

**MINUTES**

**SENATE COMMITTEE ON BUSINESS & COMMERCE**

Tuesday, April 7, 2015

8:00 AM

Capitol Extension, Room E1.016

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Pursuant to a notice posted in accordance with Senate Rule 11.10 and 11.18, a public hearing of the Senate Committee on Business & Commerce was held on Tuesday, April 7, 2015, in the Capitol Extension, Room E1.016, at Austin, Texas.

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**MEMBERS PRESENT:**

Senator Kevin Eltife, Chair  
Senator Brandon Creighton, Vice Chair  
Senator Rodney Ellis  
Senator Don Huffines  
Senator Charles Schwertner  
Senator Kel Seliger  
Senator Larry Taylor  
Senator Kirk Watson  
Senator John Whitmire

**MEMBERS ABSENT:**

None

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The chair called the meeting to order at 8:02 AM. There being a quorum present, the following business was transacted:

The following members arrived after the roll was called:

Senator Brandon Creighton  
Senator Rodney Ellis  
Senator Larry Taylor  
Senator John Whitmire

Senator Eltife moved adoption of the minutes from the previous hearings held on March 31, 2015, and April 1, 2015; without objection, it was so ordered.

The chair laid out SB 1344 and recognized the author, Senator Huffines, to explain the bill.

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

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 Eltife moved that SB 1344 be left pending; without objection, it was so ordered.

The chair laid out SB 978 and recognized the author, 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 Eltife moved that SB 978 be left pending; without objection, it was so ordered.

The chair laid out SB 35 and recognized the author, 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 Eltife moved that SB 35 be left pending; without objection, it was so ordered.

The chair laid out SB 326 and recognized the author, Senator Estes, to explain the bill.

Witnesses testifying and registering on the bill are shown on the attached list.

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

Senator Eltife moved that SB 326 be left pending; without objection, it was so ordered.

The chair laid out SB 913 and recognized the author, 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 Eltife moved that SB 913 be left pending; without objection, it was so ordered.

The chair laid out SB 903 and recognized the author, 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 Eltife moved that SB 903 be left pending; without objection, it was so ordered.

The chair laid out SB 953 and recognized the author, Senator Birdwell, to explain the bill.

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

Senator Watson sent up Committee Amendment 1 and moved adoption; without objection, the amendment was adopted.

Senator Creighton requested unanimous consent to incorporate the amendments 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.

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 Eltife moved that SB 953 be left pending; without objection, it was so ordered.

The chair laid out SB 1237 and recognized the author, Senator Taylor, Van, 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 Eltife moved that SB 1237 be left pending; without objection, it was so ordered.

The chair laid out SB 1032 and recognized the author, Senator Watson, 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 Eltife moved that SB 1032 be left pending; without objection, it was so ordered.

The chair laid out SB 1455 and recognized Senator Watson, in the absence of the author, 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 Eltife moved that SB 1455 be left pending; without objection, it was so ordered.

The chair laid out SB 1093 and recognized the author, Senator Creighton, to explain the bill.

Senator Eltife sent up a committee substitute; the chair recognized Senator Creighton to explain the difference between the committee substitute and the senate bill as filed. Senator Eltife moved committee substitute be left pending; without objection, it was so ordered.

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 Eltife moved that SB 1093 be left pending; without objection, it was so ordered.

Senator Creighton assumed the chair.

The chair laid out SB 1080 and recognized the author, Senator Eltife, 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 Creighton moved that SB 1080 be left pending; without objection, it was so ordered.

The chair laid out SB 1105 and recognized the author, Senator Eltife, 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 Creighton moved that SB 1105 be left pending; without objection, it was so ordered.

The chair laid out SB 1107 and recognized the author, Senator Eltife, 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 Creighton moved that SB 1107 be left pending; without objection, it was so ordered.

The chair laid out SB 1197 and recognized the author, Senator Eltife, 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 Creighton moved that SB 1197 be left pending; without objection, it was so ordered.

The chair laid out SB 1441 and recognized the author, Senator Eltife, 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 Creighton moved that SB 1441 be left pending; without objection, it was so ordered.

The chair laid out SB 1442 and recognized the author, Senator Eltife, 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 Creighton moved that SB 1442 be left pending; without objection, it was so ordered.

Senator Creighton moved that SB 1442 be left pending; without objection, it was so ordered.

The chair laid out SB 1554 and recognized the author, Senator Eltife, 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 Creighton moved that SB 1554 be left pending; without objection, it was so ordered.

Senator Eltife resumed the chair.

There being no further business, Senator Eltife moved that the Committee stand recessed subject to the call of the chair. Without objection, it was so ordered.

Senator Eltife made a motion on the Senate floor to suspend the 24-hour posting rule, in accordance with Senate Rules 11.10 and 11.18, in order for the Senate Committee on Business and Commerce to reconvene in E1.028. Without objection, it was so ordered.

At 1:14 PM Senator Eltife reconvened the meeting.

The chair laid out as a matter of pending business SB 35.

Senator Watson moved that SB 35 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. Senators Whitmire and Creighton submitted motions in writing to be shown voting aye.

Senator Watson 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 335.

Senator Taylor moved that SB 335 do not pass but that CSSB 335 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. Senators Whitmire and Creighton submitted motions in writing to be shown voting aye.

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 SB 336.

Senator Huffines moved that SB 336 do not pass but that CSSB 336 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. Senator Whitmire submitted a motion in writing to be shown voting nay. Senator Creighton submitted a motion in writing to be shown voting aye.

The chair laid out as a matter of pending business SB 425.

Senator Schwertner moved to reconsider the vote with which a committee substitute was adopted on March 26, 2015; without objection, it was so ordered.

Senator Schwertner moved to withdraw the substitute for SB 425.

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

Senator Schwertner moved that SB 425 do not pass but that CSSB 425 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 Whitmire submitted a motion in writing to be shown voting aye.

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 SB 337.

Senator Creighton sent up a committee substitute.

The chair laid out as a matter of pending business SB 903.

Senator Creighton moved that SB 903 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 Whitmire submitted a motion in writing to be shown voting aye.

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 SB 913.

Senator Watson moved that SB 913 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 Whitmire submitted a motion in writing to be shown voting aye.

Senator Watson 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 953.

Senator Seliger moved adoption of the committee substitute; without objection, it was so ordered.

Senator Seliger moved that SB 953 do not pass but that CSSB 953 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 Whitmire submitted a motion in writing to be shown voting aye.

Senator Seliger 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 978.



Senator Creighton moved that SB 978 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 Whitmire submitted a motion in writing to be shown voting aye.

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 SB 1032.

Senator Watson moved that SB 1032 be reported favorably to the Senate with the recommendation that it do pass and be printed. The motion carried with a record vote of 6 ayes, 3 nays, 0 present not voting, and 0 absent. Senators Taylor and Creighton submitted motions in writing to be shown voting nay. Senator Whitmire submitted a motion in writing to be shown voting aye.

The chair laid out as a matter of pending business SB 1093.

Senator Creighton moved adoption of the committee substitute; without objection, it was so ordered.

Senator Creighton moved that SB 1093 do not pass but that CSSB 1093 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 Whitmire submitted a motion in writing to be shown voting aye.

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 SB 1213.

Senator Huffines moved that SB 1213 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 Whitmire submitted a motion in writing to be shown voting aye.

Senator Huffines 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 1228.

Senator Seliger moved that SB 1228 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, 1 nay, 0 present not voting, and 0 absent. Senator Whitmire submitted a motion in writing to be shown voting aye.

The chair laid out as a matter of pending business SB 1237.

Senator Taylor moved that SB 1237 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 Whitmire submitted a motion in writing to be shown voting aye.

The chair laid out as a matter of pending business SB 1344.

Senator Huffines moved that SB 1344 do not pass but that CSSB 1344 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 Whitmire submitted a motion in writing to be shown voting aye.

Senator Huffines 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 1455.

Senator Ellis moved adoption of the committee substitute; without objection, it was so ordered.

Senator Ellis moved that SB 1455 do not pass but that CSSB 1455 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 Whitmire submitted a motion in writing to be shown voting aye.

Senator Ellis 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 1654.

Senator Schwertner moved adoption of the committee substitute; without objection, it was so ordered.

Senator Schwertner moved that SB 1654 do not pass but that CSSB 1654 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 Whitmire submitted a motion in writing to be shown voting aye.

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 SB 1664.

Senator Schwertner moved that SB 1664 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 Whitmire submitted a motion in writing to be shown voting aye.

Senator Schwertner 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 SB 788.

Senator Taylor moved to reconsider the vote with which a committee substitute was adopted on March 31, 2015; without objection, it was so ordered.

Senator Taylor moved to withdraw the committee substitute for SB 788.

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

Senator Taylor moved that SB 788 do not pass but that CSSB 788 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 Whitmire submitted a motion in writing to be shown voting aye.

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 SB 802.

Senator Schwertner moved that SB 802 do not pass but that CSSB 802 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 Whitmire submitted a motion in writing to be shown voting aye.

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 SB 808.

Senator Seliger moved that SB 808 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 Whitmire submitted a motion in writing to be shown voting aye.

Senator Seliger 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 1007.

Senator Taylor moved adoption of the committee substitute; without objection, it was so ordered.

Senator Taylor moved that SB 1007 do not pass but that CSSB 1007 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 Whitmire submitted a motion in writing to be shown voting aye.

Senator Seliger 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 1008.

Senator Seliger moved adoption of the committee substitute; without objection, it was so ordered.

Senator Seliger moved that SB 1008 do not pass but that CSSB 1008 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 Whitmire submitted a motion in writing to be shown voting aye.

Senator Seliger 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 1080.

Senator Schwertner moved that SB 1080 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 Whitmire submitted a motion in writing to be shown voting aye.

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 SB 1105.

Senator Schwertner moved that SB 1105 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 Whitmire submitted a motion in writing to be shown voting aye.

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 SB 1107.

Senator Taylor moved that SB 1107 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 Whitmire submitted a motion in writing to be shown voting aye.

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 SB 1196.

Senator Watson moved adoption of the committee substitute; without objection, it was so ordered.

Senator Watson moved that SB 1196 do not pass but that CSSB 1196 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 Whitmire submitted a motion in writing to be shown voting aye.

Senator Watson 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 1441.

Senator Huffines moved that SB 1441 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 Whitmire submitted a motion in writing to be shown voting aye.

Senator Huffines 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 1442.

Senator Schwertner moved that SB 1442 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 Whitmire submitted a motion in writing to be shown voting aye.

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 SB 1554.

Senator Taylor moved that SB 1554 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 Whitmire submitted a motion in writing to be shown voting aye.

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

Senator Eltife resumed the chair.

The chair laid out as a matter of pending business SB 337.

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

Senator Seliger moved that SB 337 do not pass but that CSSB 337 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 Whitmire submitted a motion in writing to be shown voting aye.

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

There being no further business, at 1:49 PM Senator Eltife moved that the Committee stand recessed subject to the call of the chair. Without objection, it was so ordered.

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Senator Kevin Eltife, Chair

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Brady Faglie, Clerk