

FOURTH DAY

(CONTINUED)

MONDAY, AUGUST 15, 2005

PROCEEDINGS

AFTER RECESS

The Senate met at 1:55 p.m. and was called to order by the President.

SENATOR ANNOUNCED PRESENT

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

LEAVES OF ABSENCE

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

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

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

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

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

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

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

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

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

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

CO-AUTHOR OF SENATE BILL 38

On motion of Senator Shapiro, Senator Estes will be shown as Co-author of **SB 38**.

MESSAGE FROM THE HOUSE

HOUSE CHAMBER
Austin, Texas
August 15, 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 16, Commending Dereck Hatley of Sulphur Springs for his heroic actions during a vicious dog attack on July 16, 2005.

HCR 17, Granting permission to adjourn for more than three days during the period beginning on Thursday, August 11, 2005, and ending on Tuesday, August 16, 2005.

Respectfully,

/s/Robert Haney, Chief Clerk
House of Representatives

PHYSICIAN OF THE DAY

Senator Janek was recognized and presented Dr. Paul Guttuso of Sugar Land as the Physician of the Day.

The Senate welcomed Dr. Guttuso and thanked him for his participation in the Physician of the Day program sponsored by the Texas Academy of Family Physicians.

SENATE BILL 7 WITH HOUSE AMENDMENTS

Senator Janek called **SB 7** 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 7** by substituting in lieu thereof the following:

A BILL TO BE ENTITLED
AN ACT

relating to limits on the use of the power of eminent domain.

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. LIMITATIONS ON USE OF EMINENT DOMAIN

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; or

(3) is for economic development purposes, unless the economic development is a secondary purpose resulting from municipal community development or municipal urban renewal 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.

(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, airports, or public roads or highways;

(2) ports;

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

(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;

(6) the operations of:

(A) a common carrier subject to Chapter 111, Natural Resources Code, and Section B(3)(b), Article 2.01, Texas Business Corporation Act; or

(B) an energy transporter, as that term is defined by Section 186.051, Utilities Code;

(7) a purpose authorized by Chapter 181, Utilities Code;

(8) underground storage operations subject to Chapter 91, Natural Resources Code; or

(9) a waste disposal project.

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

SECTION 2. 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.

SECTION 3. 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 4. (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 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 committee to act as co-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 December 1, 2006.

SECTION 5. 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 6. 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 on the 91st day after the last day of the legislative session.

Floor Amendment No. 2

Amend **CSSB 7** (House committee printing) by striking added Subdivision (2), Subsection (c), Section 2206.001, Government Code (page 2, line 13), and substituting the following:

"(2) entities authorized under Section 59, Article 16, Texas Constitution, including:

(A) port authorities;

(B) navigation districts; and

(C) any other conservation or reclamation districts that act as ports;"

Floor Amendment No. 3

Amend **CSSB 7** on page 2, line 16 by adding a new subsection (4) to Section 2206.001(c) as follows, and renumbering the subsequent subsections appropriately:

(3) including public buildings, hospitals, and parks

Floor Amendment No. 4

Amend **CSSB 7** in SECTION 1 of the bill, proposed Section 2206.001(c)(1), Government Code (page 2, line 11, committee printing) by inserting "but not limited to," between "including" and "railroads".

Floor Amendment No. 5

Amend **CSSB 7** (House committee printing) in SECTION 1 of the bill, in added Subsection (c), Section 2206.001, Government Code, as follows:

(1) At the end of Subdivision (8) (page 3, line 2), strike "or".

(2) At the end of Subdivision (9) (page 3, line 3), strike the underlined period and substitute "; or".

(3) Immediately following Subdivision (9) (page 3, between lines 3 and 4), insert the following:

"(10) a library, museum, or related facility and any infrastructure related to the facility."

Floor Amendment No. 6

Amend **CSSB 7** (House committee printing) in SECTION 4 of the bill, in Subdivision (1) of Subsection (d), between "economic development purposes" and the semicolon (page 4, line 22), by inserting "and the issue of what constitutes adequate compensation for property taken through the use of eminent domain".

Floor Amendment No. 8

Amend **CSSB 7** by adding the following appropriately numbered SECTION to the bill and renumbering the other SECTIONS of the bill accordingly:

SECTION _____. Subchapter Z, Chapter 51, Education Code, is amended by adding Section 51.9045 to read as follows:

Sec. 51.9045. LIMITATION ON USE OF EMINENT DOMAIN. (a) In this section:

(1) "Institution of higher education" has the meaning assigned by Section 61.003.

(2) "Lodging facility" does not include a dormitory or other student housing facility.

(b) the governing board of an institution of higher education 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 a lodging facility.

Floor Amendment No. 9

Amend **CSSB 7** by striking SECTION 5 of the bill (page 5, lines 1-7, House committee printing) and renumbering the remaining sections as appropriate.

Floor Amendment No. 10

Amend **CSSB 7** in SECTION 1 of the bill in added Section 2206.001, Government Code, by inserting the following appropriately designated subsection:

() 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 7** by adding the following sections, appropriately numbered:

SECTION __. 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 __. 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 __. 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. 12

Amend Floor Amendment No. 11 by Kolkhorst to **CSSB 7** in Subsection (c), Section 203.052, Transportation Code, as added by the amendment, between "eminent domain" and the underscored period (page 2, line 11), by inserting: , 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. 13

Amend **CSSB 7** (House committee printing) by adding the following appropriately numbered SECTIONS to the bill and renumbering subsequent SECTIONS of the bill accordingly:

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 by certified mail to the owner of record, as recorded in the real property records of the county, 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 10. 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.

The amendments were read.

Senator Janek moved to concur in the House amendments to **SB 7**.

(Senator Armbrister in Chair)

(President in Chair)

Senator Janek withdrew the motion to concur in the House amendments to **SB 7**.

REMARKS ORDERED PRINTED

On motion of Senator Lucio and by unanimous consent, the remarks between Senators Lucio and Janek regarding **SB 7** were ordered reduced to writing and printed in the *Senate Journal* as follows:

Senator Lucio: Senator, I think you answered my question. I wanted to ask you if your, what your, the intent, legislative intent was on your legislation, and because it, from the beginning, it was my understanding that Senate Bill 7 applies not only prospectively but also to the use of eminent domain by government entities that may not be finalized in a judgment of this day. And I think you answered that, right now, in your remarks. So I hope that those cases, obviously, you're leaving it up to the courts to be able to decide what course of action is taken along those lines. Correct?

Senator Janek: That's right, Senator Lucio. Because the individual circumstances on any one court case could vary dramatically from a different court case, I thought that the best course of action was to remain silent; let the courts apply it as they see fit.

Senator Lucio: I know you've worked hard, and I applaud you for that, and I think there's a lot of support. I want to make sure, for your bill, but I do want to make sure that there's some form of protection for those that have just cause.

REMARKS ORDERED PRINTED

On motion of Senator Zaffirini and by unanimous consent, the remarks between Senators Zaffirini and Janek, establishing legislative intent, regarding **SB 7** were ordered reduced to writing and printed in the *Senate Journal* as follows:

Senator Zaffirini: One of the House amendments prohibits a university from using eminent domain to acquire land for a "lodging facility." What is a "lodging facility?"

Senator Janek: The term is not defined, except to exclude a dormitory or student housing facility.

Senator Zaffirini: Since the amendment does not restrict use of eminent domain to construct student housing, do you know what is included under the umbrella of "student housing?" Would it, for example, include housing for professional education students?

Senator Janek: I believe, under its plain meaning, that "student housing" would include housing for any student of any educational program offered by the university.

Senator Zaffirini: Could that housing be either long-term, such as for a semester, or short-term, such as for whatever the length of an educational program is?

Senator Janek: Since the amendment does not expressly restrict the term of the housing, it is my belief and intent that "student housing" would include both long-term and short-term housing.

Senator Zaffirini: The House debate on this amendment focused on whether a university should go into the "hotel-motel" business in competition with private enterprise. Is it your understanding that this amendment is not intended to prohibit use of eminent domain except in situations in which the lodging facility would be open to the public and therefore in competition with private hotels?

Senator Janek: That is my understanding and, in seeking to concur with this amendment, it is my intent that this language restricts the use of eminent domain only for facilities that can be shown to be in direct competition with private enterprise.

Senator Zaffirini: The amendment also provides that an institution of higher education may not use eminent domain to acquire land "for parking or a parking structure intended to be used in connection with" a "lodging facility." The phrase is grammatically ambiguous and could be read to prohibit acquisition of land "for parking" without reference to its use in connection with a lodging facility. Is the amendment intended to restrict the use of eminent domain "for parking" without regard to its connection to a "lodging facility?"

Senator Janek: It is my understanding of the amendment, and my intent, that the amendment not restrict the use of eminent domain for parking unless the parking is to be used in connection with a lodging facility.

Senator Zaffirini: Following up, then, on my previous question about what constitutes "student housing," which we all agree is not a "lodging facility" for these purposes, is it correct that the amendment would not restrict the use of eminent domain for parking that would be used in connection with any student housing?

Senator Janek: That is correct. The provision does not, and is not intended to, restrict the use of eminent domain for parking generally or for parking in connection with any facility that qualifies as student housing.

REMARKS ORDERED PRINTED

On motion of Senator Lindsay and by unanimous consent, the remarks between Senators Lindsay and Janek regarding **SB 7** were ordered reduced to writing and printed in the *Senate Journal* as follows:

Senator Lindsay: Thank you, Senator Janek. I see they have left out the provision that I tried to put in our bill. It had to do with public infrastructure, that's not in there now, is that right?

Senator Janek: That's correct.

Senator Lindsay: Now, and they, and you've got a list here of things that this bill will not affect the authority of the entity to authorize, take private property, and it's a pretty limited list, as I look at it. So I'm concerned about things like, similar to what Senator Gallegos is talking about in the downtown area of Houston, when the county, for example, wants to take an entire city block to build a courthouse, which they've done a couple of times. There was no question, you know, there'd be 20 or 30 landowners within that block, and there's no way you're going to get a satisfactory sale from every one of them. You always have to use condemnation process in that, in those things. And, so when you're doing courthouses, city halls, fire stations, even public clinics, that's not part of this list. They're not going to be able to use eminent domain to acquire those types of property. Am I correct?

Senator Janek: Well, no, you're not. Just because it's not on the list, the list is not exhaustive, just because it's not on the list doesn't mean it wouldn't take the test. As a matter of fact, some things were so patently obvious that they didn't make the list, because nobody really thought that those would be at risk. You look at the list, and there were things that some folks would say might be questionable, a museum, a library, or so forth.

Senator Lindsay: Well, where are those other things covered then, within the law, so that, indeed, there wouldn't be a problem, so that an active condemnation lawyer wouldn't be able to hold up a county project, a city project, or any governmental entity by the use of this bill that's being passed here today?

Senator Janek: Well, I think that, for example, if you want to talk about a new courthouse, I think that if you read the bill all the way through and as you're reading through the bill think, would this prohibit a courthouse from being taken? Mostly, what this bill does is it prohibits something from happening. Oh, but we did put a list of nine, or I think it grew to about 10 exceptions. And I think most people would say that the purpose for building a police or fire substation or a courthouse would clearly constitute public use and meet the test of the bill, and not primarily for economic development.

Senator Lindsay: Well I, having experienced the deeds of condemnation attorneys in significant ways around my county when I was county judge, I recognize how these guys can really hold you up. And this looks to me like we're just opening the door for

some wild, big, big exchanges of money between the local government. Well to sum up that part of my conversation here, Senator, as I've said before, I think that what we're doing here is, if we're not careful, we're going to wind up costing local governments in the State of Texas, anybody that does condemnation for properties that they need to do something on, it's going to cost them a lot more money. And those are, and that's taxpayers' money. Now on Section 552.0037, this, kind of, it says, notwithstanding, notwithstanding any other law, information collected, assembled, or maintained by an entity that is not a governmental body. So we're talking about railroads, power lines, I'm sure a bunch of things that I'm not even thinking about here. It reads that any information collected by those would be public information. And I think when you're talking about things like railroads and other entities of similar nature, we're getting into something that could be very dangerous for their economic vitality at all. How do you address this issue? How do you interpret this particular issue?

Senator Janek: First, I would say that there is the "but only if" language in there, only if the information is related to the taking of private property by the entity through the use of eminent domain. I guess the bigger question is whether we're talking about them having to turn over information that otherwise related to, simply put, it would be proprietary information related to their competitive process. And it's not our intent to have them have to turn over that kind of proprietary information, but only that information that relates to them using takings by eminent domain.

Senator Lindsay: So it seems like this provision could mandate a wide variety of information of private corporations to be subject to the Open Records Act. I assume that is not your intent?

Senator Janek: That is correct, that's not my intent.

Senator Lindsay: OK.

GUESTS PRESENTED

Senator Ogden was recognized and introduced to the Senate members of the 507th Medical Company (Air Ambulance) of the United States Army.

The Senate welcomed its guests.

BILLS AND RESOLUTION SIGNED

The President announced the signing of the following enrolled bills and resolution in the presence of the Senate after the captions had been read:

SB 5, HB 11, HCR 13.

HOUSE CONCURRENT RESOLUTION 17

The President laid before the Senate the following resolution:

HCR 17, Granting the legislature permission to adjourn for more than three days during the period beginning on Thursday, August 11, 2005, and ending on Tuesday, August 16, 2005.

WHITMIRE

The resolution was read.

On motion of Senator Whitmire and by unanimous consent, the resolution was considered immediately and was adopted by a viva voce vote.

All Members are deemed to have voted "Yea" on the adoption of the resolution except as follows:

Absent-excused: Barrientos, Carona, Fraser, Harris, Hinojosa, Nelson, Seliger, Shapiro, West, Williams.

HOUSE CONCURRENT RESOLUTION 15 ON SECOND READING

Senator Estes moved to suspend Senate Rule 8.02 and the regular order of business to take up for consideration **HCR 15** at this time on its second reading:

HCR 15, Urging the 109th Congress to honor veterans' tremendous sacrifice for this country by supporting the American Veterans Home Ownership Act of 2005.

The motion prevailed.

The resolution was read second time and was adopted by a viva voce vote.

All Members are deemed to have voted "Yea" on the adoption of the resolution except as follows:

Absent-excused: Barrientos, Carona, Fraser, Harris, Hinojosa, Nelson, Seliger, Shapiro, West, Williams.

BIRTHDAY GREETINGS EXTENDED

Senator Van de Putte was recognized and, on behalf of the Senate, extended belated birthday greetings to Senator Whitmire, whose birthday was Saturday, August 13, 2005.

MOTION TO RECESS

On motion of Senator Whitmire and by unanimous consent, the Senate at 2:57 p.m. agreed to recess, in memory of Miriam Ann Randolph, mother of Ian Randolph, Legislative Director for Senator Lucio, upon completion of the introduction of bills and resolutions on first reading, until 9:00 a.m. tomorrow.

SENATE BILL ON FIRST READING

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

SB 42 by Ogden

Relating to financing public schools in this state and reducing property taxes.
To Committee on Finance.

RESOLUTIONS OF RECOGNITION

The following resolutions were adopted by the Senate:

Memorial Resolutions

SR 84 by Van de Putte, In memory of Teodocio G. Hernandez of San Antonio.

SR 85 by Van de Putte, In memory of Frank Tom Blanda of San Antonio.

SR 86 by Van de Putte, In memory of Consuelo R. Flores Pacheco of San Antonio.

SR 88 by Wentworth, In memory of Sara Jane Whiteman "Sally" Sonneland of Boerne.

SR 90 by Barrientos, In memory of Tom H. Davis III of Austin.

SR 95 by Madla, In memory of the life of Raymond Losano.

SR 96 by Brimer, In memory of Jamie Lee Davis of Austin.

SR 103 by Averitt, In memory of Robert L. Middleton.

Congratulatory Resolutions

SR 87 by Ellis, Recognizing Ruben Davis on the occasion of his 50th birthday.

SR 92 by Ellis, Recognizing the Chinese Community Center in Houston on the occasion of its grand opening.

SR 93 by Ellis, Recognizing Innocent Onyenaucheya on the occasion of his retirement.

SR 94 by Whitmire, Commending Matthew McKay Stephens of Houston for achieving the rank of Eagle Scout.

SR 97 by Lindsay, Commending Nathan Monroe Weldon for achieving the rank of Eagle Scout.

SR 98 by Lindsay, Congratulating Julie Marie Anderson and Leon James Srubar, Jr., on the occasion of their marriage.

SR 99 by Lindsay, Commending Thomas Allen "Tad" Duncan of Houston for achieving the rank of Eagle Scout.

SR 100 by Lindsay, Commending Stephen Rohrer for achieving the rank of Eagle Scout.

SR 101 by Lindsay, Commending Andrew Rohrer for achieving the rank of Eagle Scout.

SR 102 by Averitt, Recognizing the 100th anniversary of the Odd Fellow and Rebekah Retirement Center in Ennis.

SR 104 by Deuell, Commending Rockwall County Young Republicans for its achievements.

SR 105 by Lucio, Commending Cameron and Willacy Counties Community Projects, Incorporated, for its achievements.

SR 106 by Lucio, Recognizing Stephen Thomas Rosales on the occasion of his retirement from the Texas Senate.

SR 107 by Barrientos, Recognizing Joan Light on the occasion of her retirement.

HCR 16 (Deuell), Commending Dereck Hatley of Sulphur Springs for his heroic actions during a vicious dog attack on July 16, 2005.

Official Designation Resolution

SR 91 by Estes, Proclaiming September 2, 2005, World War II Veterans Day in Mineral Wells.

RECESS

Pursuant to a previously adopted motion, the Senate at 4:37 p.m. recessed, in memory of Miriam Ann Randolph, mother of Ian Randolph, Legislative Director for Senator Lucio, until 9:00 a.m. tomorrow.