

HOUSE JOURNAL

SEVENTY-NINTH LEGISLATURE, SECOND CALLED SESSION

PROCEEDINGS

EIGHTH DAY (CONTINUED) — WEDNESDAY, AUGUST 10, 2005

The house met at 9 a.m. and was called to order by the speaker.

The roll of the house was called and a quorum was announced present (Record 31).

Present — Mr. Speaker; Allen, A.; Allen, R.; Alonzo; Anchia; Anderson; Bailey; Baxter; Berman; Blake; Bohac; Bonnen; Branch; Brown, B.; Brown, F.; Burnam; Callegari; Campbell; Casteel; Castro; Chavez; Chisum; Coleman; Cook, B.; Cook, R.; Corte; Crabb; Crownover; Davis, J.; Davis, Y.; Dawson; Delisi; Denny; Deshotel; Dukes; Dunnam; Dutton; Edwards; Eiland; Eissler; Elkins; Escobar; Farabee; Farrar; Flores; Flynn; Frost; Gallego; Gattis; Geren; Giddings; Gonzales; Gonzalez Toureilles; Goodman; Goolsby; Griggs; Grusendorf; Guillen; Haggerty; Hamilton; Hamric; Hardcastle; Harper-Brown; Hartnett; Hegar; Herrero; Hilderbran; Hill; Hochberg; Hodge; Homer; Hope; Hopson; Howard; Hughes; Hunter; Hupp; Isett; Jackson; Jones, D.; Jones, J.; Keel; Keffer, B.; Keffer, J.; King, P.; King, T.; Kolkhorst; Krusee; Kuempel; Laney; Laubenberg; Leibowitz; Madden; Martinez; Martinez Fischer; McCall; McClendon; McReynolds; Menendez; Merritt; Miller; Moreno, P.; Morrison; Mowery; Naishtat; Nixon; Noriega, M.; Oliveira; Olivo; Orr; Otto; Paxton; Peña; Pickett; Pitts; Puente; Quintanilla; Raymond; Reyna; Riddle; Ritter; Rodriguez; Rose; Seaman; Smith, T.; Smith, W.; Smithee; Solis; Solomons; Strama; Straus; Swinford; Talton; Taylor; Thompson; Truitt; Turner; Uresti; Van Arsdale; Veasey; Villarreal; Vo; West; Wong; Woolley; Zedler.

Absent, Excused — Driver.

Absent — Luna; Phillips.

The invocation was offered by Representative McCall.

The speaker recognized Representative McCall who led the house in the pledges of allegiance to the United States and Texas flags.

LEAVE OF ABSENCE GRANTED

The following member was granted leave of absence for today because of important business:

Driver on motion of Nixon.

CAPITOL PHYSICIAN

The speaker recognized Representatives Baxter and Taylor who presented Dr. Judith Egerton and Dr. John Egerton of Austin as the "Doctors for the Day."

The house welcomed Drs. Egerton and thanked them for their participation in the Physician of the Day Program sponsored by the Texas Academy of Family Physicians.

MESSAGE FROM THE SENATE

A message from the senate was received at this time (see the addendum to the daily journal, Messages from the Senate, Message No. 1).

RESOLUTIONS REFERRED TO COMMITTEES

Resolutions were at this time laid before the house and referred to committees. (See the addendum to the daily journal, Referred to Committees, List No. 1.)

HR 180 - ADOPTED (by Flynn)

Representative Flynn moved to suspend all necessary rules to take up and consider at this time **HR 180**.

The motion prevailed.

The following resolution was laid before the house:

HR 180, Honoring state-chartered banks in Texas and the Texas Department of Banking for their contributions to the economy of the Lone Star State.

HR 180 was adopted.

HR 179 - ADOPTED (by Y. Davis)

Representative Y. Davis moved to suspend all necessary rules to take up and consider at this time **HR 179**.

The motion prevailed.

The following resolution was laid before the house:

HR 179, Honoring Salem Institutional Baptist Church of Dallas on its 117th anniversary.

HR 179 was adopted.

BILLS AND RESOLUTIONS SIGNED BY THE SPEAKER

Notice was given at this time that the speaker had signed bills and resolutions in the presence of the house (see the addendum to the daily journal, Signed by the Speaker, House List No. 2).

POSTPONED BUSINESS

The following bills were laid before the house as postponed business:

SB 5 ON SECOND READING (P. King and McClendon - House Sponsors)

SB 5, A bill to be entitled An Act relating to furthering competition in the communications industry.

SB 5 was considered in lieu of **HB 13**.

SB 5 was read second time and was passed to third reading. (In accordance with House Rule 5, Section 51(b), every member present must have favored passage of the measure, but any member may register their position with the journal clerk. Members registering votes are as follows: Wong recorded voting no.)

HB 13 - LAID ON THE TABLE SUBJECT TO CALL

Representative P. King moved to lay **HB 13** on the table subject to call.

The motion prevailed.

SB 5 ON THIRD READING

**(P. King and McClendon - House Sponsors)
CONSTITUTIONAL RULE SUSPENDED**

Representative P. King moved to suspend the constitutional rule requiring bills to be read on three several days and to place **SB 5** on its third reading and final passage.

The motion prevailed by (Record 32): 145 Yeas, 0 Nays, 1 Present, not voting.

Yeas — Allen, A.; Allen, R.; Alonzo; Anchia; Anderson; Bailey; Baxter; Berman; Blake; Bohac; Bonnen; Branch; Brown, B.; Brown, F.; Burnam; Callegari; Campbell; Casteel; Castro; Chavez; Chisum; Coleman; Cook, B.; Cook, R.; Cortez; Crabb; Crownover; Davis, J.; Davis, Y.; Dawson; Delisi; Denny; Deshotel; Dukes; Dunnam; Dutton; Edwards; Eiland; Eissler; Elkins; Escobar; Farabee; Farrar; Flores; Flynn; Frost; Gallego; Gattis; Geren; Giddings; Gonzales; Gonzalez Toureilles; Goodman; Goolsby; Griggs; Grusendorf; Guillen; Haggerty; Hamilton; Hamric; Hardcastle; Harper-Brown; Hartnett; Hegar; Herrero; Hilderbran; Hill; Hochberg; Hodge; Homer; Hope; Hopson; Howard; Hughes; Hunter; Hupp; Isett; Jackson; Jones, D.; Jones, J.; Keel; Keffer, B.; Keffer, J.; King, P.; King, T.; Kolkhorst; Krusee; Kuempel; Laney; Laubenberg; Leibowitz; Madden; Martinez; Martinez Fischer; McCall; McClendon; McReynolds; Menendez; Merritt; Miller; Moreno, P.; Morrison; Mowery; Naishtat; Nixon; Noriega, M.; Oliveira; Olivo; Orr; Otto; Paxton; Peña; Pickett; Pitts; Puente; Quintanilla; Raymond; Reyna; Riddle; Ritter; Rodriguez; Rose; Seaman; Smith, T.; Smith, W.; Smithee; Solis; Solomons; Strama; Straus; Swinford; Talton; Taylor; Thompson; Truitt; Turner; Uresti; Van Arsdale; Veasey; Villarreal; Vo; West; Wong; Woolley; Zedler.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Driver.

Absent — Luna; Phillips.

STATEMENTS OF VOTE

When Record No. 32 was taken, I was temporarily out of the house chamber. I would have voted yes.

Luna

When Record No. 32 was taken, I was temporarily out of the house chamber. I would have voted yes.

Phillips

The speaker laid **SB 5** before the house on its third reading and final passage.

A record vote was requested.

SB 5 was read third time and was passed by (Record 33): 144 Yeas, 1 Nays, 1 Present, not voting.

Yeas — Allen, A.; Allen, R.; Alonzo; Anchia; Anderson; Bailey; Baxter; Berman; Blake; Bohac; Bonnen; Branch; Brown, B.; Brown, F.; Burnam; Callegari; Campbell; Casteel; Castro; Chavez; Chisum; Coleman; Cook, B.; Cook, R.; Corte; Crabb; Crownover; Davis, J.; Davis, Y.; Dawson; Delisi; Denny; Deshotel; Dukes; Dunnam; Dutton; Edwards; Eiland; Eissler; Elkins; Escobar; Farabee; Farrar; Flores; Flynn; Frost; Gallego; Gattis; Geren; Giddings; Gonzales; Gonzalez Toureilles; Goodman; Goolsby; Griggs; Grusendorf; Guillen; Haggerty; Hamilton; Hamric; Hardcastle; Harper-Brown; Hartnett; Hegar; Herrero; Hilderbran; Hill; Hochberg; Hodge; Homer; Hope; Hopson; Howard; Hughes; Hunter; Hupp; Isett; Jackson; Jones, D.; Jones, J.; Keel; Keffer, B.; Keffer, J.; King, P.; King, T.; Kolkhorst; Krusee; Kuempel; Laney; Laubenberg; Leibowitz; Madden; Martinez; Martinez Fischer; McCall; McClendon; McReynolds; Menendez; Merritt; Miller; Moreno, P.; Morrison; Mowery; Naishtat; Nixon; Noriega, M.; Oliveira; Olivo; Orr; Otto; Paxton; Peña; Pickett; Pitts; Puente; Quintanilla; Raymond; Reyna; Riddle; Ritter; Rodriguez; Rose; Seaman; Smith, T.; Smith, W.; Smithee; Solis; Solomons; Strama; Straus; Swinford; Taylor; Thompson; Truitt; Turner; Uresti; Van Arsdale; Veasey; Villarreal; Vo; West; Wong; Woolley; Zedler.

Nays — Talton.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Driver.

Absent — Luna; Phillips.

STATEMENTS OF VOTE

I was shown voting yes on Record No. 33. I intended to vote present, not voting.

Bonnen

When Record No. 33 was taken, I was temporarily out of the house chamber. I would have voted yes.

Luna

When Record No. 33 was taken, I was temporarily out of the house chamber. I would have voted yes.

Phillips

I was shown voting yes on Record No. 33. I intended to vote no.

Wong

SB 5 - STATEMENT OF LEGISLATIVE INTENT

It is not the intent of **SB 5** to remove the consumer protection provisions set out in Chapter 64 of the Utilities Code even if a service provider elects, or is otherwise operating under, Chapter 65 of the Utilities Code.

P. King

(Phillips now present)

**ADDRESS BY REPRESENTATIVE Y. DAVIS
ON A MATTER OF PERSONAL PRIVILEGE**

The chair recognized Representative Y. Davis who addressed the house on a matter of personal privilege, speaking as follows:

Thank you, Mr. Speaker, members. This is an unusual occasion for me to have to stand here and make this statement, but I think that it's important that I do. I want to take just a moment of your time. As you know, we just finished the telecom bill, and many of you have talked to me, and we've had conversations relative to my amendment on that bill and were expecting for me to offer that amendment this morning. I want to tell you I told the folks at the podium that had the amendment been adopted, adapted to the senate bill so that I might offer it. And it would appear that I was not given the opportunity to present my amendment. Now whether you agree or disagree with the notion of it—certainly we have not gotten to a place in this process where we can just decide to entertain members' opportunities to present interests of their districts. So I just want to say to the lobby who has driven this bill at the expense of people representing their districts, this certainly is disingenuous to tell us you are a company with great reputation and committed to doing good government when the very thing that we are suppose to do is represent our districts, we are then denied the opportunity to at least present the arguments. Clearly yesterday it was a very close vote, 69 to 62, and if you go and look at the minutes you'll find that many members changed their votes, which would have changed the outcome of that amendment altogether.

Now, I've got to tell you whether you agree with it or not, the question is why are we running so rapidly that we won't even give people a right to present their issues and arguments. Mr. King said enough is enough, and I just find it odd that he of all individuals would say that since we've considered this bill more than six or seven times. And on each time that he's put it, it's been the same bill, and he felt like he should be in front of education in some instances to take up this bill. So I just want to let the members know who asked me what happened to my amendment, I wanted those 62 who voted yesterday and those six who changed their votes that would have changed the outcome, that I was denied an opportunity to present it procedurally because they ran through the bill knowing, having been told that my amendment was being adapted.

So I wanted you all to know that I think this body ought to be very firm on antidiscrimination. We ought to not even be wavering on that issue in any form or fashion. And the notion that in 2005 there is a concern about whether or not you can even take that issue up is just frightening to me. And the whole notion that I got calls this morning from people saying that I had been against their bill when every time I voted for the bill. This is not against an industry. This is for different constituents and people who live in different areas of this city and this state. So I just want to tell those who stood firm with being against discrimination in the State of Texas in any form or fashion that I appreciate it, and I'm sorry you did not have an opportunity today to vote and show that you're committed to working for all the people no matter where they live, whether they are rural or urban, whether they are north or south in a respective county, so that we never send the message that it's okay to pick and choose when you redline, when you cherry pick, or when you discriminate, but to be firm that we would never allow for that in any form or fashion.

And so I just wanted to make it clear to members that I'm saddened today that we are in such a rush to do such damage to our communities and to the citizens that we represent that everybody doesn't have a voice here. That everybody's voice doesn't have the same opportunity to be heard. And I can tell you that in all of the debate and discussions that we had in this chamber relative to education, I don't understand why we don't that get the fundamental issue here is to treat people fair. If we were treating people fair, education would be funded fairly. If we were treating people fair, there would be no question that everybody gets to be heard on this house floor. And to procedurally, not even to procedurally because I did what was procedurally correct, but to just be run over and ignored ought to be unacceptable in this house and I just wanted to let the members know that for those of you who asked me will I get a chance to vote on that antidiscrimination amendment again, I want you to know what happened. Thank you.

STATEMENT BY REPRESENTATIVE THOMPSON

If I had been recognized by the speaker, I would have offered an amendment to **SB 5** on second reading to repeal the Texas Infrastructure Fund fee, which passed during the regular session. I second and reiterate the comments made by Representative Y. Davis concerning the subversion of the legislative process.

LEAVE OF ABSENCE GRANTED

The following member was granted leave of absence for the remainder of today because of important business:

Talton on motion of Denny.

MAJOR STATE CALENDAR HOUSE BILLS SECOND READING

The following bills were laid before the house and read second time:

CSSB 7 ON SECOND READING

(Woolley, Corte, Peña, Edwards, and Kolkhorst - House Sponsors)

CSSB 7, A bill to be entitled An Act relating to limits on the use of the power of eminent domain.

CSSB 7 was considered in lieu of **HB 16**.

REMARKS ORDERED PRINTED

Representative Thompson moved to print the personal privilege address by Representative Y. Davis.

The motion prevailed.

CSSB 7 - (consideration continued)

Amendment No. 1

Representative Woolley offered the following amendment to **CSSB 7**:

Amend **CSSB 7** by striking SECTION 5 of the bill (page 5, lines 1 through 7) and substituting the following:

Sections 21.001 and 21.013, Property Code, as amended by this Act, apply to a condemnation proceeding initiated on or after the effective date of this Act. A condemnation proceeding initiated 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.

Amendment No. 1 was adopted.

Amendment No. 2

Representatives Bonnen, Ritter, Herrero, Deshotel, Eiland, Seaman, and Morrison offered the following amendment to **CSSB 7**:

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;".

Amendment No. 2 was adopted.

Amendment No. 3

Representative Hamric offered the following amendment to **CSSB 7**:

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

Amendment No. 3 was adopted.

LEAVE OF ABSENCE GRANTED

The following member was granted leave of absence for the remainder of today because of important business in the district:

Bailey on motion of Phillips.

CSSB 7 - (consideration continued)**Amendment No. 4**

Representative Goolsby offered the following amendment to **CSSB 7**:

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".

Amendment No. 4 was adopted.

LEAVE OF ABSENCE GRANTED

The following member was granted leave of absence for the remainder of today because of important business:

Solis on motion of Uresti.

CSSB 7 - (consideration continued)**Amendment No. 5**

Representatives Branch and Pitts offered the following amendment to **CSSB 7**:

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."

Amendment No. 5 was adopted.

Amendment No. 6

Representative Corte offered the following amendment to **CSSB 7**:

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".

(Luna now present)

Amendment No. 6 was adopted.

Amendment No. 7

Representative Coleman offered the following amendment to **CSSB 7**:

Amend **CSSB 7** 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.

AMENDMENT NO. 7 - STATEMENT OF LEGISLATIVE INTENT

REPRESENTATIVE HARPER-BROWN: Mr. Coleman, I just want to clarify what I believe you just said. You said that this is not to establish any type of cause of action, and there is no penalty or sanction listed in this amendment? This is clearly just a notification of citizens who will be impacted by eminent domain procedures?

REPRESENTATIVE COLEMAN: That is correct. We had a hearing earlier in the session, and Chairwoman Mowery, you know the case where this came from. Sometimes all we can do is let people know what is happening, and at least people have the opportunity to have a discussion. Past that, the powers that exist

currently in law still exist. The public purpose and positive uses of eminent domain still exist. The issue is only to allow people to know what's about to happen and have a voice in that process.

HARPER-BROWN: And so it is merely a form of communication—it is a commonsense amendment for common courtesy?

COLEMAN: That is correct.

REMARKS ORDERED PRINTED

Representative Harper-Brown moved to print remarks between Representative Coleman and Representative Harper-Brown.

The motion prevailed.

Amendment No. 7 was withdrawn.

Amendment No. 8

Representative Oliveira offered the following amendment to **CSSB 7**:

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.

Representative Woolley moved to table Amendment No. 8.

A record vote was requested.

The motion to table was lost by (Record 34): 26 Yeas, 92 Nays, 4 Present, not voting.

Yeas — Allen, R.; Anderson; Berman; Bohac; Callegari; Corte; Crabb; Crownover; Eissler; Flynn; Geren; Harper-Brown; Hartnett; Hegar; Hilderbran; Hupp; King, T.; Kolkhorst; Miller; Morrison; Reyna; Straus; Swinford; Taylor; Van Arsdale; Woolley.

Nays — Allen, A.; Alonzo; Anchia; Blake; Bonnen; Brown, B.; Brown, F.; Burnam; Campbell; Castro; Chavez; Chisum; Coleman; Cook, B.; Cook, R.; Davis, J.; Davis, Y.; Deshotel; Dukes; Dunnam; Dutton; Edwards; Eiland; Elkins; Farrar; Flores; Gallego; Gattis; Giddings; Gonzales; Gonzalez Toureilles; Griggs; Guillen; Haggerty; Hamilton; Hamric; Herrero; Hochberg; Hodge; Hope; Hopson; Howard; Hughes; Hunter; Isett; Jackson; Jones, D.; Jones, J.; Keel;

Krusee; Kuempel; Laney; Leibowitz; Luna; Madden; Martinez; Martinez Fischer; McClendon; McReynolds; Menendez; Merritt; Mowery; Naishtat; Nixon; Noriega, M.; Oliveira; Olivo; Orr; Phillips; Pickett; Pitts; Puente; Quintanilla; Raymond; Riddle; Ritter; Rodriguez; Rose; Smith, T.; Smith, W.; Smithee; Solomons; Strama; Thompson; Truitt; Turner; Uresti; Veasey; Vo; West; Wong; Zedler.

Present, not voting — Mr. Speaker(C); Branch; Casteel; Goodman.

Absent, Excused — Bailey; Driver; Solis; Talton.

Absent — Baxter; Dawson; Delisi; Denny; Escobar; Farabee; Frost; Goolsby; Grusendorf; Hardcastle; Hill; Homer; Keffer, B.; Keffer, J.; King, P.; Laubenberg; McCall; Moreno, P.; Otto; Paxton; Peña; Seaman; Villarreal.

STATEMENTS OF VOTE

I was shown voting yes on Record No. 34. I intended to vote no.

Anderson

When Record No. 34 was taken, I was in the house but away from my desk. I would have voted no.

Escobar

When Record No. 34 was taken, I was in the house but away from my desk. I would have voted no.

Farabee

I was shown voting yes on Record No. 34. I intended to vote no.

Hilderbran

Amendment No. 8 was adopted.

Amendment No. 1 - Vote Reconsidered

Representative Woolley moved to reconsider the vote by which Amendment No. 1 was adopted.

The motion to reconsider prevailed.

Amendment No. 1 was withdrawn.

Amendment No. 9

Representative Woolley offered the following amendment to **CSSB 7**:

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.

(J. Keffer in the chair)

Amendment No. 9 was adopted.

Amendment No. 10

Representative Keel offered the following amendment to **CSSB 7**:

Amend **CSSB 7** in SECTION 1 of the bill in added Section 22.06.001, 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.

AMENDMENT NO. 10 - STATEMENT OF LEGISLATIVE INTENT

REPRESENTATIVE BAXTER: I want to make sure I understand, Terry, clearly what this amendment does. Isn't it true that basically what we're saying here is just because a governmental entity comes together and says we think, or what we're doing—we're taking this action because of x, y, and z.

REPRESENTATIVE KEEL: Like public health and safety.

BAXTER: Public health and safety—it could be anything. They say they make a statement—it's for this particular thing. But, in fact, what this amendment does is saying they need to take a vote on that, right?

KEEL: Like a city council, or county commissioner's court or maybe even a board of regents.

BAXTER: So they could make a statement in the record?

KEEL: We've taken a vote that this is a matter of fact—an issue that's not economic development or something else prohibitive, but indeed, is for health and public safety purposes. They may take that vote.

BAXTER: So what this amendment does, it basically clarifies that action or statement really has no bearing on the fact issue. Is that correct?

KEEL: Exactly.

BAXTER: That would still be a question of fact that would have to be determined and subject to challenge?

KEEL: That's right. Because if you don't have this, what will happen is there may be situations where a person will wish to challenge the government's eminent domain authority where the government is saying our eminent domain authority isn't for purposes of economic development and the courthouse will be closed to them without this amendment, because perhaps when they go into file their suit the judge will say: well, wait a minute, the fact issue has already been resolved against you, therefore I'm not going to entertain your position that this is not for economic development. If we adopt this amendment, we'll cure that problem.

REMARKS ORDERED PRINTED

Representative Baxter moved to print remarks between Representative Keel and Representative Baxter.

The motion prevailed.

Amendment No. 10 was adopted.

Amendment No. 11

Representatives Kolkhorst, Morrison, R. Cook, Pitts, and Merritt offered the following amendment to **CSSB 7**:

Amend **CSSB 7** by adding the following sections, appropriately numbered:

SECTION __. Section 203.052, Transportation Code, as amended by **HB 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 **HB 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 **HB 2702**, Acts of the 79th Legislature, Regular Session, 2005, is repealed.

Amendment No. 12

Representative Hegar offered the following amendment to Amendment No. 11:

Amend 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

Amendment No. 12 was adopted.

Amendment No. 11, as amended, was adopted.

Amendment No. 13

Representative Coleman offered the following amendment to **CSSB 7**:

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.

Amendment No. 13 was adopted. (Wong recorded voting no)

(Speaker in the chair)

SB 7 - STATEMENT OF LEGISLATIVE INTENT

REPRESENTATIVE HARTNETT: In the heart of downtown Dallas, we have an entire city block, the three-building Mercantile Bank complex, which has been empty for more than 12 years. No improvements have been made to it for more than 12 years. It is an eyesore, which is damaging to the health and prosperity of the Dallas central business district. Is it your legislative intent that this dilapidated, vacant city block would fit within the definition of "blighted area" on page 2, line 3, in subparagraph (b)(3)?

REPRESENTATIVE WOOLLEY: Yes.

REMARKS ORDERED PRINTED

Representative Hartnett moved to print remarks between Representative Woolley and Representative Hartnett.

The motion prevailed.

SB 7 - STATEMENT OF LEGISLATIVE INTENT

REPRESENTATIVE JACKSON: Beverly, we asked the same questions in the first round, too, and on page 2, line 11 where it says, "transportation projects" and then it says, "including" and Representative Goolsby amended it to say, "but not limited to railroads, airports, public roads, and highways." It is your intent that that's broad enough that it includes not only light rail, but bus parking lots, and parking lots for light rail and the attendant facilities and all the things that go with those, and those are transportation projects, and your intention with this bill?

REPRESENTATIVE WOOLLEY: Yes.

REMARKS ORDERED PRINTED

Representative Jackson moved to print remarks between Representative Woolley and Representative Jackson.

The motion prevailed.

SB 7 - STATEMENT OF LEGISLATIVE INTENT

REPRESENTATIVE MENENDEZ: I was talking to Frank about this. On Section 3, Section 203.025 of the Transportation Code, starting on page 3, line 27 it says "gas station, convenience store, or similar facility." Is it my understanding that "similar facility" has been struck?

REPRESENTATIVE WOOLLEY: Let me make sure of that. I believe in the amendment that Representative Kolkhorst offered that "or similar" are struck. But let me check that for sure.

WOOLLEY: Mr. Menendez?

MENENDEZ: Yes, ma'am.

WOOLLEY: What my—the original bill or my bill has "or similar facilities" in it. Actually the amendment that Representative Kolkhorst and then the amendment to the amendment by Representative Hegar put it back in the hands of commissioner's court. It can be done but it has to go through commissioners court in order to be done.

MENENDEZ: So let's use a hypothetical. If there is no longer—TxDOT doesn't make the decision on whether someone's property can be taken through eminent domain even if it's similar facility. It's up to county commissioners, at the local level, to make that decision, that's what you're telling me.

WOOLLEY: I'm going to ask Representative Kolkhorst to answer that because it's in her amendment.

REPRESENTATIVE KOLKHORST: José, let me see if I think I can answer this. My original amendment struck ancillary facilities that the commission could not use eminent domain to build—I think they used these words—"hotels, restaurants, other similar facilities."

MENENDEZ: Facilities—right.

KOLKHORST: I was trying to say you can't use eminent domain to do that. Representative Hegar put on an amendment to the amendment that would allow some flexibility on local control and that the county commissioners court has to approve a comprehensive plan. Kind of a multiple use. Let me give you an example. In Leander, right now, you've got the new I-30 going underneath—there's going to be a development potentially on top of it. Even though they're not taking extra land, that land above it is actually condemned. We were trying to give some flexibility for if we were going in a depressed area and you're going to use the land above the highway. Because, that's technically condemned. Even the air above it is condemned. So we were going to give that flexibility that commissioners court has to buy off on that. Personally, I have not wanted—whether it's the city, the county, or the state, or a MUD, or a water district—I don't think it's proper to take land, eminent domain—to use the power of eminent domain to then build that the free market can build. And that's what I'm after.

MENENDEZ: That's my concern that "similar facility" doesn't have a public interest ring to it. I mean "similar facility" is so broad.

KOLKHORST: Right, that was my concern and hopefully we struck that. I'm glad you're asking these question for intent here. The intent is to say that whether it's to the city or the county or the State of Texas—if it's good for the goose, it's good for the gander—that we should not use the power of eminent domain to build hotels, restaurants or any of those kind of free market enterprises. It doesn't mean TxDOT can't negotiate with a landowner and say: we'd like to build this ancillary facility can we buy your land? And that still might not be the proper role of the state.

MENENDEZ: It is your legislative intent, through your amendment, that TxDOT, and now through the amendment to the amendment, that county commissioner's court not use this eminent domain power for any commercial advancement? But, we don't limit them from negotiation, commercial negotiations?

KOLKHORST: You're on the mark. That is exactly how I see this amendment.

MENENDEZ: And let's take it one step further. Let's just make sure that it's clear that the legislature's intent is not to allow the hammer—legal hammer—to either commissioner's court or TxDOT for strictly commercial purposes. Let me give you an example, there's a proposed parkway called Kelly parkway, which would come off of 35 and go straight into Kelly, USA, former Kelly Air Force Base. That parkway drives right through the middle of a 40 year old neighborhood on the southwest side of the city of San Antonio. You have existing homes and businesses right on the edges of where this parkway would have to go. These folks are so deathly afraid that the state's going to come in and tell them here's some pittance and we're claiming eminent domain and get your business and get out of the way and get your house and your family and leave. That's what I think we're here to protect—our constituents from the state being able to do this.

KOLKHORST: Obviously. Unfortunately we have to use eminent domain occasionally for roadways. My intent has always been take the least amount of property needed. Sometimes if you look at I-35 you say: wow, I wish we would have gone to eight lanes in some areas. But, I don't believe it's proper use of state power to take enough to build ancillary facilities. I think that's a negotiation process that should happen in the free market. My theory, Representative Menendez, is when one of your home owners, if they choose to sell out to someone who wants to develop their land, they may do so. But they should not be forced do so for a commercial entity that sells.

MENENDEZ: Exactly, very good.

KOLKHORST: So, through a period of time, hopefully, as Chairman Krusee talks about, we're working on narrowing that ability. Obviously Texas has developed very well at letting the free market develop commercial entities and really you don't need eminent domain to do that. I've had some issues with Texas getting in the business, and I know that ya'll have heard me when I stood

up on here on Chairman Krusee's 2702, about my fears on the size of the Trans-Texas Corridor or any toll projects with the RMA's. I really get concerned about the amount of land we're taking out of and away from the people. Private property rights is the most important right we have as Americans.

MENENDEZ: Exactly, thank you very much. I have one other question for Madame Chair Woolley. Madame Chair, in Section 1, Section 2206.01, where it states limitations—it's page 1, line 23, and the subject matter is limitations on eminent domain for private parties. It seems to me it's pretty open-ended and subject to broad interpretation. The concern is where you have cited resources. The question is who determines a more rational use of land? Under the language in **HB 16**, there was a governmental or private party as defined by the bill. Does this mean that the city of San Antonio or any city or a corporation created by the city could make that determination? My concern is that it could put low income areas of property owners at considerable risk and not in a very good position to contest.

MR. SPEAKER: The chair is going to recognize Mr. Corte.

REPRESENTATIVE CORTE: José, you're talking about line 23 where it says it's for economic development purposes unless economic development is a secondary purpose relating from municipal community development or urban renewal. Is that what you're talking about?

MENENDEZ: Exactly. I'm trying to figure out who exactly determines this. My concern is the balance that we have right now at Kelly USA between the surrounding neighborhood and trying to redevelop this base.

CORTE: That particular language is added as one of the exceptions because we already have some Texas code that deals with the blighted areas. There's been a big concern about the definitions of public use. Is someone coming in—a city or county—that's trying to fix an area of town that's blighted that don't have the type of property—attracting crime. We don't want to diminish the abilities to our cities to continue to use that section. However, we've had a problem with this issue all along—the definitions of public use. I think with Mr. Keel's amendment and a couple other provisions in here that we have the presumption that they can't use the blighted provision if they're still just doing it for economic development, that's just pure economic development. But, you know, when you go in and you clean up an area there may be a secondary effect that is going to have economic development. That's just cause of the way we do that. We go in there and we try to provide an infrastructure that is more inviting for people to come in and develop that area.

MENENDEZ: So, Frank, what you're trying to say is the purposes are for revitalization. This is for an overall benefit to the community.

CORTE: I think that can be argued that that's a public use. I know this is a very fine line because in the Kelo case that was some of what the city of New London argued. However, it was also argued that they wanted the increased value of the property to benefit the public too. Which seems to be some of the more egregious aspects of their actions in that case.

MENENDEZ: My concern is where you have that delicate balance between the homeowners and property. Especially the folks who have been living there—been there for 20, 30, 40 years. For them, it's not as easy to just get up and relocate because their current property—what they sell, they're not going to get replacement value.

CORTE: And we talked about that a while ago. I know that we don't have anything in this bill to change the just compensation like we've known in the past.

REMARKS ORDERED PRINTED

Representative Menendez moved to print remarks between Representative Menendez and Representatives Woolley, Kolkhorst, and Corte.

The motion prevailed.

SB 7 - STATEMENT OF LEGISLATIVE INTENT

REPRESENTATIVE THOMPSON: I do have a question because what we are going to be doing if we pass this bill is we are going to be affecting pending lawsuits. And why are we doing that?

REPRESENTATIVE CORTE: I don't know what lawsuits are out there now, but I think that we had a problem with either making it honestly retroactive and then prospective, and so we—

THOMPSON: Why are we content on backing the law up?

CORTE: I would disagree. I don't think we're backing the law up.

THOMPSON: You are because you deleted a section to an amendment Woolley passed that actually makes the law, once it's passed by the public, apply—once this bill becomes effective—apply immediately to pending lawsuits.

CORTE: What we did was we deleted to where it makes it silent on that aspect. And I think the reason we do that is that we want the abilities for the people to still be able to bring their cases forward if they are moving—I don't think this cuts anybody off. I don't think it denies anybody the opportunity to get to the courthouse, and I don't think it affects any pending legislation either for that matter.

THOMPSON: Pardon me, Representative Corte. That's not my issue. My issue is why are you going to make the new law apply to old cases that are pending?

CORTE: I don't think it does that.

THOMPSON: It does because Representative Woolley put an amendment on that actually does that. She's actually going to make this retroactive.

CORTE: It makes it silent.

THOMPSON: Show me an amendment where it makes it silent. Would you be kind enough to do that?

CORTE: Senfronia, are you talking about Section 5?

THOMPSON: Representative Corte, for legislative intent when Section 5 was stricken, is it the intent that the law would now apply to pending cases?

CORTE: You are absolutely correct. We struck out the provision in Section 5. You're correct about that, and the reason we did that is because we want it to be silent. We want it to be silent because it was hard to be able to draft the legislation to be either prospective or retroactive, and the deal is I think it still leaves it open for the courts to determine—if the courts have a case pending right now that's still in the courts, then they may be able to and they may not. As you know, I'm not an attorney, but I've been told by many attorneys that this is the best way to address the issue at this time.

THOMPSON: I think you're going to have 14 appellate courts around the state with opinions that say that this is retroactive and it applies to pending cases, but that's not your intent, right?

CORTE: That's not my intent.

REMARKS ORDERED PRINTED

Representative Thompson moved to print remarks between Representative Corte and Representative Thompson.

The motion prevailed.

CSSB 7, as amended, was passed to third reading. (In accordance with House Rule 5, Section 51(b), every member present must have favored passage of the measure, but any member may register their position with the journal clerk. Members registering votes are as follows: Hartnett recorded voting no; Branch and Goodman recorded voting present, not voting.)

HB 16 - LAID ON THE TABLE SUBJECT TO CALL

Representative Woolley moved to lay **HB 16** on the table subject to call.

The motion prevailed.

SB 7 ON THIRD READING

(Woolley, Corte, Peña, Edwards, Kolkhorst, et al. - House Sponsors)
CONSTITUTIONAL RULE SUSPENDED

Representative Woolley moved to suspend the constitutional rule requiring bills to be read on three several days and to place **SB 7** on its third reading and final passage.

The motion prevailed by (Record 35): 141 Yeas, 0 Nays, 3 Present, not voting.

Yeas — Allen, A.; Alonzo; Anchia; Anderson; Baxter; Berman; Blake; Bohac; Bonnen; Brown, B.; Brown, F.; Burnam; Callegari; Campbell; Casteel; Castro; Chavez; Chisum; Coleman; Cook, B.; Cook, R.; Corte; Crabb; Crownover; Davis, J.; Davis, Y.; Dawson; Delisi; Denny; Deshotel; Dukes; Dunnam; Dutton; Edwards; Eiland; Eissler; Elkins; Escobar; Farabee; Farrar; Flores; Flynn; Frost; Gallego; Gattis; Geren; Giddings; Gonzales; Gonzalez Tourelles; Goolsby; Griggs; Grusendorf; Guillen; Haggerty; Hamilton; Hamric;

Hardcastle; Harper-Brown; Hartnett; Hegar; Herrero; Hilderbran; Hill; Hochberg; Hodge; Homer; Hope; Hopson; Howard; Hughes; Hunter; Hupp; Isett; Jackson; Jones, D.; Jones, J.; Keel; Keffer, B.; Keffer, J.; King, P.; King, T.; Kolkhorst; Krusee; Kuempel; Laney; Laubenberg; Leibowitz; Luna; Madden; Martinez; Martinez Fischer; McCall; McClendon; McReynolds; Menendez; Merritt; Miller; Moreno, P.; Morrison; Mowery; Naishtat; Nixon; Noriega, M.; Oliveira; Olivo; Orr; Otto; Paxton; Peña; Phillips; Pickett; Pitts; Puente; Quintanilla; Raymond; Reyna; Riddle; Ritter; Rodriguez; Rose; Seaman; Smith, T.; Smith, W.; Smithee; Solomons; Strama; Straus; Swinford; Taylor; Thompson; Truitt; Turner; Uresti; Van Arsdale; Veasey; Villarreal; Vo; West; Wong; Woolley; Zedler.

Present, not voting — Mr. Speaker(C); Branch; Goodman.

Absent, Excused — Bailey; Driver; Solis; Talton.

Absent — Allen, R.

The speaker laid **SB 7** before the house on its third reading and final passage.

A record vote was requested.

SB 7 was read third time and was passed by (Record 36): 140 Yeas, 1 Nays, 3 Present, not voting.

Yeas — Allen, A.; Allen, R.; Alonzo; Anchia; Anderson; Baxter; Berman; Blake; Bohac; Bonnen; Brown, B.; Burnam; Callegari; Campbell; Casteel; Castro; Chavez; Chisum; Coleman; Cook, B.; Cook, R.; Corte; Crabb; Crownover; Davis, J.; Davis, Y.; Dawson; Delisi; Denny; Deshotel; Dukes; Dunnam; Dutton; Edwards; Eiland; Eissler; Elkins; Escobar; Farabee; Farrar; Flores; Flynn; Frost; Gallego; Gattis; Geren; Giddings; Gonzales; Gonzalez Toureilles; Goolsby; Griggs; Grusendorf; Guillen; Haggerty; Hamilton; Hamric; Hardcastle; Harper-Brown; Hegar; Herrero; Hilderbran; Hill; Hochberg; Hodge; Homer; Hope; Hopson; Howard; Hughes; Hunter; Hupp; Isett; Jackson; Jones, D.; Jones, J.; Keel; Keffer, B.; Keffer, J.; King, P.; King, T.; Kolkhorst; Krusee; Kuempel; Laney; Laubenberg; Leibowitz; Luna; Madden; Martinez; Martinez Fischer; McCall; McClendon; McReynolds; Menendez; Merritt; Miller; Moreno, P.; Morrison; Mowery; Naishtat; Nixon; Noriega, M.; Oliveira; Olivo; Orr; Otto; Paxton; Peña; Phillips; Pickett; Pitts; Puente; Quintanilla; Raymond; Reyna; Riddle; Ritter; Rodriguez; Rose; Seaman; Smith, T.; Smith, W.; Smithee; Solomons; Strama; Straus; Swinford; Taylor; Thompson; Truitt; Turner; Uresti; Van Arsdale; Veasey; Villarreal; Vo; West; Wong; Woolley; Zedler.

Nays — Hartnett.

Present, not voting — Mr. Speaker(C); Branch; Goodman.

Absent, Excused — Bailey; Driver; Solis; Talton.

Absent — Brown, F.

RESOLUTIONS CALENDAR

The chair laid before the house the following resolutions on committee report:

HCR 15**(by Corte, Edwards, Leibowitz, and Herrero)**

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

HCR 15 was adopted.

On motion of Representative Edwards, the names of all the members of the house were added to **HCR 15** as signers thereof.

HCR 13, HR 63, & HR 94 - MOTION TO ADD NAMES

On motion of Representative Gallego, the names of all the members of the house were added to **HCR 13**, **HR 63**, and **HR 94** as signers thereof.

HR 181 - ADOPTED**(by Hunter)**

Representative Hunter moved to suspend all necessary rules to take up and consider at this time **HR 181**.

The motion prevailed.

The following resolution was laid before the house:

HR 181, Honoring the wonderful life of Emma Perry and her devoted service to her church, her community, and her family.

HR 181 was unanimously adopted by a rising vote.

**BILLS AND JOINT RESOLUTIONS ON FIRST READING
AND REFERRAL TO COMMITTEES**

Bills and joint resolutions were at this time laid before the house, read first time, and referred to committees. (See the addendum to the daily journal, Referred to Committees, List No. 2.)

PROVIDING FOR ADJOURNMENT

Representative Nixon moved that, at the conclusion of the reading of bills and resolutions on first reading and referral to committees, the house adjourn until 11 a.m. tomorrow.

The motion prevailed.

**BILLS AND JOINT RESOLUTIONS ON FIRST READING
AND REFERRAL TO COMMITTEES**

Bills and joint resolutions were at this time laid before the house, read first time, and referred to committees. (See the addendum to the daily journal, Referred to Committees, List No. 3.)

ADJOURNMENT

In accordance with a previous motion, the house, at 11:53 p.m., adjourned until 11 a.m. tomorrow.

ADDENDUM

REFERRED TO COMMITTEES

The following bills and joint resolutions were today laid before the house, read first time, and referred to committees, and the following resolutions were today laid before the house and referred to committees. If indicated, the chair today corrected the referral of the following measures:

List No. 1

HR 178 (By Olivo, Chavez, Alonzo, and Castro), Urging Governor Rick Perry to oppose the plans of the Minuteman Project to come to Texas.
To State Affairs.

List No. 2

HB 68 (By Nixon), Relating to the election of and terms served by trustees of an independent school district.
To Public Education Reform, Select.

SB 8 to Public Education Reform, Select.

SJR 11 to Property Tax Relief, Select.

List No. 3

HB 69 (By Nixon), Relating to the first day of instruction at a public school.
To Public Education Reform, Select.

SIGNED BY THE SPEAKER

The following bills and resolutions were today signed in the presence of the house by the speaker:

House List No. 2

HB 11, HCR 13

MESSAGES FROM THE SENATE

The following messages from the senate were today received by the house:

Message No. 1

MESSAGE FROM THE SENATE
SENATE CHAMBER
Austin, Texas
Wednesday, August 10, 2005

The Honorable Speaker of the House
House Chamber
Austin, Texas

Mr. Speaker:

I am directed by the senate to inform the house that the senate has taken the following action:

THE SENATE HAS PASSED THE FOLLOWING MEASURES:

SB 40

Duncan

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

SJR 11

Ogden

Proposing a constitutional amendment establishing a maximum tax rate of \$1.25 per \$100 of taxable value for school district ad valorem taxes imposed for maintenance purposes, providing that an ad valorem tax imposed by a school district is not a state ad valorem tax, increasing the amount of the residence homestead exemption from ad valorem taxation for public school purposes to \$22,500, 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.

Respectfully,

Patsy Spaw

Secretary of the Senate

APPENDIX

STANDING COMMITTEE REPORTS

Favorable reports have been filed by committees as follows:

August 9

Defense Affairs and State-Federal Relations - **HCR 15**

Land and Resource Management - **HB 16**

Regulated Industries - **SB 5**

ENGROSSED

August 9 - HB 62