

# SIXTH DAY

(CONTINUED)

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MONDAY, JULY 18, 2005

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## PROCEEDINGS

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### AFTER RECESS

The Senate met at 11:08 a.m. and was called to order by Senator Nelson.

### SENATOR ANNOUNCED PRESENT

Senator Eltife, who had previously been recorded as "Absent-excused," was announced "Present."

### LEAVE OF ABSENCE

On motion of Senator Whitmire, Senator Wentworth was granted leave of absence for today on account of important business.

### MESSAGE FROM THE HOUSE

HOUSE CHAMBER

Austin, Texas

July 18, 2005

The Honorable President of the Senate  
Senate Chamber  
Austin, Texas

Mr. President:

I am directed by the House to inform the Senate that the House has taken the following action:

THE HOUSE HAS PASSED THE FOLLOWING MEASURES:

**HJR 24**, Proposing a constitutional amendment to reduce the total amount of ad valorem taxes that may be imposed by a school district on the residence homestead of an elderly or disabled person in proportion to any reduction in the tax rate of the school district.

Respectfully,

/s/Robert Haney, Chief Clerk  
House of Representatives

**SENATE RESOLUTION 99**

Senator Zaffirini offered the following resolution:

WHEREAS, The Senate of the State of Texas is pleased to recognize Dr. Larry R. Faulkner for his years of outstanding service as president of The University of Texas at Austin; and

WHEREAS, One of the longest-serving presidents in the history of the university, Dr. Faulkner will be remembered not only for his numerous achievements but for the solid foundation he established for the university's future; and

WHEREAS, Dr. Faulkner's accomplishments as president ensured the institution's constitutional mandate that it be a "university of the first class"; among his many initiatives was the creation of the Commission of 125, a group of alumni and citizens who charted a long-term vision and plan for the university; and

WHEREAS, Achievements of the Faulkner administration include developing the holdings of the university's museum system, such as acquiring the Woodward-Bernstein Watergate archive, planning the building of the new Blanton Museum and acquiring the Suida-Manning and Steinberg collections; and

WHEREAS, Serious efforts were made to include all segments of the Texas population, racial, ethnic and geographic, into the life of the university; Latin America was given priority among the university's international interests; and

WHEREAS, The "We're Texas" campaign became the most successful fund-raising campaign in the university's history, raising over \$1.6 billion; now, therefore, be it

RESOLVED, That the Senate of the State of Texas, 79th Legislature, 1st Called Session, hereby commend Dr. Larry R. Faulkner for his valuable contributions to The University of Texas at Austin and to our state; and, be it further

RESOLVED, That a copy of this Resolution be prepared for him as an expression of esteem from the Texas Senate.

ZAFFIRINI  
BARRIENTOS

**SR 99** was read and was adopted without objection.

**GUEST PRESENTED**

Senator Zaffirini, joined by Senator Barrientos, was recognized and introduced to the Senate Dr. Larry R. Faulkner, President of The University of Texas at Austin.

The Senate welcomed its guest.

**RECESS**

On motion of Senator Whitmire, the Senate at 11:37 a.m. recessed until 1:30 p.m. today.

**AFTER RECESS**

The Senate met at 2:12 p.m. and was called to order by the President.

**MESSAGE FROM THE HOUSE**

HOUSE CHAMBER

Austin, Texas

July 18, 2005

The Honorable President of the Senate  
Senate Chamber  
Austin, Texas

Mr. President:

I am directed by the House to inform the Senate that the House has taken the following action:

THE HOUSE HAS PASSED THE FOLLOWING MEASURES:

**HCR 15**, In memory of Thelma Jeane Day of Brookston.

**HCR 16**, In memory of Grady W. Elmore of Paris.

**HCR 17**, In memory of William A. Ressler of Paris.

**HCR 20**, In memory of Joe Paul Cobb of Paris, Texas.

Respectfully,

/s/Robert Haney, Chief Clerk  
House of Representatives

**SENATE BILL 62 WITH HOUSE AMENDMENTS**

Senator Janek called **SB 62** from the President's table for consideration of the House amendments to the bill.

The President laid the bill and the House amendments before the Senate.

**Amendment**

Amend **SB 62** by substituting in lieu thereof the following:

A BILL TO BE ENTITLED

AN ACT

relating to limiting the use of eminent domain to take private property for private parties or economic development purposes and to certain eminent domain procedures.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Subtitle E, Title 10, Government Code, is amended by adding Chapter 2206 to read as follows:

CHAPTER 2206. LIMITATION ON USE OF EMINENT DOMAIN FOR PRIVATE PARTIES OR ECONOMIC DEVELOPMENT PURPOSES

Sec. 2206.001. LIMITATION ON EMINENT DOMAIN FOR PRIVATE PARTIES OR ECONOMIC DEVELOPMENT PURPOSES. (a) This section applies to the use of eminent domain under the laws of this state, including a local or special law, by any governmental or private entity, including:

(1) a state agency, including an institution of higher education as defined by Section 61.003, Education Code;

(2) a political subdivision of this state; or

(3) a corporation created by a governmental entity to act on behalf of the entity.

(b) A governmental or private entity may not take private property through the use of eminent domain if the taking:

(1) confers a private benefit on a particular private party through the use of the property;

(2) is for a public use that is merely a pretext to confer a private benefit on a particular private party;

(3) is for economic development purposes, unless the economic development is a secondary purpose resulting from municipal community development or municipal urban renewal activities under Chapter 373 or 374, Local Government Code, or Section 311.005(a)(1)(D), Tax Code, to eliminate an existing affirmative harm on society from slum or blighted areas; or

(4) is to raise revenue to meet the cost of a public project if the property being taken is not otherwise necessary for the successful or safe operation of that public project, provided, however, that nothing in this section shall prohibit the distribution of surplus toll revenue as otherwise allowed by law.

(c) This section does not affect the authority of an entity authorized by law to take private property through the use of eminent domain for:

(1) transportation projects, including railroads, ports, airports, or public roads or highways;

(2) water supply, wastewater, flood control, and drainage projects;

(3) the operations of a common carrier or energy transporter;

(4) the provision of utility services;

(5) a sports and community venue project approved by voters at an election held on or before December 1, 2005, under Chapter 334 or 335, Local Government Code; or

(6) public infrastructure.

SECTION 2. Section 203.052, Transportation Code, is amended by adding Subsection (c) to read as follows:

(c) The commission may not condemn property for a purpose described in Subsection (b)(9) unless:

(1) subject to the provisions of Section 227.041(b-1), the purpose is for a gas station, convenience store, or similar facility; or

(2) the purpose is to provide a location between the main lanes of a highway or between a highway and a department rail facility for a gas station, convenience store, or similar facility that:

(A) provides services to and directly benefits users of a toll project; and

(B) is not located within 10 miles of an intersection of the toll project and a segment of another state highway that is designated as an interstate highway.

SECTION 3. (a) An interim committee is created to study the use of the power of eminent domain.

(b) The interim committee consists of:

(1) five members of the senate appointed by the lieutenant governor; and

(2) five members of the house of representatives appointed by the speaker of the house of representatives.

(c) The lieutenant governor shall designate one senator appointed to the interim committee to act as chair. The speaker of the house of representatives shall designate one member of the house of representatives appointed to the committee to act as vice chair.

(d) The interim committee shall:

(1) study the use of the power of eminent domain, including the use of the power of eminent domain for economic development purposes; and

(2) prepare a report of the committee's study for the 80th Legislature.

(e) The report required by Subsection (d)(2) of this section must be filed with the lieutenant governor and speaker of the house of representatives not later than January 1, 2007.

SECTION 4. Chapter 2206, Government Code, as added by this Act, applies only to the taking of private property by eminent domain for which a condemnation petition is filed on or after the effective date of this Act. A taking for which a condemnation petition is filed before the effective date of this Act is governed by the law in effect immediately before that date, and that law is continued in effect for that purpose.

SECTION 5. This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect November 1, 2005.

#### **Floor Amendment No. 1**

Amend **CSSB 62**, in SECTION 1 of the bill, as follows:

(1) At the end of added Subdivision (2), Subsection (b), Section 2206.001, Government Code (page 2, line 1), add "or".

(2) At the end of added Subdivision (3), Subsection (b), Section 2206.001, Government Code (page 2, line 7), strike "; or" and substitute a period.

(3) Strike added Subdivision (4), Subsection (b), Section 2206.001, Government Code (page 2, lines 8 through 12).

(4) Strike added Subdivision (6), Subsection (c), Section 2206.001, Government Code (page 2, line 26).

Amend C.S.S.B. 62, in SECTION 3 of the bill, as follows:

(1) In Subsection (c) (page 3, line 23), strike "lieutenant governor" and substitute "speaker of the house of representatives."

(2) In Subsection (c) (page 3, line 23), strike "senator" and substitute "member of the house of representatives."

(3) In Subsection (c) (page 3, line 24) strike "speaker of the house of representatives" and substitute "lieutenant governor."

(4) In Subsection (c) (page 3, line 26) strike "member of the house of representatives" and substitute "senator."

#### **Floor Amendment No. 2**

Amend **CSSB 62** on page 2, by striking lines 5-7 and substituting the following: activities to eliminate an existing affirmative harm on society from slum or blighted areas under:

(A) Chapter 373 or 374, Local Government Code, other than an activity described by Section 373.002(b)(5), Local Government Code; or  
(B) Section 311.005(a)(1)(I), Tax Code; or

### Floor Amendment No. 3

Amend **CSSB 62** on page 2, line 16, between "railroads" and the comma, by inserting "operating as common carriers".

### Floor Amendment No. 4

Amend **CSSB 62** as follows:

1. In Section 2206.001(c)(3) insert after the words "common carrier" and before the word "or" the following additional description:  
subject to the provisions of Chapter 111 of the Natural Resources Code and Art. 2.01 B(3)(b) of the Business Corporations Act, underground storage operations subject to the provisions of Chapter 91 of the Natural Resources Code, entities having the power or eminent domain under Chapter 181 of the Utilities Code

and in that same section (c)(3) insert after the words "energy transporter" and before the ";" the following:  
 "as defined in Sec. 186.051 of the Utilities Code"

### Floor Amendment No. 5

Amend **CSSB 62** on page 2 as follows:

- (1) On line 25 delete "or".
- (2) On line 26, between "infrastructure" and the period insert the following:

; or

- (7) waste disposal projects

### Floor Amendment No. 6

Amend **CSSB 62** on page 2 as follows:

- (1) On line 25, strike "or".
- (2) On line 26, strike the period and substitute "; or".
- (3) Between lines 26 and 27, insert the following:

(7) the operation and industrial development of ports and waterways, including the following entities authorized under Section 59, Article XVI, Texas Constitution:

(A) port authorities; and

(B) navigation districts and conservation and reclamation districts that

act as ports.

### Floor Amendment No. 8

Amend **CSSB 62** in SECTION 1 of the bill, in added Chapter 2206, Government Code, by adding the following appropriately numbered section and renumbering the existing sections as appropriate:

Sec. 2206. . AMOUNT OF DAMAGES FOR TAKING OF PROPERTY. If property is taken under the power of eminent domain and if a purpose of the taking is economic development, the owner of the property is entitled to compensation in an amount equal to the greater of:

- (1) the actual damages resulting from the taking of the property; or

(2) the value necessary to replace the property with other comparable property.

#### **Floor Amendment No. 9**

Amend **CSSB 62** as follows:

On page 2, between lines 26 and 27, insert the following:

(d) This section does not affect the authority of a governmental entity to condemn leasehold estates on property owned by the governmental entity.

#### **Floor Amendment No. 10**

Amend **CSSB 62** (House committee printing) in SECTION 1 of the bill in added Section 2206.001, Government Code, by inserting the following appropriately designated subsection:

( ) The question of whether a taking of private property through the use of eminent domain violates Subsection (b) is a question of fact. The determination by the governmental or private entity proposing to take the property that the taking does not involve an act or circumstance prohibited by Subsection (b) does not create a presumption with respect to whether the taking involves that act or circumstance.

#### **Floor Amendment No. 11**

Amend **CSSB 62** (House committee printing) as follows:

(1) Strike Subsection (c) of SECTION 3 of the bill (page 3, lines 23-27) and substitute the following:

(c) The speaker of the house of representatives shall designate one member of the house of representatives appointed to the committee to act as co-chair. The lieutenant governor shall designate one senator appointed to the interim committee to act as co-chair.

(2) In Subsection (e) of SECTION 3 of the bill (page 4, line 9), strike "January 1, 2007" and substitute "December 1, 2006".

#### **Floor Amendment No. 13**

Amend **CSSB 62** by adding the following appropriately numbered SECTION to the bill and renumbering subsequent SECTIONS of the bill appropriately:

SECTION \_\_\_\_\_. Section 65.33, Education Code, is amended by adding Subsection (a-1) to read as follows:

(a-1) Notwithstanding Subsection (a), the board may not use the power of eminent domain to acquire land to be used for a lodging facility or for parking or a parking structure intended to be used in connection with the use of the lodging facility if the land has been used for the same commercial purpose for at least 20 years. In this subsection, the term "lodging facility" does not include a dormitory or other student housing facility.

#### **Floor Amendment No. 14**

Amend **CSSB 62** (House committee printing) by inserting the following appropriately numbered SECTION and renumbering SECTIONS of the bill appropriately:

SECTION \_\_\_. Subchapter A, Chapter 552, Government Code, is amended by adding Section 552.0037 to read as follows:

Sec. 552.0037. CERTAIN ENTITIES AUTHORIZED TO TAKE PROPERTY THROUGH EMINENT DOMAIN. Notwithstanding any other law, information collected, assembled, or maintained by an entity that is not a governmental body but is authorized by law to take private property through the use of eminent domain is subject to this chapter in the same manner as information collected, assembled, or maintained by a governmental body, but only if the information is related to the taking of private property by the entity through the use of eminent domain.

**Amendment No. 16**

Amend **CSSB 62** (engrossed bill) as follows:

On page 2, line 13, replace "This section does" with:

"Subsections (b)(1) and (b)(3) do".

**Floor Amendment No. 18**

Amend **CSSB 62** by inserting the following appropriately numbered SECTIONS and renumbering SECTIONS appropriately:

SECTION \_\_\_\_\_. Section 6, Chapter 178, Acts of the 56th Legislature, Regular Session, 1959 (Article 3183b-1, Vernon's Texas Civil Statutes), is amended to read as follows:

Sec. 6. (a) Except as provided by Subsection (b) of this section, the [The] power of eminent domain granted by this Act shall be exercised in accordance with Chapter 21, Property Code [the procedure, conditions, and provisions as prescribed in Title 52, Revised Civil Statutes of Texas, 1925, as amended].

(b) If a charitable corporation to which this Act applies seeks to acquire any real property by condemnation or seeks to purchase any real property that the corporation intends to use in a manner that would not comply with any deed restriction that applies to the property immediately before the purchase, before the charitable corporation initiates condemnation proceedings or records the deed conveying title to the property the charitable corporation shall, in addition to providing any other notice required by law, provide written notice to the owner of record of each unit of real property:

(1) that the charitable corporation seeks to acquire or purchase; or

(2) that is not more than 200 feet from any boundary of any unit of real property the charitable corporation seeks to acquire or purchase.

SECTION \_\_\_\_\_. The changes in law made by this Act to Chapter 178, Acts of the 56th Legislature, Regular Session, 1959 (Article 3183b-1, Vernon's Texas Civil Statutes), apply to the acquisition of real property by eminent domain or the purchase of real property on or after the effective date of this Act unless condemnation proceedings are initiated or a deed conveying title to the property is filed before the effective date of this Act, in which event the acquisition or purchase is governed by the law in effect at the time the proceedings are initiated or the deed is filed, and the former law is continued in effect for that purpose. The changes in law made by this Act to Chapter 178, Acts of the 56th Legislature, Regular Session, 1959 (Article 3183b-1, Vernon's Texas Civil Statutes), do not apply to acquisition of real property by eminent domain or the purchase of real property before the effective date of this Act.



**Floor Amendment No. 19**

Amend **CSSB 62** (House committee printing) by striking SECTION 4 of the bill (page 4, lines 10-16) and substituting the following:

SECTION 4. Chapter 2206, Government Code, as added by this Act, applies to the taking of private property by eminent domain pending 30 days after the effective date of this Act. For purposes of this section, a taking is pending if a condemnation petition is filed under Section 21.012, Property Code, and a judgment awarding possession of the property to the condemning entity has not become final.

**Floor Amendment No. 20**

Amend **CSSB 62** by striking SECTION 2 of the bill (committee printing page 2, line 27 through page 3, line 15), substituting the following, and renumbering subsequent SECTIONS of the bill accordingly:

SECTION 2. Section 203.052, Transportation Code, as amended by H.B. No. 2702, Acts of the 79th Legislature, Regular Session, 2005, is amended by amending Subsection (b) and adding Subsection (c) to read as follows:

(b) Property necessary or convenient to a state highway for purposes of Subsection (a) includes an interest in real property, a property right, or a material that the commission determines is necessary or convenient to:

- (1) protect a state highway;
- (2) drain a state highway;
- (3) divert a stream, river, or other watercourse from the right-of-way of a state highway;
- (4) store materials or equipment for use or used in the construction or maintenance of a state highway;
- (5) construct or operate a warehouse or other facility used in connection with the construction, maintenance, or operation of a state highway;
- (6) lay out, construct, or maintain a roadside park;
- (7) lay out, construct, or maintain a parking lot that will contribute to maximum use of a state highway with the least possible congestion;
- (8) mitigate an adverse environmental effect that directly results from construction or maintenance of a state highway;
- (9) subject to Subsection (c), provide a location for an ancillary facility that is anticipated to generate revenue for use in the design, development, financing, construction, maintenance, or operation of a toll project, including a gas station, garage, store, hotel, restaurant, or other commercial facility;
- (10) construct or operate a toll booth, toll plaza, service center, or other facility used in connection with the construction, maintenance, or operation of a toll project; or
- (11) accomplish any other purpose related to the location, construction, improvement, maintenance, beautification, preservation, or operation of a state highway.

(c) The commission may not acquire property for an ancillary facility through the exercise of eminent domain.

SECTION 3. Section 227.041(b), Transportation Code, as amended by H.B. No. 2702, Acts of the 79th Legislature, Regular Session, 2005, is amended to read as follows:

(b) An interest in real property or a property right is necessary or convenient for the construction or operation of a facility if it is located in or contiguous to an existing or planned segment of the Trans-Texas Corridor or is needed for mitigation of adverse environmental effects, and if its acquisition will further the primary purposes of the Trans-Texas Corridor. Primary purposes include:

- (1) providing right-of-way or a location for a facility;
- (2) providing land for mitigation of adverse environmental effects;
- (3) providing buffer zones for scenic or safety purposes;
- (4) allowing for possible future expansion of any facility; and
- (5) subject to Section 203.052(c), providing a location for a gas station, convenience store, or similar ancillary facility.

SECTION 4. Section 227.041(e), Transportation Code, as added by H.B. No. 2702, Acts of the 79th Legislature, Regular Session, 2005, is repealed.

#### **Floor Amendment No. 21**

Amend Floor Amendment No. 20 by Hegar to **CSSB 62** in SECTION 2, as added by the amendment, in added Subsection (c), Section 203.052, Transportation Code (page 2, line 13), between "eminent domain" and the period, insert the following:

, unless the acquisition of the property is for one of multiple ancillary facilities included in a comprehensive development plan approved by the county commissioners court of each county in which the property is located

#### **Floor Amendment No. 22**

Amend **CSSB 62** in SECTION 1 of the bill, in added Chapter 2206, Government Code, by adding the following appropriately numbered section and renumbering the existing sections as appropriate:

Sec. 2206. . CONDEMNATION OF PROPERTY WITH CERTAIN SIGNS.

(a) In this section, "off-premise sign" means an outdoor sign displaying advertising that pertains to a business, person, organization, activity, event, place, service, or product not principally located or primarily manufactured or sold on the premises on which the sign is located.

(b) If property containing an off-premise sign is taken under the power of eminent domain, the rights associated with an off-premise sign that is lawfully in existence but no longer complies with current applicable laws and regulations, including laws and regulations promulgated under Chapter 391 or 394, Transportation Code, or Chapter 216, Local Government Code, vest in the owner of the non-conforming off-premise sign.

The amendments were read.

Senator Janek moved that the Senate do not concur in the House amendments, but that a conference committee be appointed to adjust the differences between the two Houses on the bill.

The motion prevailed without objection.

The President asked if there were any motions to instruct the conference committee on **SB 62** before appointment.

There were no motions offered.

The President announced the appointment of the following conferees on the part of the Senate: Senators Janek, Chair; Duncan, Armbrister, Seliger, and Staples.

### **SENATE JOINT RESOLUTION 13 ON SECOND READING**

Senator Ogden, on behalf of Senator Wentworth, moved to suspend Senate Rule 7.12 and the regular order of business to take up for consideration **SJR 13** at this time on its second reading:

**SJR 13**, Proposing a constitutional amendment increasing the amount of the residence homestead exemption from ad valorem taxation for public school purposes and providing for a corresponding adjustment of the limitation on the amount of ad valorem taxes that may be imposed for those purposes on the homesteads of certain persons.

The motion prevailed by the following vote: Yeas 26, Nays 3.

Yeas: Armbrister, Averitt, Brimer, Deuell, Duncan, Eltife, Estes, Fraser, Harris, Hinojosa, Jackson, Janek, Lindsay, Lucio, Madla, Nelson, Ogden, Seliger, Shapiro, Shapleigh, Staples, Van de Putte, West, Whitmire, Williams, Zaffirini.

Nays: Barrientos, Ellis, Gallegos.

Absent-excused: Carona, Wentworth.

The resolution was read second time.

Senator Barrientos offered the following amendment to the resolution:

#### **Floor Amendment No. 1**

Amend **SJR 13** as follows:

- (1) On page 1, line 16, strike "\$22,500" and replace it with "\$30,000".
- (2) On page 2, line 18, strike "\$7,500" and replace it with "\$15,000".

The amendment was read.

#### **(Senator Armbrister in Chair)**

On motion of Senator Ogden, Floor Amendment No. 1 to **SJR 13** was tabled by the following vote: Yeas 17, Nays 12.

Yeas: Armbrister, Averitt, Brimer, Deuell, Duncan, Estes, Fraser, Harris, Jackson, Janek, Lindsay, Nelson, Ogden, Seliger, Shapiro, Staples, Williams.

Nays: Barrientos, Ellis, Eltife, Gallegos, Hinojosa, Lucio, Madla, Shapleigh, Van de Putte, West, Whitmire, Zaffirini.

Absent-excused: Carona, Wentworth.

**(President in Chair)**

Senator Staples offered the following amendment to the resolution:

**Floor Amendment No. 2**

Amend **SJR 13** in SECTION 3 of the joint resolution by deleting all before the ":" at page 2, line 36 (Senate committee printing) and substituting the following therefor:

"This proposed constitutional amendment shall be submitted to the voters at an election to be held November 8, 2005, but only if House Bill No. 3, Acts of the 79th Legislature, 1st Called Session, 2005, is enacted and becomes law. If House Bill No. 3, Acts of the 79th Legislature, 1st Called Session, 2005, does not become law, this proposed constitutional amendment shall not be submitted to the voters. If House Bill No. 3, Acts of the 79th Legislature, 1st Called Session, becomes law, the ballot for the election shall be printed to permit voting for or against the proposition".

The amendment to **SJR 13** was read and was adopted by a viva voce vote.

All Members are deemed to have voted "Yea" on the adoption of Floor Amendment No. 2 except as follows:

Absent-excused: Carona, Wentworth.

Senator Staples offered the following amendment to the resolution:

**Floor Amendment No. 3**

Amend **SJR 13** (Senate committee printing) as follows:

(1) In SECTION 1 of the joint resolution, in amended Subsection (d), Section 1-b, Article VIII, Texas Constitution, between "by general law." and "The" (page 2, line 5), insert the following:

If a person receives the limitation provided by this subsection for the person's residence homestead and the person or the person's spouse received the limitation in the preceding tax year for that homestead and the tax rate for general elementary and secondary public school purposes applicable to the homestead for the current tax year is higher or lower than the tax rate for those purposes applicable to that homestead for the preceding tax year, the limitation provided by this subsection on the total amount of ad valorem taxes that may be imposed for those purposes on the homestead is increased or reduced, as applicable, in proportion to the increase or reduction in the tax rate, except that the total amount of ad valorem taxes that may be imposed for those purposes on the homestead may not exceed the amount of taxes imposed for those purposes for the tax year in which the limitation took effect.

(2) In SECTION 1 of the joint resolution, in proposed Subsection (h-1)(a), Section 1-b, Article VIII, Texas Constitution, between "certain persons" and "and" (page 2, line 28), insert "and increasing or reducing, as applicable, the amount of the limitation on the total amount of ad valorem taxes that may be imposed by a school

district on the residence homestead of an elderly or disabled person in proportion to any increase or reduction in the tax rate of the school district but not to exceed the amount of the limitation for the tax year in which the limitation took effect".

(3) In SECTION 1 of the joint resolution, in proposed Subsection (h-1)(b), Section 1-b, Article VIII, Texas Constitution (page 2, line 30), strike "Section 1-b(c)" and substitute "Sections 1-b(c) and (d)".

(4) In SECTION 2 of the joint resolution, between "exemption amount" and the period (page 2, line 42), insert "and increasing or reducing, as applicable, the amount of the limitation on the total amount of ad valorem taxes that may be imposed by a school district on the residence homestead of an elderly or disabled person in proportion to any increase or reduction in the tax rate of the school district but not to exceed the amount of the limitation for the tax year in which the limitation took effect".

The amendment to **SJR 13** was read and was adopted by a viva voce vote.

All Members are deemed to have voted "Yea" on the adoption of Floor Amendment No. 3 except as follows:

Absent-excused: Carona, Wentworth.

On motion of Senator Ogden, on behalf of Senator Wentworth, and by unanimous consent, the caption was amended to conform to the body of the resolution as amended.

**SJR 13** as amended was passed to engrossment by a viva voce vote.

All Members are deemed to have voted "Yea" on the passage to engrossment except as follows:

Absent-excused: Carona, Wentworth.

#### AT EASE

The President at 3:06 p.m. announced the Senate would stand At Ease subject to the call of the Chair.

#### IN LEGISLATIVE SESSION

The President at 3:19 p.m. called the Senate to order as In Legislative Session.

#### SENATE JOINT RESOLUTION 13 ON THIRD READING

Senator Ogden, on behalf of Senator Wentworth, moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **SJR 13** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 29, Nays 0.

Absent-excused: Carona, Wentworth.

The resolution was read third time and was passed by the following vote: Yeas 29, Nays 0. (Same as previous roll call)

**RESOLUTIONS OF RECOGNITION**

The following resolutions were adopted by the Senate:

**Memorial Resolutions**

**SR 102** by Ellis, In memory of Gladys Josey Cummings of Houston.

**SR 103** by Barrientos, In memory of Eva Lois Jennings of Austin.

**SR 104** by Barrientos, In memory of Alvaro Ramos, Jr., of Austin.

**SR 105** by Barrientos, In memory of Richard Louis Goodman of Austin.

**SR 111** by Ellis, In memory of Melvin Donald Smith of Cleburne.

**SR 112** by Ellis, In memory of Alex Charles Pickens of Beaumont.

**HCR 13** (Barrientos), In memory of former U.S. Representative James Jarrell "Jake" Pickle.

**HCR 15** (Eltife), In memory of Thelma Jeane Day of Brookston.

**HCR 16** (Eltife), In memory of Grady W. Elmore of Paris.

**HCR 17** (Eltife), In memory of William A. Ressler of Paris.

**HCR 20** (Eltife), In memory of Joe Paul Cobb of Paris, Texas.

**HCR 24** (Eltife), In memory of Betty J. Hobbs of Paris.

**HCR 28** (Eltife), In memory of Hicks Graves of Petty.

**Congratulatory Resolutions**

**SR 100** by Ellis, Congratulating Yolanda and Chris Conyers on the birth of their son, Colton Arnel Conyers.

**SR 101** by Ellis, Commending James C. Birdsong, Jr., for his contributions to the gospel music industry.

**SR 106** by Shapleigh, Congratulating Anthony Duncan for his induction into the Texas Restaurant Association Hall of Honor.

**SR 107** by Ellis, Recognizing the Jackson family on the occasion of its family reunion in Houston.

**SR 108** by Ellis, Commending Rafael Antonio Ruiz for achieving the rank of Eagle Scout.

**SR 109** by Ellis, Recognizing Demetrius Antoine Gross on the occasion of his graduation from Carnegie Mellon University.

**SR 110** by Ellis, Recognizing Alpha Phi Alpha Fraternity, Incorporated, on the occasion of its 99th anniversary convention.

**SR 113** by Lucio, Recognizing the United States Hispanic Contractors Association on the occasion of its third annual conference.

**HCR 27** (Eltife), Congratulating Master Chief Petty Officer Jerry McFadden on the occasion of his retirement from the United States Navy in July 2005.

**HCR 29** (Eltife), Honoring U.S. Army First Lieutenant Joseph C. Welchel of Lamar County on his receipt of the Bronze Star.

**Official Designation Resolution**

**HCR 25** (Deuell, West), Proclaiming July 25, 2005, as Henry Miller Morgan Day in Texas and commemorating the dedication of a Texas State Historical Marker at the site in Tyler of the first African American barber college.

**RECESS**

On motion of Senator Madla, the Senate at 3:25 p.m. recessed until 11:00 a.m. tomorrow.

