

FOURTH DAY

TUESDAY, AUGUST 9, 2005

PROCEEDINGS

The Senate met at 7:30 p.m. pursuant to adjournment and was called to order by the President.

The roll was called and the following Senators were present: Armbrister, Averitt, Barrientos, Brimer, Carona, Deuell, Duncan, Ellis, Eltife, Estes, Fraser, Gallegos, Harris, Hinojosa, Jackson, Janek, Lindsay, Lucio, Nelson, Ogden, Seliger, Shapiro, Shapleigh, Staples, Wentworth, West, Whitmire, Williams, Zaffirini.

Absent-excused: Madla, Van de Putte.

The President announced that a quorum of the Senate was present.

The Honorable Craig Estes offered the invocation as follows:

My brothers and sisters, you will have many kinds of troubles. But these troubles give you a reason to be very happy. You know that troubles test your faith and this teaches you to be patient in suffering. If you let that patience work in you, the end result will be good, you will be mature and complete. You will be all that God wants you to be. Do any of you need wisdom? Ask God for it. He is generous and enjoys giving to everyone. So He will give you wisdom, but when you ask God, you must believe; don't doubt Him. Whoever doubts is like a wave in the sea that is blown up and down by the wind. People like that are thinking two different things at the same time. They can never decide what to do, so they should not think that they will receive anything from the Lord. (James 1:2-8)

God, we ask for Your wisdom in this hour. We believe You will give us this wisdom, and we thank You for being so generous to this Senate and to the people of Texas. Amen.

Senator Whitmire moved that the reading of the Journal of the proceedings of yesterday be dispensed with and the Journal be approved as printed.

The motion prevailed without objection.

LEAVES OF ABSENCE

On motion of Senator Whitmire, Senator Madla was granted leave of absence for today on account of illness.

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

SENATE BILLS ON FIRST READING

The following bills were introduced, read first time, and referred to the committees indicated:

SB 38 by Shapiro, Duncan, Ogden
Relating to appropriations for textbooks.
To Committee on Finance.

SB 39 by Shapleigh
Relating to exemptions from the sales tax.
To Committee on Finance.

SB 40 by Duncan
Relating to responsibilities of certain state agencies concerning radioactive substances; imposing fees and surcharges.
To Committee on Natural Resources.

CONCLUSION OF MORNING CALL

The President at 7:34 p.m. announced the conclusion of morning call.

**COMMITTEE SUBSTITUTE
SENATE BILL 8 ON THIRD READING**

Senator Shapiro moved to suspend the regular order of business to take up for consideration **CSSB 8** at this time on its third reading and final passage:

CSSB 8, Relating to public education and public school finance matters; imposing criminal penalties.

The motion prevailed by the following vote: Yeas 20, Nays 9.

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

Nays: Barrientos, Ellis, Eltife, Gallegos, Harris, Lucio, Shapleigh, Whitmire, Zaffirini.

Absent-excused: Madla, Van de Putte.

The bill was read third time and was passed by the following vote: Yeas 19, Nays 10.

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

Nays: Barrientos, Ellis, Eltife, Gallegos, Harris, Hinojosa, Lucio, Shapleigh, Whitmire, Zaffirini.

Absent-excused: Madla, Van de Putte.

REMARKS ORDERED PRINTED

On motion of Senator Lucio and by unanimous consent, his remarks regarding **CSSB 8** were ordered reduced to writing and printed in the *Senate Journal* as follows:

For clarification, I would like to state that Comptroller Strayhorn did not conduct a poll but conducted a free online survey regarding the start date.

LUCIO

SENATE BILL 7 ON THIRD READING

Senator Janek moved to suspend the regular order of business to take up for consideration **SB 7** at this time on its third reading and final passage:

SB 7, Relating to limiting the use of eminent domain to take private property.

The motion prevailed by the following vote: Yeas 25, Nays 4.

Yeas: Armbrister, Averitt, Barrientos, Brimer, Carona, Deuell, Duncan, Eltife, Estes, Fraser, Harris, Hinojosa, Jackson, Janek, Lindsay, Lucio, Nelson, Ogden, Seliger, Shapiro, Staples, Wentworth, West, Williams, Zaffirini.

Nays: Ellis, Gallegos, Shapleigh, Whitmire.

Absent-excused: Madla, Van de Putte.

The bill was read third time.

Senator Shapleigh offered the following amendment to Floor Amendment No. 2 on Second Reading:

Floor Amendment No. 1 on Third Reading

Amend Floor Amendment No. 2 on Second Reading to **SB 7** as follows:

On page two, line 11 end the sentence after "gas station" and strike all words from "garage" on line 11 through "facility" on line 13.

The amendment to Floor Amendment No. 2 on Second Reading to **SB 7** 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. 1 on Third Reading except as follows:

Absent-excused: Madla, Van de Putte.

On motion of Senator Janek and by unanimous consent, the caption was again amended to conform to the body of the bill as amended.

SB 7 as again amended was finally passed by the following vote: Yeas 25, Nays 4.

Yeas: Armbrister, Averitt, Barrientos, Brimer, Carona, Deuell, Duncan, Eltife, Estes, Fraser, Harris, Hinojosa, Jackson, Janek, Lindsay, Lucio, Nelson, Ogden, Seliger, Shapiro, Staples, Wentworth, West, Williams, Zaffirini.

Nays: Ellis, Gallegos, Shapleigh, Whitmire.

Absent-excused: Madla, Van de Putte.

SENATE RULE 3.04 SUSPENDED (Posters, Placards, Banners, and Signs)

Senator Barrientos moved to suspend Senate Rule 3.04, which prohibits the display of posters, placards, banners, signs, or other similar material in the Senate, during consideration of Floor Amendment No. 1 to **SJR 11**.

The motion prevailed without objection.

(Senator Armbrister in Chair)**SENATE JOINT RESOLUTION 11 ON SECOND READING**

Senator Ogden moved to suspend the regular order of business to take up for consideration **SJR 11** at this time on its second reading:

SJR 11, Proposing a constitutional amendment establishing a maximum tax rate of \$1.25 per \$100 of taxable value for school district ad valorem taxes for maintenance purposes and providing that an ad valorem tax imposed by a school district is not a state ad valorem tax.

The motion prevailed by the following vote: Yeas 20, Nays 9.

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

Nays: Barrientos, Ellis, Gallegos, Harris, Hinojosa, Lucio, West, Whitmire, Zaffirini.

Absent-excused: Madla, Van de Putte.

The resolution was read second time.

Senator Barrientos offered the following amendment to the resolution:

Floor Amendment No. 1

Amend **SJR 11** as follows:

(1) Add the following section to the resolution, appropriately numbered, and renumber existing sections accordingly:

SECTION ____ . Sections 1-b(c) and (d), Article VIII, Texas Constitution, are amended to read as follows:

(c) The amount of \$30,000 [~~Fifteen Thousand Dollars (\$15,000)~~] of the market value of the residence homestead of a married or unmarried adult, including one living alone, is exempt from ad valorem taxation for general elementary and secondary public school purposes. The legislature by general law may provide that all or part of the exemption does not apply to a district or political subdivision that imposes ad valorem taxes for public education purposes but is not the principal school district providing general elementary and secondary public education throughout its territory. In addition to this exemption, the legislature by general law may exempt an amount not to exceed [~~Ten Thousand Dollars (\$~~] \$10,000[~~)~~] of the market value of the residence homestead of a person who is disabled as defined in Subsection (b) of this section and of a person sixty-five (65) years of age or older from ad valorem taxation for general elementary and secondary public school purposes. The legislature by general law may base the amount of and condition eligibility for the additional exemption authorized by this subsection for disabled persons and for persons sixty-five (65) years of age or older on economic need. An eligible disabled person who is sixty-five (65) years of age or older may not receive both exemptions from a school district but may choose either. An eligible person is entitled to receive both the exemption required by this subsection for all residence homesteads and any exemption adopted pursuant to Subsection (b) of this section, but the legislature shall

provide by general law whether an eligible disabled or elderly person may receive both the additional exemption for the elderly and disabled authorized by this subsection and any exemption for the elderly or disabled adopted pursuant to Subsection (b) of this section. Where ad valorem tax has previously been pledged for the payment of debt, the taxing officers of a school district may continue to levy and collect the tax against the value of homesteads exempted under this subsection until the debt is discharged if the cessation of the levy would impair the obligation of the contract by which the debt was created. The legislature shall provide for formulas to protect school districts against all or part of the revenue loss incurred by the implementation of Article VIII, Sections 1-b(c), 1-b(d), and 1-d-1, of this constitution. The legislature by general law may define residence homestead for purposes of this section.

(d) Except as otherwise provided by this subsection, if a person receives a residence homestead exemption prescribed by Subsection (c) of this section for homesteads of persons who are sixty-five (65) years of age or older or who are disabled, the total amount of ad valorem taxes imposed on that homestead for general elementary and secondary public school purposes may not be increased while it remains the residence homestead of that person or that person's spouse who receives the exemption. If a person sixty-five (65) years of age or older dies in a year in which the person received the exemption, the total amount of ad valorem taxes imposed on the homestead for general elementary and secondary public school purposes may not be increased while it remains the residence homestead of that person's surviving spouse if the spouse is fifty-five (55) years of age or older at the time of the person's death, subject to any exceptions provided by general law. 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 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 reduced in proportion to the reduction in the tax rate. The legislature, by general law, may provide for the transfer of all or a proportionate amount of a limitation provided by this subsection for a person who qualifies for the limitation and establishes a different residence homestead. However, taxes otherwise limited by this subsection may be increased to the extent the value of the homestead is increased by improvements other than repairs or improvements made to comply with governmental requirements and except as may be consistent with the transfer of a limitation under this subsection. For a residence homestead subject to the limitation provided by this subsection in the 2006 [~~1996~~] tax year or an earlier tax year, the legislature shall reduce [~~provide for a reduction in~~] the amount of the limitation for the 2007 [~~1997~~] tax year and subsequent tax years in an amount equal to \$15,000 [~~\$10,000~~] multiplied by the 2007 [~~1997~~] tax rate for general elementary and secondary public school purposes applicable to the residence homestead.

(2) In SECTION 2 of the resolution, the proposed temporary provision (committee printing, page 1, line 56), strike "and" and substitute "₂".

(3) In SECTION 2 of the resolution, the proposed temporary provision (committee printing, page 1, line 57), between "tax" and "and", insert the following: , increasing the amount of the residence homestead exemption from ad valorem taxation for public school purposes to \$30,000, and reducing the limitation on the total amount of taxes that may be imposed for those purposes on the homesteads of the elderly or disabled to reflect the increased exemption amount and reductions in school district ad valorem tax rates

(4) In SECTION 2 of the resolution, immediately following Subsection (c) of the proposed temporary provision (committee printing, page 2, between lines 2 and 3), insert the following:

(d) The amendment to Sections 1-b(c) and (d), Article VIII, of this constitution takes effect January 1, 2007, and applies only to a tax year that begins on or after that date.

(5) In SECTION 3 of the resolution, the proposed ballot language (committee printing, page 2, line 8), strike "and" and substitute ",".

(6) In SECTION 3 of the resolution, the proposed ballot language (committee printing, page 2, line 10), between "tax" and the period, insert the following: , increasing the amount of the residence homestead exemption from ad valorem taxation for public school purposes to \$30,000, and reducing the limitation on the total amount of taxes that may be imposed for those purposes on the homesteads of the elderly or disabled to reflect the increased exemption amount and reductions in school district tax rates

The amendment was read.

Senator Wentworth offered the following amendment to Floor Amendment No. 1:

Floor Amendment No. 2

Amend Floor Amendment No. 1 to **SJR 11** as follows:

- (1) Page 1, line 7, strike "\$30,000" and substitute "\$22,500";
- (2) Page 3, line 23, strike "\$15,000" and substitute "\$7,500";
- (3) Page 4, line 2, strike "\$30,000" and substitute "\$22,500";
- (4) Page 4, line 20, strike "\$30,000" and substitute "\$22,500".

The amendment was read.

Senator Barrientos moved to table the amendment to Floor Amendment No. 1 to **SJR 11**.

The motion to table was lost by the following vote: Yeas 12, Nays 17.

Yeas: Armbrister, Averitt, Barrientos, Ellis, Eltife, Gallegos, Harris, Lucio, Shapleigh, West, Whitmire, Zaffirini.

Nays: Brimer, Carona, Deuell, Duncan, Estes, Fraser, Hinojosa, Jackson, Janek, Lindsay, Nelson, Ogden, Seliger, Shapiro, Staples, Wentworth, Williams.

Absent-excused: Madla, Van de Putte.

Question — Shall Floor Amendment No. 2 to Floor Amendment No. 1 to **SJR 11** be adopted?

Floor Amendment No. 2 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: Madla, Van de Putte.

Question recurring on the adoption of Floor Amendment No. 1 to **SJR 11**, the amendment as amended was adopted by a viva voce vote.

All Members are deemed to have voted "Yea" on the adoption of Floor Amendment No. 1 as amended except as follows:

Absent-excused: Madla, Van de Putte.

(President in Chair)

Senator Shapleigh offered the following amendment to the resolution:

Floor Amendment No. 3

Amend **SJR 11** (committee printing) as follows:

Strike SECTION 2 of resolution and substitute the following:

"SECTION 2. The following temporary provision is added to the Texas Constitution:

TEMPORARY PROVISION. (a) Except as provided by Subsection (b) of this temporary provision, the amendment to Section 3, Article VII, of this constitution proposed by the 79th Legislature, 2nd Called Session, 2005, limiting school district ad valorem taxes for maintenance purposes and providing that an ad valorem tax imposed by a school district is not a state ad valorem tax takes effect December 1, 2005.

(b) The limitation on the maximum school district tax rate for the maintenance of public free schools prescribed by Section 3(e), Article VII, of this constitution takes effect January 1, 2007, and applies only to a tax year that begins on or after that date."

The amendment to **SJR 11** 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: Madla, Van de Putte.

Question — Shall **SJR 11** as amended be passed to engrossment?

SENATE RULE 10.01 SUSPENDED

(Joint Resolutions Subject to Rules Governing Bills)

Senator Ogden moved to suspend Senate Rule 10.01, which states that Joint Resolutions proposing amendments to the Constitution shall be subject to rules that govern the proceedings on bills, as it relates to the final consideration and adoption of **SJR 11**.

The motion prevailed by the following vote: Yeas 20, Nays 9.

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

Nays: Barrientos, Ellis, Gallegos, Harris, Hinojosa, Shapleigh, West, Whitmire, Zaffirini.

Absent-excused: Madla, Van de Putte.

On motion of Senator Ogden, **SJR 11** as amended was adopted by the following vote: Yeas 21, Nays 8.

Yeas: Armbrister, Averitt, Brimer, Carona, Deuell, Duncan, Eltife, Estes, Fraser, Jackson, Janek, Lindsay, Lucio, Nelson, Ogden, Seliger, Shapiro, Shapleigh, Staples, Wentworth, Williams.

Nays: Barrientos, Ellis, Gallegos, Harris, Hinojosa, West, Whitmire, Zaffirini.

Absent-excused: Madla, Van de Putte.

MESSAGE FROM THE HOUSE

HOUSE CHAMBER

Austin, Texas

August 9, 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:

HB 62, Relating to public school instructional materials and instructional technology; making an appropriation.

Respectfully,

/s/Robert Haney, Chief Clerk
House of Representatives

SENATE BILL 5 ON THIRD READING

Senator Fraser moved to suspend the regular order of business to take up for consideration **SB 5** at this time on its third reading and final passage:

SB 5, Relating to furthering competition in the communications industry.

The motion prevailed by the following vote: Yeas 25, Nays 2, Present-not voting 2.

Yeas: Armbrister, Barrientos, Brimer, Carona, Deuell, Duncan, Estes, Fraser, Gallegos, Harris, Hinojosa, Jackson, Janek, Lindsay, Lucio, Nelson, Ogden, Seliger, Shapiro, Shapleigh, Wentworth, West, Whitmire, Williams, Zaffirini.

Nays: Averitt, Eltife.

Present-not voting: Ellis, Staples.

Absent-excused: Madla, Van de Putte.

The bill was read third time.

Senator Fraser offered the following amendment to the bill:

Floor Amendment No. 1 on Third Reading

Amend **SB 5** by adding the following appropriately numbered SECTION to the bill and renumbering subsequent SECTIONS as appropriate:

SECTION __. Subchapter A, Chapter 55, Utilities Code, is amended by adding Section 55.017 to read as follows:

Sec. 55.017. IDENTIFICATION REQUIRED. (a) A representative of a telecommunications provider or a video or cable service provider that has an easement in or a right-of-way over or through real property must show proof of identification to the owner of the real property when entering the property if requested by the owner.

(b) This section does not apply to regularly scheduled service readings or examinations.

The amendment to **SB 5** 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. 1 on Third Reading except as follows:

Present-not voting: Ellis, Staples.

Absent-excused: Madla, Van de Putte.

On motion of Senator Fraser and by unanimous consent, the caption was again amended to conform to the body of the bill as amended.

SB 5 as again amended was finally passed by the following vote: Yeas 24, Nays 3, Present-not voting 2.

Yeas: Armbrister, Barrientos, Brimer, Carona, Deuell, Duncan, Estes, Fraser, Gallegos, Harris, Hinojosa, Jackson, Janek, Lucio, Nelson, Ogden, Seliger, Shapiro, Shapleigh, Wentworth, West, Whitmire, Williams, Zaffirini.

Nays: Averitt, Eltife, Lindsay.

Present-not voting: Ellis, Staples.

Absent-excused: Madla, Van de Putte.

SENATE RULES SUSPENDED (Posting Rules)

On motion of Senator Duncan and by unanimous consent, Senate Rule 11.10(a) and Senate Rule 11.18(a) were suspended in order that the Committee on State Affairs might meet and consider **HB 11** today.

SENATE RULES SUSPENDED (Posting Rules)

On motion of Senator Armbrister and by unanimous consent, Senate Rule 11.10(a) and Senate Rule 11.18(a) were suspended in order that the Committee on Natural Resources might meet and consider **SB 40** today.

RECESS

On motion of Senator Whitmire, the Senate at 9:25 p.m. recessed until 9:35 p.m. today.

AFTER RECESS

The Senate met at 9:45 p.m. and was called to order by the President.

HOUSE BILL 11 ON SECOND READING

Senator Duncan moved to suspend the printing rule and the regular order of business to take up for consideration **HB 11** at this time on its second reading:

HB 11, Relating to the compensation of state judges and county judges, to retirement benefits for state judges, and to providing funds for court-related purposes; making an appropriation.

The motion prevailed.

Senators Averitt, Barrientos, Ellis, Eltife, Janek, and Shapleigh asked to be recorded as voting "Nay" on suspension of the printing rule and the regular order of business.

Senator Staples asked to be recorded as "Present-not voting" on suspension of the printing rule and the regular order of business.

The bill was read second time and was passed to third reading by a viva voce vote.

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

Nays: Averitt, Barrientos, Ellis, Eltife, Janek, Shapleigh.

Present-not voting: Staples.

Absent-excused: Madla, Van de Putte.

HOUSE BILL 11 ON THIRD READING

Senator Duncan moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **HB 11** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 24, Nays 5.

Yeas: Armbrister, Brimer, Carona, Deuell, Duncan, Estes, Fraser, Gallegos, Harris, Hinojosa, Jackson, Janek, Lindsay, Lucio, Nelson, Ogden, Seliger, Shapiro, Staples, Wentworth, West, Whitmire, Williams, Zaffirini.

Nays: Averitt, Barrientos, Ellis, Eltife, Shapleigh.

Absent-excused: Madla, Van de Putte.

The bill was read third time and was passed by the following vote: Yeas 22, Nays 6, Present-not voting 1.

Yeas: Armbrister, Brimer, Carona, Deuell, Duncan, Estes, Fraser, Gallegos, Harris, Hinojosa, Jackson, Lindsay, Lucio, Nelson, Ogden, Seliger, Shapiro, Wentworth, West, Whitmire, Williams, Zaffirini.

Nays: Averitt, Barrientos, Ellis, Eltife, Janek, Shapleigh.

Present-not voting: Staples.

Absent-excused: Madla, Van de Putte.

SENATE BILL 40 ON SECOND READING

Senator Duncan moved to suspend the printing rule and the regular order of business to take up for consideration **SB 40** at this time on its second reading:

SB 40, Relating to responsibilities of certain state agencies concerning radioactive substances; imposing fees and surcharges.

The motion prevailed by the following vote: Yeas 25, Nays 3, Present-not voting 1.

Yeas: Armbrister, Averitt, Barrientos, Brimer, Carona, Deuell, Duncan, Ellis, Eltife, Estes, Gallegos, Harris, Hinojosa, Jackson, Janek, Lindsay, Lucio, Nelson, Ogden, Seliger, Shapiro, Wentworth, West, Williams, Zaffirini.

Nays: Fraser, Shapleigh, Whitmire.

Present-not voting: Staples.

Absent-excused: Madla, Van de Putte.

The bill was read second time and 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:

Nays: Gallegos, Shapleigh, Whitmire.

Present-not voting: Staples.

Absent-excused: Madla, Van de Putte.

SENATE BILL 40 ON THIRD READING

Senator Duncan moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **SB 40** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 25, Nays 3, Present-not voting 1.

Yeas: Armbrister, Averitt, Barrientos, Brimer, Carona, Deuell, Duncan, Ellis, Eltife, Estes, Fraser, Harris, Hinojosa, Jackson, Janek, Lindsay, Lucio, Nelson, Ogden, Seliger, Shapiro, Wentworth, West, Williams, Zaffirini.

Nays: Gallegos, Shapleigh, Whitmire.

Present-not voting: Staples.

Absent-excused: Madla, Van de Putte.

The bill was read third time and was passed by the following vote: Yeas 25, Nays 3, Present-not voting 1. (Same as previous roll call)

HOUSE BILL ON FIRST READING

The following bill received from the House was read first time and referred to the committee indicated:

HB 62 to Committee on Education.

MOTION TO RECESS

On motion of Senator Armbrister and by unanimous consent, the Senate at 10:15 p.m. agreed to recess, pending receipt of committee reports and Messages from the House and upon completion of the introduction of bills and resolutions on first reading, until 11:00 a.m. Thursday, August 11, 2005.

AT EASE

The President at 10:16 p.m. announced the Senate would stand At Ease subject to the call of the Chair.

(Wednesday, August 10, 2005)

IN LEGISLATIVE SESSION

The President at 2:09 p.m. called the Senate to order as In Legislative Session.

MESSAGE FROM THE HOUSE

HOUSE CHAMBER

Austin, Texas

August 10, 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, Urging the 109th Congress to honor veterans' tremendous sacrifice for this country by supporting the American Veterans Home Ownership Act of 2005.

SB 5, Relating to furthering competition in the communications industry.

SB 7, Relating to limits on the use of the power of eminent domain.
(Committee Substitute/Amended)

Respectfully,

/s/Robert Haney, Chief Clerk
House of Representatives

SENATE BILL ON FIRST READING

The following bill was introduced, read first time, and referred to the committee indicated:

SB 41 by Armbrister

Relating to the exercise of the power of eminent domain.

To Committee on State Affairs.

RECESS

Pursuant to a previously adopted motion, the Senate at 2:12 p.m. recessed until 11:00 a.m. Thursday, August 11, 2005.

APPENDIX

COMMITTEE REPORTS

The following committee reports were received by the Secretary of the Senate in the order listed:

August 9, 2005

STATE AFFAIRS — **HB 11**

NATURAL RESOURCES — **SB 40**

