not voting, and 1 absent.

The chair laid out HB 1140 as a matter of pending business by Senator Zaffirini. Senator Zaffirini moved that HB 1140 be reported back to the full 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 HB 1584 as a matter of pending business by Senator Buckingham. Senator Nichols moved that HB 1584 be reported back to the full 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 HB 1833 as a matter of pending business by Senator Hughes. Senator Nichols moved adoption of the committee substitute; without objection, it was so ordered. Senator Nichols moved that HB 1833 do not pass but that the committee substitute to HB 1833 do pass and be recommended to the full senate. The motion carried with a record vote of 9 ayes, 0 nays, 0 present not voting, and 0 absent.

The chair laid out HB 1865 as a matter of pending business by Senator Nelson. Senator Nichols moved that HB 1865 be reported back to the full 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 HB 1899 as a matter of pending business by Senator Kolkhorst. Senator Nichols moved that HB 1899 be reported back to the full 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 HB 1992 as a matter of pending business by Senator Schwertner. Senator Schwertner moved that HB 1992 be reported back to the full 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 HB 2041 as a matter of pending business by Senator Taylor. Senator Nichols moved that HB 2041 be reported back to the full 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 HB 2143 as a matter of pending business by Senator Whitmire. Senator Whitmire sent up the committee substitute. The chair recognized Senator Whitmire to explain the difference between the substitute and the bill as filed. Senator Whitmire moved adoption of the committee substitute; without objection, it was so ordered. Senator Whitmire moved that HB 2143 do not pass but that the committee substitute to HB 2143 do pass and be recommended to the full senate. The motion carried with a record vote of 9 ayes, 0 nays, 0 present not voting, and 0 absent.

The chair laid out HB 2327 as a matter of pending business by Senator Buckingham. Senator Nichols sent up the committee substitute. The chair recognized Senator Buckingham, to explain the difference between the substitute and the bill as filed. Senator Nichols moved adoption of the committee substitute; without objection, it was so ordered. Senator Nichols moved that HB 2327 do not pass but that the committee substitute to HB 2327 do pass and be recommended to the full senate. The motion carried with a record vote of 9 ayes, 0 nays, 0 present not voting, and 0 absent.

The chair laid out HB 2399 as a matter of pending business by Senator Miles. Senator Nichols moved that HB 2399 be reported back to the full 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 HB 2466 as a matter of pending business by Senator Fallon. Senator Nichols moved adoption of the committee substitute; without objection, it was so ordered. Senator Nichols moved that HB 2466 do not pass but that the committee substitute to HB 2466 do pass and be recommended to the full senate. The motion carried with a record vote of 9 ayes, 0 nays, 0 present not voting, and 0 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 HB 2503 as a matter of pending business by Senator Menendez. Senator Menendez moved that HB 2503 be reported back to the full 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 Menendez moved that the bill be recommended for placement on the Local & Uncontested Calendar; without objection, it was so ordered.

The chair laid out HB 2546 as a matter of pending business by Senator Hughes. Senator Nichols moved adoption of the committee substitute; without objection, it was so ordered. Senator Nichols moved that HB 2546 do not pass but that the committee substitute to HB 2546 do pass and be recommended to the full senate. The motion carried with a record vote of 9 ayes, 0 nays, 0 present not voting, and 0 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 HB 2569 as a matter of pending business by Senator Hughes. Senator Nichols moved that HB 2569 be reported back to the full 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 HB 2747 as a matter of pending business by Senator Rodriguez. Senator Nichols moved adoption of the committee substitute; without objection, it was so ordered. Senator Nichols moved that HB 2747 do not pass but that the committee substitute to HB 2747 do pass and be recommended to the full senate. The motion carried with a record vote of 9 ayes, 0 nays, 0 present not voting, and 0 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 HB 2784 as a matter of pending business by Senator Alvarado. Senator Nichols moved adoption of the committee substitute; without objection, it was so ordered. Senator Nichols moved that HB 2784 do not pass but that the committee substitute to HB 2784 do pass and be recommended to the full senate. The motion carried with a record vote of 7 ayes, 1 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 HB 2793 as a matter of pending business by Senator Zaffirini. Senator Zaffirini moved that HB 2793 be reported back to the full 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 HB 2816 as a matter of pending business by Senator Watson. Senator Nichols moved that HB 2816 be reported back to the full 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 HB 2828 as a matter of pending business by Senator Fallon. Senator Nichols moved that HB 2828 be reported back to the full 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 HB 2840 as a matter of pending business by Senator Hughes. Senator Nichols moved that HB 2840 be reported back to the full 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 HB 2858 as a matter of pending business by Senator Schwertner. Senator Schwertner moved that HB 2858 be reported back to the full 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 HB 2944 as a matter of pending business by Senator Flores. Senator Nichols moved that HB 2944 be reported back to the full 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 HB 2978 as a matter of pending business by Senator West. Senator Nichols moved adoption of the committee substitute; without objection, it was so ordered. Senator Nichols moved that HB 2978 do not pass but that the committee substitute to HB 2978 do pass and be recommended to the full senate. The motion carried with a record vote of 7 ayes, 1 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 HB 3006 as a matter of pending business by Senator West. Senator Nichols moved that HB 3006 be reported back to the full 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 Nichols moved that the bill be recommended for placement on the Local & Uncontested Calendar; without objection, it was so ordered.

The chair laid out HB 3041 as a matter of pending business by Senator Buckingham. Senator Nichols moved that HB 3041 be reported back to the full 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 Nichols moved that the bill be recommended for placement on the Local & Uncontested Calendar; without objection, it was so ordered.

The chair laid out HB 3345 as a matter of pending business by Senator Hughes. Senator Nichols moved that HB 3345 be reported back to the full 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 Nichols moved that the bill be recommended for placement on the Local & Uncontested Calendar; without objection, it was so ordered.

The chair laid out HB 3371 as a matter of pending business by Senator Taylor. Senator Nichols moved that HB 3371 be reported back to the full 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.

The chair laid out HB 3420 as a matter of pending business by Senator Menendez. Senator Menendez moved that HB 3420 be reported back to the full 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 Nichols moved that the bill be recommended for placement on the Local & Uncontested Calendar; without objection, it was so ordered.

The chair laid out HB 3496 as a matter of pending business by Senator Creighton. Senator Creighton moved that HB 3496 be reported back to the full senate with the recommendation that it do pass and be printed. The motion carried with a record vote of 8 ayes, 1 nays, 0 present not voting, and 0 absent.

The chair laid out HB 3598 as a matter of pending business by Senator Zaffirini. Senator Zaffirini moved that HB 3598 be reported back to the full 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 HB 3754 as a matter of pending business by Senator West. Senator Nichols moved that HB 3754 be reported back to the full 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 Nichols moved that the bill be recommended for placement on the Local & Uncontested Calendar; without objection, it was so ordered.

The chair laid out HB 3771 as a matter of pending business by Senator Zaffirini. Senator Zaffirini moved that HB 3771 be reported back to the full 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 HB 3810 as a matter of pending business by Senator Buckingham. Senator Schwertner moved that HB 3810 be reported back to the full senate with the recommendation that it do pass and be printed. The motion carried with a record vote of 8 ayes, 1 nays, 0 present not voting, and 0 absent.

The chair laid out HB 3815 as a matter of pending business by Senator Huffman. Senator Nichols moved that HB 3815 be reported back to the full 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 Nichols moved that the bill be recommended for placement on the Local & Uncontested Calendar; without objection, it was so ordered.

The chair laid out HB 3834 as a matter of pending business by Senator Paxton. Senator Paxton moved that HB 3834 be reported back to the full 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 Paxton moved that the bill be recommended for placement on the Local & Uncontested Calendar; without objection, it was so ordered.

The chair laid out HB 3855 as a matter of pending business by Senator Creighton. Senator Creighton moved that HB 3855 be reported back to the full 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 HB 4309 as a matter of pending business by Senator Nelson. Senator Nichols moved that HB 4309 be reported back to the full 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 Nichols moved that the bill be recommended for placement on the Local & Uncontested Calendar; without objection, it was so ordered.

The chair laid out HB 4390 as a matter of pending business by Senator Nelson. Senator Nichols moved adoption of the committee substitute; without objection, it was so ordered. Senator Nichols moved that HB 4390 do not pass but that the committee substitute to HB 4390 do pass and be recommended to the full senate. The motion carried with a record vote of 9 ayes, 0 nays, 0 present not voting, and 0 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 HB 4541 as a matter of pending business by Senator Watson. Senator Nichols moved that HB 4541 be reported back to the full 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 Nichols moved that the bill be recommended for placement on the Local & Uncontested Calendar; without objection, it was so ordered.

The chair laid out HB 4584 as a matter of pending business by Senator Hughes. Senator Nichols moved that HB 4584 be reported back to the full 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 Nichols moved that the bill be recommended for placement on the Local & Uncontested Calendar; without objection, it was so ordered.

Senator Nichols assumed the chair.

The chair laid out HB 1731 as a matter of pending business by Senator Hancock. Senator Hancock moved adoption of the committee substitute; without objection, it was so ordered. Senator Hancock moved that HB 1731 do not pass but that the committee substitute to HB 1731 do pass and be recommended to the full senate. 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 HB 2536 as a matter of pending business by Senator Hancock. Senator Hancock moved that HB 2536 be reported back to the full senate with the recommendation that it do pass and be printed. The motion carried with a record vote of 8 ayes, 1 nays, 0 present not voting, and 0 absent.

The chair laid out HB 3222 as a matter of pending business by Senator Hancock. Senator Hancock sent up the committee substitute. The chair recognized the author to explain the difference between the substitute and the bill as filed. Senator Hancock moved adoption of the committee substitute; without objection, it was so ordered. Senator Hancock moved that HB 3222 do not pass but that the committee substitute to HB 3222 do pass and be recommended to the full senate. 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 HB 3603 as a matter of pending business by Senator Hancock. Senator Hancock moved that HB 3603 be reported back to the full 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 HB 3609 as a matter of pending business by Senator Hancock. Senator Hancock moved that HB 3609 be reported back to the full 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 HB 4181 as a matter of pending business by Senator Hancock. Senator Hancock moved adoption of the committee substitute; without objection, it was so ordered. Senator Hancock moved that HB 4181 do not pass but that the committee substitute to HB 4181 do pass and be recommended to the full senate. The motion carried with a record vote of 8 ayes, 0 nays, 0 present not voting, and 1 absent.

Senator Hancock resumed the chair.

There being no further business, at 11:45 AM Senator Hancock moved that the Committee stand recessed subject to the call of the chair. Without objection, it was so ordered.

A Motion in Writing requesting unanimous consent to be shown voting aye was submitted by the following: Senator Creighton on HB 2143, HB 2327, HB 1833, HB 1025, HB 2041, HB 29, HB 69, HB 170, HB 1140, HB 1584; Senator Campbell on HB 2327, HB 1731, HB 2399, HB 24446, HB 2503, HB 2546, HB 2569, HB 2747, HB 2793, HB 2816, HB 2828, HB 2840, HB 2858, HB 2944, HB 2978, HB 3006, HB 3041, HB 3222, HB 3345, HB 3371, HB 3420, HB 3598, HB 3603, HB 3609, HB 3754, HB 3771, HB 3810, HB 3815, HB 3834, HB 3855, HB 4181, HB 4309, HB 4390, HB 4541, and HB 4584. These votes are reflected in the final vote on the aforementioned bills.

A Motion in Writing requesting unanimous consent to be shown voting nay was submitted by the following: Senator Campbell on HB 2536, HB 2784, HB 3496. These votes are reflected in the final vote on the aforementioned bills.

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Senator Kelly Hancock, Chair

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Kennedy Calvo, Clerk