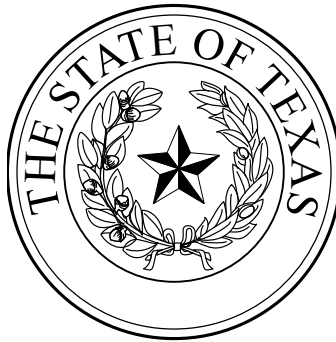


Analyses of Proposed Constitutional Amendments

**87th Regular Session
November 2, 2021, Election**



Texas Legislative Council

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General Information

In 2021, the 87th Texas Legislature passed 8 joint resolutions proposing amendments to the state constitution, and these proposed amendments will be offered for approval by the voters of Texas on the November 2, 2021, election ballot.

The Texas Constitution provides that the legislature, by a two-thirds vote of all members of each house, may propose amendments revising the constitution and that proposed amendments must then be submitted for approval to the qualified voters of the state. A proposed amendment becomes a part of the constitution if a majority of the votes cast in an election on the proposition are cast in its favor. An amendment approved by the voters is effective on the date of the official canvass of returns showing adoption. The date of canvass, by law, is not earlier than the 15th or later than the 30th day after election day. An amendment may provide for a later effective date.

From the adoption of the current Texas Constitution in 1876 through November 2019, the legislature has proposed 690 amendments to the constitution, of which 687 have gone before Texas voters. Of the amendments on the ballot, 507 have been approved by the electorate and 180 have been defeated. Three amendments were never placed on the ballot for reasons that are historically obscure. See the online publication [*Amendments to the Texas Constitution Since 1876*](#) for more information.

For each proposed amendment that will appear on the November 2, 2021, ballot, *Analyses of Proposed Constitutional Amendments* contains the ballot language, an analysis, and the text of the joint resolution proposing the amendment. The analysis includes background information and a summary of comments made during the legislative process about the proposed constitutional amendment by supporters and by opponents.

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Proposition 1

(H.J.R. 143)

The constitutional amendment authorizing the professional sports team charitable foundations of organizations sanctioned by the Professional Rodeo Cowboys Association or the Women's Professional Rodeo Association to conduct charitable raffles at rodeo venues.

SUMMARY ANALYSIS

The proposed constitutional amendment expands the events for which the general law enacted under Section 47(d-1), Article III, Texas Constitution, may permit a professional sports team charitable foundation to conduct a charitable raffle at the home venue of the professional sports team associated with the foundation by authorizing the conduct of charitable raffles at rodeo events and expands the definition of "professional sports team" to include an organization sanctioned by the Professional Rodeo Cowboys Association or the Women's Professional Rodeo Association.

BACKGROUND AND DETAILED ANALYSIS

Section 47, Article III, Texas Constitution, as originally adopted, requires the legislature to pass laws prohibiting all "lotteries and gift enterprises" in the state, effectively prohibiting games of chance in Texas. Several exceptions to the general prohibition have been added to Section 47, including exceptions authorizing charitable bingo, charitable raffles, and state lotteries. In 1989, Section 47 was amended to allow the legislature by law to authorize qualified religious societies, volunteer fire departments, volunteer emergency medical services, and nonprofit organizations to conduct charitable raffles, provided the raffle proceeds are spent for the organization's charitable purposes and the organization's members conduct the raffles. Section 47 was also amended in 2015 to authorize the legislature by general law to permit a professional sports team charitable foundation existing on January 1, 2016, to conduct charitable raffles, under the terms and conditions imposed by general law, at games hosted at the home venue of the professional sports team

associated with the foundation. Section 47 was further amended in 2017 to limit the applicability of the general law enacted under Section 47(d-1) to only an entity defined as a professional sports team charitable foundation under the general law, to remove the restriction on the conduct of charitable raffles by only foundations that existed on January 1, 2016, and to define “professional sports team” for purposes of that subsection. The constitutional amendment proposed by H.J.R. 143 expands the events for which the general law enacted under Section 47(d-1), Article III, Texas Constitution, may permit a professional sports team charitable foundation to conduct charitable raffles at the home venue of the professional sports team associated with the foundation by authorizing the conduct of charitable raffles at rodeo events and expands the definition of “professional sports team” for purposes of that subsection to include an organization sanctioned by the Professional Rodeo Cowboys Association or the Women’s Professional Rodeo Association.

The legislature in 2021 enacted H.B. 3012 in conjunction with the constitutional amendment proposed by H.J.R. 143. The bill takes effect December 1, 2021, only if the proposed constitutional amendment is approved by the voters. The bill amends Section 2004.002, Occupations Code, to conform the definition of “professional sports team” for purposes of Chapter 2004, Occupations Code, to the definition of that term provided by the proposed amendment to Section 47, Article III, Texas Constitution, and to define “rodeo event” and “rodeo venue” for purposes of Chapter 2004, Occupations Code. Conforming to the constitutional definition, the bill also amends the definition of “professional sports team” to include “an organization sanctioned by the Professional Rodeo Cowboys Association or the Women’s Professional Rodeo Association.” On approval by the voters of the proposed constitutional amendment, H.B. 3012 becomes law and will authorize a professional sports team charitable foundation to conduct a charitable raffle at a “rodeo event” hosted at the “rodeo venue” of the professional sports team associated with the foundation.

SUMMARY OF COMMENTS

The following comments supporting or opposing the proposed amendment reflect positions that were presented in committee proceedings, during house or senate floor debate, or in the analysis of the resolution prepared by the House Research Organization (HRO) when the resolution was considered by the House of Representatives.

Comments by Supporters

- State law already allows charitable raffles to be held at many professional sporting events, including NASCAR races, PGA events, and games hosted by professional baseball, basketball, hockey, soccer, and football teams. Charitable raffles should also be permitted at professional rodeo events.
- Sports teams' raffles are benefiting many worthy charities, such as the American Cancer Society and the YMCA.
- The proposed amendment is limited to charitable raffles and does not authorize any other type of game of chance.

Comments by Opponents

- No opposition to the proposed constitutional amendment was expressed during legislative consideration of the proposal.

Text of H.J.R. 143

A JOINT RESOLUTION

proposing a constitutional amendment authorizing the professional sports team charitable foundations of organizations sanctioned by certain professional associations to conduct charitable raffles at rodeo venues.

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

SECTION 1. Section 47(d-1), Article III, Texas Constitution, is amended to read as follows:

(d-1) The legislature by general law may permit a professional sports team charitable foundation to conduct charitable raffles under the terms and conditions imposed by general law. The law may authorize the charitable foundation to pay with the raffle proceeds reasonable advertising, promotional, and administrative expenses. A law enacted under this subsection applies only to an entity defined as a professional sports team charitable foundation under that law and may only allow charitable raffles to be conducted at games or rodeo events hosted at the home venue of the professional sports team associated with a professional sports team charitable foundation. In this subsection, “professional sports team” means:

(1) a team organized in this state that is a member of Major League Baseball, the National Basketball Association, the National Hockey League, the National Football League, Major League Soccer, the American Hockey League, the East Coast Hockey League, the American Association of Independent Professional Baseball, the Atlantic League of Professional Baseball, Minor League Baseball, the National Basketball Association Development League, the National Women’s Soccer League, the Major Arena Soccer League, the United Soccer League, or the Women’s National Basketball Association;

(2) a person hosting a motorsports racing team event sanctioned by the National Association for Stock Car Auto Racing (NASCAR), INDYCar, or another nationally recognized motorsports racing association at a venue in this state with a permanent seating capacity of not less than 75,000;

(3) an organization hosting a Professional Golf Association event;
[or]

(4) an organization sanctioned by the Professional Rodeo Cowboys Association or the Women's Professional Rodeo Association; or

(5) any other professional sports team defined by law.

SECTION 2. This proposed constitutional amendment shall be submitted to the voters at an election to be held November 2, 2021. The ballot shall be printed to provide for voting for or against the proposition: "The constitutional amendment authorizing the professional sports team charitable foundations of organizations sanctioned by the Professional Rodeo Cowboys Association or the Women's Professional Rodeo Association to conduct charitable raffles at rodeo venues."

House Author: Charlie Geren

Senate Sponsor: Jane Nelson et al.

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Proposition 2

(H.J.R. 99)

The constitutional amendment authorizing a county to finance the development or redevelopment of transportation or infrastructure in unproductive, underdeveloped, or blighted areas in the county.

SUMMARY ANALYSIS

Section 1-g(b), Article VIII, Texas Constitution, authorizes the legislature to establish by general law the authority of a municipality to issue bonds or notes to finance the development or redevelopment of an unproductive, underdeveloped, or blighted area in the municipality and to pledge for the repayment of those bonds or notes increases in revenue from ad valorem taxes imposed on properties located in the area. This type of financing for public projects is referred to as tax increment finance (TIF). The constitutional amendment proposed by H.J.R. 99 amends Section 1-g(b) by extending the authority to use TIF to counties and imposing limitations on bonds or notes issued by counties for transportation projects under that authority.

BACKGROUND AND DETAILED ANALYSIS

Section 1, Article VIII, Texas Constitution, states that taxation shall be equal and uniform. This principle requires that, unless an exception is provided for by the constitution, taxes must be evenly collected for the general purposes of the taxing entity. Accordingly, unless an exception is required or permitted by the constitution, a political subdivision may not dedicate a portion of taxes assessed against certain properties expressly for the benefit of those properties instead of the general support of the political subdivision.

Section 1-g(b), Article VIII, Texas Constitution, adopted in 1981 by the voters of this state, is an exception to the equal and uniform requirement and provides that the legislature by general law may authorize municipalities to engage in the practice commonly referred to as “tax increment financing,” whereby a municipality finances improvement of a specified “reinvestment zone” in the municipality using ad valorem taxes collected in the zone attributable to increased property values. Typically, these ad valorem “tax increments” are used to repay bonds or notes issued to pay for improvements in the zone.

The principal general law governing TIF was codified in 1987 as Chapter 311, Tax Code. In 2005, the legislature amended Chapter 311 to authorize a county to implement TIF. Legislation passed in 2007 added Section 222.107, Transportation Code, authorizing the use of TIF by counties through the creation of transportation reinvestment zones (TRZs) for the development of transportation projects. However, because Section 1-g(b), Texas Constitution, was not amended to allow the legislature to extend to counties the authorization granted to cities by that subsection, counties have been unable to exercise the statutory authority, a conclusion reached by several opinions of the Texas attorney general. The constitutional amendment proposed by H.J.R. 99 amends Section 1-g(b) by authorizing the legislature to extend to counties the authority to engage in TIF for projects in reinvestment zones.

The proposed changes to Section 1-g(b), Texas Constitution, by H.J.R. 99 also limit the authority of a county to use TIF for transportation projects in reinvestment zones. Specifically, the amendment limits the amount of the tax increment that may be pledged to the repayment of bonds or notes issued by the county for transportation projects to 65 percent of the increment collected each year. The amendment also prohibits counties from using TIF to finance toll roads.

SUMMARY OF COMMENTS

The following comments supporting or opposing the proposed amendment reflect positions that were presented in committee proceedings, during house or senate floor debate, or in the analysis of the resolution prepared by the House Research Organization (HRO) when the resolution was considered by the House of Representatives.

Comments by Supporters

- Counties need better ways of financing transportation projects locally as current levels of state transportation funding are far too low to keep pace with rapid population growth.
- Reinvestment zones using TIF are an effective means of generating funding for a range of local projects on the basis of expected property value increases without the need to impose a new tax or raise fees. Counties should have access to this funding mechanism since municipalities have already demonstrated its effectiveness to finance many types of projects, including much-needed road projects.

- The 2007 legislation that initially created the TRZ model using TIF was intended to apply to both counties and municipalities, and some counties have previously formed TRZs. However, several attorney general opinions have indicated that the associated use of county tax revenue to fund transportation and other projects using TIF may exceed counties' constitutional powers unless they are provided with clearer authority. The amendment is necessary to validate the counties' use of this valuable development tool.
- Financing a project through a TRZ decreases the waiting time between planning and execution of the project because the source of ongoing funding is provided for in advance.
- The proposed amendment prohibits the use of county property taxes generated by a county TRZ for toll road projects, ensuring that taxes are used only to fund transportation infrastructure open to everyone.

Comments by Opponents

- The TIF authority for counties proposed by the amendment is not limited to transportation projects but can be used for much broader development purposes, further increasing the burdensome public debt owed by local governments.
- Once a TRZ is established, financial decisions are made by an unelected board with no requirement to seek voter approval for particular projects. Counties should not be given this level of discretionary spending power, nor should they be authorized to issue debt for such projects.
- The potential range of applicable projects would significantly increase counties' power to condemn property for purposes of those projects.
- There are insufficient controls to ensure that determinations of which areas are unproductive, underdeveloped, or blighted would be made consistently.
- The proposed amendment could have the unintended result of diverting local resources to state highway projects.

Text of H.J.R. 99

A JOINT RESOLUTION

proposing a constitutional amendment authorizing a county to finance the development or redevelopment of transportation or infrastructure in unproductive, underdeveloped, or blighted areas in the county; authorizing the issuance of bonds and notes.

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

SECTION 1. Section 1-g(b), Article VIII, Texas Constitution, is amended to read as follows:

(b) The legislature by general law may authorize a county or an incorporated city or town to issue bonds or notes to finance the development or redevelopment of an unproductive, underdeveloped, or blighted area within the county, city, or town and to pledge for repayment of those bonds or notes increases in ad valorem tax revenues imposed on property in the area by the county, city, or town and other political subdivisions. A county that issues bonds or notes for transportation improvements under a general law authorized by this subsection may not:

(1) pledge for the repayment of those bonds or notes more than 65 percent of the increases in ad valorem tax revenues each year; or

(2) use proceeds from the bonds or notes to finance the construction, operation, maintenance, or acquisition of rights-of-way of a toll road.

SECTION 2. This proposed constitutional amendment shall be submitted to the voters at an election to be held November 2, 2021. The ballot shall be printed to provide for voting for or against the proposition: "The constitutional amendment authorizing a county to finance the development or redevelopment of transportation or infrastructure in unproductive, underdeveloped, or blighted areas in the county."

House Author: Terry Canales et al.

Senate Sponsor: Robert Nichols et al.

Proposition 3

(S.J.R. 27)

The constitutional amendment to prohibit this state or a political subdivision of this state from prohibiting or limiting religious services of religious organizations.

SUMMARY ANALYSIS

The proposed amendment adds Section 6-a, Article I, Texas Constitution, prohibiting this state or a political subdivision of this state from enacting, adopting, or issuing a statute, order, proclamation, decision, or rule that prohibits or limits religious services, including religious services conducted in churches, congregations, and places of worship, in this state by a religious organization established to support and serve the propagation of a sincerely held religious belief.

BACKGROUND AND DETAILED ANALYSIS

The novel coronavirus (COVID-19) pandemic has greatly impacted this state, prompting Governor Greg Abbott to declare a state of disaster for all Texas counties on March 13, 2020, and the Department of State Health Services to declare a statewide public health disaster on March 19, 2020, to address the pandemic. In the state's continued response to the disaster, the governor and many political subdivisions such as municipalities and counties issued orders limiting and restricting business operations, social gatherings, and the movement of people, including orders that in many cases directly or indirectly affected the conduct of religious services by religious organizations in this state. Concerns were raised that those limitations and restrictions may have infringed on the right to the free exercise of religion provided by the First Amendment to the United States Constitution and the right to worship provided in Section 6, Article I, Texas Constitution.

The constitutional amendment proposed by S.J.R. 27 would amend the Texas Constitution by adding Section 6-a to Article I, Texas Constitution, to ensure the protection of religious services, including services conducted in churches, congregations, and places of worship, by prohibiting this state or a political subdivision of this state from enacting, adopting, or issuing a statute, order, proclamation,

decision, or rule that prohibits or limits religious services in this state by a religious organization established to support and serve the propagation of a sincerely held religious belief.

SUMMARY OF COMMENTS

The following comments supporting or opposing the proposed amendment reflect positions that were presented in committee proceedings, during house or senate floor debate, or in the analysis of the resolution prepared by the House Research Organization (HRO) when the resolution was considered by the House of Representatives.

Comments by Supporters

- The right to freely exercise one's religious beliefs is enshrined in both the United States Constitution and the Texas Constitution. Allowing public officials to limit in-person religious gatherings infringes on this constitutional right.
- Closing houses of worship negatively impacts individuals who rely on church services as a means of combating their isolation and stress.
- While some houses of worship have the ability to transition to virtual meetings to reach their congregations, others do not. Without the ability to meet in person, many churches, mosques, and synagogues that lack the capacity to meet virtually have no means by which to meet.
- Houses of worship are able to make their own decisions about how best to protect their members in the event of a disaster or public health emergency. State or local government officials do not need to dictate the measures to be taken.

Comments by Opponents

- Worship and other religious activity can be done safely without large public gatherings. Allowing places of worship to remain open during public health emergencies could place all Texans in danger.
- The ability of state and local officials to balance public safety with religious freedom is recognized in other areas, such as

fire and building safety codes that churches must follow, and should not be curtailed when it comes to protecting public health.

- While protecting religious freedom is important, the language is overly broad and would prohibit governmental entities from enacting any measure that could impact religious services even in the event of building safety concerns.

Text of S.J.R. 27

SENATE JOINT RESOLUTION

proposing a constitutional amendment to prohibit this state or a political subdivision of this state from prohibiting or limiting religious services of religious organizations.

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

SECTION 1. Article I, Texas Constitution, is amended by adding Section 6-a to read as follows:

Sec. 6-a. This state or a political subdivision of this state may not enact, adopt, or issue a statute, order, proclamation, decision, or rule that prohibits or limits religious services, including religious services conducted in churches, congregations, and places of worship, in this state by a religious organization established to support and serve the propagation of a sincerely held religious belief.

SECTION 2. This proposed constitutional amendment shall be submitted to the voters at an election to be held November 2, 2021. The ballot shall be printed to permit voting for or against the proposition: "The constitutional amendment to prohibit this state or a political subdivision of this state from prohibiting or limiting religious services of religious organizations."

Senate Author: Kelly Hancock et al.

House Sponsor: Jeff Leach et al.

Proposition 4

(S.J.R. 47)

The constitutional amendment changing the eligibility requirements for a justice of the supreme court, a judge of the court of criminal appeals, a justice of a court of appeals, and a district judge.

SUMMARY ANALYSIS

The proposed constitutional amendment amends Section 2(b), Article V, Texas Constitution, to change the eligibility requirements for serving as the chief justice or a justice on the Texas Supreme Court. Section 2(b) as amended requires a person serving on the supreme court to be at least 35 years of age, licensed to practice law in Texas, a citizen of the United States and a resident of this state at the time of election, and either a practicing lawyer in this state for not less than 10 years or a practicing lawyer and state court or county court judge for not less than 10 years and that during those years the person's state license has not been revoked, suspended, or subject to probated suspension. Sections 4 and 6, Article V, Texas Constitution, provide that any eligibility requirement for serving as the chief justice or a justice on the supreme court also applies to a person serving as a judge on the court of criminal appeals or a justice of a court of appeals in this state. The proposed amendment also amends Section 7, Article V, Texas Constitution, changing the eligibility requirements for serving as a state district judge. Section 7(b) as amended requires that for election or appointment to serve as a district judge in this state, a person must be licensed to practice law in Texas, be a citizen of the United States, be a resident of this state, for the two years preceding the election and during the term of office be a resident of the district, and have been a practicing lawyer, a judge or justice of a court of this state, or a combination of both for not less than eight years and that during those years the person's state license has not been revoked, suspended, or subject to probated suspension.

BACKGROUND AND DETAILED ANALYSIS

Section 2(b), Article V, Texas Constitution, establishes the requirements for a person to be eligible to serve as a chief justice or justice of the Texas Supreme Court. The provision currently provides that the chief justice or a justice of the supreme

court must be licensed to practice law in this state, be a citizen of the United States and this state at the time of the election or appointment, have attained the age of 35, and have been a practicing lawyer or a lawyer and a judge of a court of record for at least 10 years. The current provision does not specify that the 10 years of legal or judicial experience must be in Texas.

The constitutional amendment proposed by S.J.R. 47 amends Section 2(b), Article V, Texas Constitution, by modifying the eligibility requirements for a person to serve as a chief justice or justice of the supreme court. The proposed amendment specifies that the person must be licensed to practice law in Texas, clarifies that the person must be a resident of Texas at the time of election, clarifies that the person must be either a practicing lawyer licensed in this state for at least 10 years or a practicing lawyer licensed in this state and a judge of a state court or county court established by the legislature by statute for a combined total of at least 10 years, and proposes that during the time the person is a practicing lawyer or a lawyer and a judge of a state court or county court the person's license to practice law must not have been revoked, suspended, or subject to a probated suspension. If approved, these revised qualifications will also apply to a judge of the Court of Criminal Appeals and a justice of a court of appeals in this state under Sections 4 and 6, Article V, Texas Constitution.

Section 7, Article V, Texas Constitution, specifies that the state shall be divided into judicial districts, with each district having one or more judges. District courts are the primary civil and criminal trial courts in Texas. Among other provisions governing district courts, Section 7 establishes the eligibility requirements for district judges and states that each district judge must be elected by qualified voters at a general election, be a citizen of the United States and of this state, be licensed to practice law in this state, have been a practicing lawyer or a lawyer and a judge in this state for at least four years preceding the judge's election, and have resided in the district in which the judge was elected for two years preceding the election and continue to reside in the district during the term of office.

The constitutional amendment proposed by S.J.R. 47 amends Section 7, Article V, Texas Constitution, by modifying the eligibility requirements as well as modernizing the language and organizing the section into more readable subsections. In proposed Subsection (b), the amendment clarifies that to be eligible for appointment or election as a district judge a person must be a resident of Texas, proposes that the person have been a practicing lawyer or a practicing lawyer and

a judge of a court of this state for a combined total of at least eight years, increased from four years, and proposes that during those years the judge's license to practice law must not have been revoked, suspended, or subject to a probated suspension.

SUMMARY OF COMMENTS

The following comments supporting or opposing the proposed amendment reflect positions that were presented in committee proceedings, during house or senate floor debate, or in the analysis of the resolution prepared by the House Research Organization (HRO) when the resolution was considered by the House of Representatives.

Comments by Supporters

- Requiring appellate court justices and judges to have practiced law and been licensed in Texas for at least 10 years would ensure these individuals have the necessary experience dealing with state law and would avoid a situation in which a lawyer who moves to Texas could be elected or appointed to serve on one of the state's highest courts without adequate expertise in Texas law and practice.
- Doubling the length of time that a district judge candidate must have practiced law in Texas to eight years would better ensure that these judges have sufficient legal experience to preside over important trials.
- It is important to ensure that those who have been subject to disciplinary action for violating standards of ethical conduct for practicing law in Texas during the required period of licensure are not eligible for service as a district judge or an appellate court justice or judge.
- The Texas Commission on Judicial Selection and the Texas Judicial Council have recommended that the minimum qualifications of judges be increased to ensure higher quality in the state judiciary.

Comments by Opponents

- It is unnecessary to revise qualifications for the judiciary because current constitutional provisions are working to

ensure voters can make choices among qualified judicial candidates.

- A person having more legal experience does not necessarily lead to the person being a better judge. Requiring more experience could reduce voter choice and exclude younger lawyers and lawyers with more diverse backgrounds from judicial appointments or races.

Text of S.J.R. 47

SENATE JOINT RESOLUTION

proposing a constitutional amendment changing the eligibility requirements for certain judicial offices.

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

SECTION 1. Section 2(b), Article V, Texas Constitution, is amended to read as follows:

(b) No person shall be eligible to serve in the office of Chief Justice or Justice of the Supreme Court unless the person:

(1) is licensed to practice law in the State of Texas;

(2) ~~[this state and]~~ is, at the time of election, a citizen of the United States and a resident of the State of Texas;

(3) ~~[this state, and]~~ has attained the age of thirty-five years;

(4) ~~[, and]~~ has been either:

(A) a practicing lawyer licensed in the State of Texas for at least ten years;~~;~~ or

(B) a practicing lawyer licensed in the State of Texas and judge of a state court or county court established by the Legislature by statute for a combined total of [court of record together] at least ten years; and

(5) during the time required by Subdivision (4) of this subsection has not had the person's license to practice law revoked, suspended, or subject to a probated suspension.

SECTION 2. Section 7, Article V, Texas Constitution, is amended to read as follows:

Sec. 7. (a) The State shall be divided into judicial districts, with each district having one or more Judges as may be provided by law or by this Constitution.

(b) Each district judge shall be elected by the qualified voters at a General Election. To be eligible for appointment or election as a district judge, a person must:

(1) ~~[and shall]~~ be a citizen of the United States and a resident of this State;

(2) be~~[, who is]~~ licensed to practice law in this State;

(3) have [and has] been a practicing lawyer or a Judge of a Court in this State, or both combined, for eight [four (4)] years next preceding the judge's [his] election, during which time the judge's license to practice law has not been revoked, suspended, or subject to a probated suspension;

(4) have [who has] resided in the district in which the judge [he] was elected for two [(2)] years next preceding the [his] election;[;] and

(5) [who shall] reside in the [his] district during the judge's [his] term of office.

(c) A district judge shall [and] hold the [his] office for the term [period] of four [(4)] years[;] and [who] shall receive for the judge's [his] services an annual salary to be fixed by the Legislature.

(d) A District [The] Court shall conduct its proceedings at the county seat of the county in which the case is pending, except as otherwise provided by law. The Court [He] shall hold the regular terms [of his Court] at the County Seat of each County in the Court's [his] district in such manner as may be prescribed by law. The Legislature shall have power by General or Special Laws to make such provisions concerning the terms or sessions of each District Court as it may deem necessary.

(e) The Legislature shall also provide for the holding of District Court when the Judge thereof is absent, or is from any cause disabled or disqualified from presiding.

SECTION 3. The following temporary provision is added to the Texas Constitution:

TEMPORARY PROVISION. (a) This temporary provision applies to the constitutional amendment proposed by the 87th Legislature, Regular Session, 2021, changing the eligibility requirements for a justice of the supreme court, a judge of the court of criminal appeals, a justice of a court of appeals, and a district judge.

(b) The amendment to Section 2(b), Article V, of this constitution takes effect January 1, 2022, and applies only to a chief justice or other justice of the supreme court, a presiding judge or other judge of the court of criminal appeals, or a chief justice or other justice of a court of appeals who is first elected for a term that begins on or after January 1, 2025, or who is appointed on or after that date.

(c) The amendment to Section 7, Article V, of this constitution takes effect January 1, 2022, and applies only to a district judge who is first elected for a term that begins on or after January 1, 2025, or who is appointed on or after that date.

(d) This temporary provision expires January 1, 2026.

SECTION 4. This proposed constitutional amendment shall be submitted to the voters at an election to be held November 2, 2021. The ballot shall be printed to provide for voting for or against the proposition: "The constitutional amendment changing the eligibility requirements for a justice of the supreme court, a judge of the court of criminal appeals, a justice of a court of appeals, and a district judge."

Senate Author: Joan Huffman et al.

House Sponsor: Brooks Landgraf

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Proposition 5

(H.J.R. 165)

The constitutional amendment providing additional powers to the State Commission on Judicial Conduct with respect to candidates for judicial office.

SUMMARY ANALYSIS

The proposed constitutional amendment adds Subsection (13-a) to Section 1-a, Article V, Texas Constitution, to give the State Commission on Judicial Conduct (SCJC) the authority to accept complaints and reports and conduct investigations regarding the conduct of, and to take certain disciplinary actions against, candidates for judicial offices in the same manner as Section 1-a, Article V, Texas Constitution, authorizes SCJC to take those actions with respect to persons already holding those judicial offices.

BACKGROUND AND DETAILED ANALYSIS

Section 1-a, Article V, Texas Constitution, specifies the duties and authority of SCJC regarding accepting complaints and reports and conducting investigations concerning, and taking certain disciplinary actions against, a justice or judge of a court established by the Texas Constitution or created by the legislature. SCJC is required to accept formal or informal complaints and reports concerning those justices and judges and to conduct appropriate investigations of those complaints and reports. Following an investigation, SCJC may issue a private admonition, warning, reprimand, or requirement for additional training or education, or SCJC may institute formal proceedings and, following those proceedings, issue a public admonition, warning, reprimand, censure, or requirement for additional training or education. SCJC may also recommend that a justice or judge be suspended, involuntarily retired, or removed from office.

The constitutional amendment proposed by H.J.R. 165 adds Subsection (13-a) to Section 1-a, Article V, Texas Constitution, to provide SCJC with the authority to accept complaints and reports and conduct investigations regarding, and to take certain disciplinary actions against, a candidate for the office of justice or judge of

a court established by the Texas Constitution or created by the legislature in the same manner Section 1-a, Article V, Texas Constitution, authorizes SCJC to take those actions with respect to a person holding that office. Currently, SCJC does not have any authority to investigate or sanction a judicial candidate for violating the Code of Judicial Conduct unless the candidate is already a judge.

SUMMARY OF COMMENTS

The following comments supporting or opposing the proposed amendment reflect positions that were presented in committee proceedings, during house or senate floor debate, or in the analysis of the resolution prepared by the House Research Organization (HRO) when the resolution was considered by the House of Representatives.

Comments by Supporters

- While all candidates for judicial office are subject to certain ethics restrictions established by the Code of Judicial Conduct intended to preserve the impartiality and integrity of the courts, those who are already sitting judges are subject to enforcement of those standards by SCJC through sanctions and other disciplinary actions. This situation creates uneven standards among candidates, in effect permitting a judicial candidate to take certain actions such as commenting on a current case or legal issue that a sitting judge could not.
- Allowing SCJC to investigate and, if necessary, sanction judicial candidates who are not yet judges for breaches of the Code of Judicial Conduct will make elections fairer without sacrificing the existing controls on campaign finance, contributions, and other ethical matters.

Comments by Opponents

- H.J.R. 165 could significantly increase the responsibilities and workload of SCJC by expanding the list of individuals potentially subject to a complaint or investigation.

Text of H.J.R. 165

A JOINT RESOLUTION

proposing a constitutional amendment providing additional powers to the State Commission on Judicial Conduct with respect to candidates for judicial office.

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

SECTION 1. Section 1-a, Article V, Texas Constitution, is amended by adding Subsection (13-a) to read as follows:

(13-a) The Commission may accept complaints or reports, conduct investigations, and take any other action authorized by this section with respect to a candidate for an office named in Subsection (6)(A) of this section in the same manner the Commission is authorized to take those actions with respect to a person holding that office.

SECTION 2. This proposed constitutional amendment shall be submitted to the voters at an election to be held November 2, 2021. The ballot shall be printed to permit voting for or against the proposition: “The constitutional amendment providing additional powers to the State Commission on Judicial Conduct with respect to candidates for judicial office.”

House Author: Jacey Jetton
Senate Sponsor: Judith Zaffirini

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Proposition 6

(S.J.R. 19)

The constitutional amendment establishing a right for residents of certain facilities to designate an essential caregiver for in-person visitation.

SUMMARY ANALYSIS

The proposed constitutional amendment adds Section 35 to Article I, Texas Constitution, to establish the right of residents of certain facilities, residences, and living centers to designate an essential caregiver with whom the facility, residence, or center may not prohibit in-person visitation. The amendment also authorizes the legislature by law to provide guidelines for a facility, residence, or center to follow in establishing essential caregiver visitation policies and procedures.

BACKGROUND AND DETAILED ANALYSIS

The novel coronavirus (COVID-19) pandemic has greatly impacted this state, prompting the governor to declare a state of disaster for the entire state on March 13, 2020, and the Department of State Health Services to declare a statewide public health disaster on March 19, 2020. On March 19, 2020, Governor Abbott issued Order GA-08 that specifically prohibited people from visiting nursing homes or retirement or long-term care facilities other than visits to provide critical assistance. Subsequently, the Health and Human Services Commission issued a series of emergency orders to limit in-person visitation in facilities licensed or regulated by the commission, including nursing facilities, intermediate care facilities, home and community support services agencies, and assisted living facilities. Political subdivisions soon followed suit by issuing orders to limit and restrict access to in-person visitation by family, friends, and caregivers for residents of nursing homes and other long-term care facilities. These restrictions, which effectively restricted contact with residents to staff and health care providers, had a significant impact on the physical and mental well-being of many residents, especially those with memory or cognitive challenges.

The constitutional amendment proposed by S.J.R. 19 adds Section 35 to Article I, Texas Constitution, to establish the right of a resident of a nursing facility,

assisted living facility, intermediate care facility for individuals with an intellectual disability, residence providing home and community-based services, or a state supported living center to designate an essential caregiver with whom in-person visitation may not be prohibited. The amendment also allows the legislature by general law to provide guidelines for a facility, residence, or center to follow in establishing essential caregiver visitation policies and procedures.

SUMMARY OF COMMENTS

The following comments supporting or opposing the proposed amendment reflect positions that were presented in committee proceedings, during house or senate floor debate, or in the analysis of the resolution prepared by the House Research Organization (HRO) when the resolution was considered by the House of Representatives.

Comments by Supporters

- Essential caregivers are vital in providing hands-on care and social and emotional support to long-term care facility residents that supplement care provided by facility staff. In-person visitation by essential caregivers of the resident's choice should never be completely restricted as it was during the COVID-19 pandemic.
- Without outside visitation and stimulation, residents can become isolated, their social and emotional skills can deteriorate, and their overall mental and physical health can suffer.
- Ensuring that residents have an essential caregiver of their choice to visit with in person can prevent these residents from having to die alone.

Comments by Opponents

- Stripping a long-term care facility of its ability to temporarily halt or otherwise limit in-person visitation as a means of mitigating the risks of a public health emergency could cause more harm than good to facility residents and put the staff at risk as well.

- Allowing a resident to designate only one essential caregiver for in-person visitation could lead to other friends and family members being denied the opportunity to visit their loved one before they pass away. The right to receive in-person visitation should not be limited.

Text of S.J.R. 19

SENATE JOINT RESOLUTION

proposing a constitutional amendment establishing a right for residents of certain facilities to designate an essential caregiver for in-person visitation.

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

SECTION 1. Article I, Texas Constitution, is amended by adding Section 35 to read as follows:

Sec. 35. (a) A resident of a nursing facility, assisted living facility, intermediate care facility for individuals with an intellectual disability, residence providing home and community-based services, or state supported living center, as those terms are defined by general law, has the right to designate an essential caregiver with whom the facility, residence, or center may not prohibit in-person visitation.

(b) Notwithstanding Subsection (a) of this section, the legislature by general law may provide guidelines for a facility, residence, or center described by Subsection (a) of this section to follow in establishing essential caregiver visitation policies and procedures.

SECTION 2. This proposed constitutional amendment shall be submitted to the voters at an election to be held November 2, 2021. The ballot shall be printed to permit voting for or against the proposition: "The constitutional amendment establishing a right for residents of certain facilities to designate an essential caregiver for in-person visitation."

Senate Author: Lois W. Kolkhorst et al.

House Sponsor: James B. Frank et al.

Proposition 7

(H.J.R. 125)

The constitutional amendment to allow the surviving spouse of a person who is disabled to receive a limitation on the school district ad valorem taxes on the spouse's residence homestead if the spouse is 55 years of age or older at the time of the person's death.

SUMMARY ANALYSIS

Section 1-b(d), Article VIII, Texas Constitution, currently provides for a limitation on the total amount of ad valorem taxes that a school district may impose on the residence homestead of a person who is 65 years of age or older or who is disabled. In addition, that subsection provides that if a person who is 65 years of age or older dies, the surviving spouse of the person is entitled to continue to receive the limitation if the surviving spouse is 55 years of age or older. The constitutional amendment proposed by H.J.R. 125 amends Section 1-b(d) to provide that the surviving spouse of a person who is disabled is also entitled to continue to receive the homestead school tax limitation provided by that subsection if the surviving spouse is 55 years of age or older when the disabled person dies.

BACKGROUND AND DETAILED ANALYSIS

Section 1, Article VIII, Texas Constitution, requires that taxation be equal and uniform and that all real and tangible personal property be taxed in proportion to its value unless the property is exempt as required or permitted by the constitution. Any exception to that rule that is not authorized by the Texas Constitution is invalid. Neither the legislature nor a local government that imposes ad valorem taxes may limit the amount of ad valorem taxes a property owner is required to pay without constitutional authority.

Section 1-b(d), Article VIII, Texas Constitution, provides that the total amount of school district ad valorem taxes imposed on a residence homestead may not be increased for as long as it remains the residence homestead of a person who is 65 years of age or older or who is disabled. Furthermore, Section 1-b(d) provides that the total amount of school district ad valorem taxes imposed on the residence

homestead may not be increased while the property remains the residence homestead of the surviving spouse of a person who is 65 years of age or older if the surviving spouse is 55 years of age or older. The constitutional amendment proposed by H.J.R. 125 amends Section 1-b(d) to also provide that the total amount of school district ad valorem taxes imposed on a residence homestead may not be increased while the property remains the residence homestead of the surviving spouse of a person who is disabled if the surviving spouse is 55 years of age or older when the disabled person dies.

The enabling legislation for Section 1-b(d), Article VIII, Texas Constitution, is Section 11.26, Tax Code. Section 11.26(i), Tax Code, previously provided that if an individual who is 65 years of age or older dies, the surviving spouse of the individual is entitled to continue to receive the limitation on school district ad valorem taxes provided by Section 11.26 if the surviving spouse is 55 years of age or older. In 2019 the 86th Legislature, Regular Session, enacted H.B. 1313, which amended Section 11.26(i) to provide in effect that the surviving spouse of an individual who dies while receiving the exemption is entitled to continue to receive the limitation regardless of whether the individual was 65 years of age or older or was disabled, provided that the surviving spouse is 55 years of age or older. H.B. 1313 also added Section 11.26(i-1) to clarify how the limitation applicable to the surviving spouse of an individual who was disabled would be calculated if the individual died before the change in law made by H.B. 1313 took effect. H.B. 1313 provided for an effective date of January 1, 2020, and was not contingent on a constitutional amendment. Because the amendments to Section 11.26, Tax Code, made by H.B. 1313 for the surviving spouse of a person who is disabled are not expressly authorized by current Section 1-b(d), Article VIII, Texas Constitution, some appraisal districts did not recognize the changes in law made by H.B. 1313 for the surviving spouse of a disabled person who was younger than 65 at the time the person died. The constitutional amendment proposed by H.J.R. 125 provides constitutional authority for those changes in law made by H.B. 1313.

The proposed amendment includes a temporary provision, expiring January 1, 2023, that validates the changes in law the 86th Legislature made in 2019 when it enacted H.B. 1313. The provision also validates an action taken by a tax official in reliance on Section 11.26, Tax Code, as amended by H.B. 1313, and directs a tax collector who collected school district ad valorem taxes from a surviving spouse who, under the law as amended by H.B. 1313, was entitled to receive a limitation

on school district taxes on the spouse's residence homestead in the 2020 or 2021 tax year to refund to the surviving spouse the amount of taxes paid in excess of the amount the spouse would have owed in that year under the law as amended by H.B. 1313.

SUMMARY OF COMMENTS

The following comments supporting or opposing the proposed amendment reflect positions that were presented in committee proceedings, during house or senate floor debate, or in the analysis of the resolution prepared by the House Research Organization (HRO) when the resolution was considered by the House of Representatives.

Comments by Supporters

- The proposed amendment was originally intended to accompany legislation already passed by the 86th Legislature in 2019 providing for a property tax limitation, or "tax freeze," on school district taxes on the homesteads of eligible surviving spouses of disabled individuals. This limitation protects these surviving spouses from a large increase in their school district tax liability soon after losing their loved one.
- The reimbursement provisions of H.J.R. 125 will compensate people who were eligible for the statutory limitation in the 2020 and 2021 tax years but who lived in school districts where the limitation was not applied because of the absence of express constitutional authority.

Comments by Opponents

- No opposition to the proposed constitutional amendment was expressed during legislative consideration of the proposal.

Text of H.J.R. 125

A JOINT RESOLUTION

proposing a constitutional amendment to allow the surviving spouse of a person who is disabled to receive a limitation on the school district ad valorem taxes on the spouse's residence homestead if the spouse is 55 years of age or older at the time of the person's death.

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

SECTION 1. Section 1-b(d), Article VIII, Texas Constitution, is amended to read as follows:

(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 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 who is 65 years of age or older or who is disabled 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 55 years of age or older at the time of the person's death, subject to any exceptions provided by general law. 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 1996 tax year or an earlier tax year, the legislature shall provide for a reduction in the amount of the limitation for the 1997 tax year and subsequent tax years in an amount equal to \$10,000 multiplied by the 1997 tax rate for general elementary and secondary public school purposes applicable to the residence homestead. For a residence homestead subject to the limitation provided by this subsection in the 2014 tax year or an earlier tax year,

the legislature shall provide for a reduction in the amount of the limitation for the 2015 tax year and subsequent tax years in an amount equal to \$10,000 multiplied by the 2015 tax rate for general elementary and secondary public school purposes applicable to the residence homestead.

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

TEMPORARY PROVISION. (a) The changes to the law made by Section 1, Chapter 1284 (H.B. 1313), Acts of the 86th Legislature, Regular Session, 2019, are validated.

(b) An action taken by a tax official in reliance on Section 1, Chapter 1284 (H.B. 1313), Acts of the 86th Legislature, Regular Session, 2019, is validated.

(c) A collector who collected school district ad valorem taxes from a surviving spouse who, under the law as amended by Section 1, Chapter 1284 (H.B. 1313), Acts of the 86th Legislature, Regular Session, 2019, was entitled to receive a limitation on school district taxes on the spouse's residence homestead shall calculate the school district taxes that should have been imposed for the 2020 and 2021 tax years taking into account the change in law made by that Act and, if the taxes collected by the collector for those tax years exceed the taxes that should have been imposed as calculated under this subsection, the collector shall refund to the surviving spouse the difference between the taxes collected and the taxes that should have been imposed as calculated under this subsection.

(d) This temporary provision expires January 1, 2023.

SECTION 3. This proposed constitutional amendment shall be submitted to the voters at an election to be held November 2, 2021. The ballot shall be printed to provide for voting for or against the proposition: "The constitutional amendment to allow the surviving spouse of a person who is disabled to receive a limitation on the school district ad valorem taxes on the spouse's residence homestead if the spouse is 55 years of age or older at the time of the person's death."

House Author: Jake Ellzey et al.

Senate Sponsor: Brian Birdwell et al.

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Proposition 8

(S.J.R. 35)

The constitutional amendment authorizing the legislature to provide for an exemption from ad valorem taxation of all or part of the market value of the residence homestead of the surviving spouse of a member of the armed services of the United States who is killed or fatally injured in the line of duty.

SUMMARY ANALYSIS

Section 1-b(m), Article VIII, Texas Constitution, currently authorizes the legislature to provide that the surviving spouse of a member of the armed services of the United States who is “killed in action” is entitled to an exemption from ad valorem taxation of all or part of the market value of the surviving spouse’s residence homestead if the surviving spouse has not remarried since the death of the service member. The constitutional amendment proposed by S.J.R. 35 amends Section 1-b(m) to substitute for the requirement that the member of the armed services have been “killed in action” in order for the surviving spouse to be entitled to the exemption a requirement that the member have been “killed or fatally injured in the line of duty.”

BACKGROUND AND DETAILED ANALYSIS

Section 1, Article VIII, Texas Constitution, requires that taxation be equal and uniform and that all real and tangible personal property be taxed in proportion to its value unless the property is exempt as required or permitted by the constitution. Accordingly, the legislature may not exempt real or tangible personal property from ad valorem taxation unless the exemption is required or authorized by the constitution.

Section 1-b(m), Article VIII, Texas Constitution, authorizes the legislature to provide for an exemption from ad valorem taxation of all or part of the market value of the residence homestead of the surviving spouse of a member of the armed services of the United States who is “killed in action” if the surviving spouse has not remarried since the death of the member of the armed services. The constitutional

amendment proposed by S.J.R. 35 amends that subsection to substitute for the requirement that the member of the armed services have been “killed in action” in order for the surviving spouse to receive the exemption a requirement that the member of the armed services have been “killed or fatally injured in the line of duty.”

The enabling legislation for the exemption authorized by Section 1-b(m), Article VIII, Texas Constitution, is Section 11.133, Tax Code. Section 11.133(b), Tax Code, currently provides that the surviving spouse of a member of the armed services who is “killed in action” is entitled to an exemption from ad valorem taxation of the total appraised value of the surviving spouse’s residence homestead if the surviving spouse has not remarried. The enabling legislation for the proposed amendment to Section 1-b(m) is S.B. 611, which was enacted by the 87th Legislature, Regular Session, in 2021. The bill amends Section 11.133(b) to substitute for the requirement that the member have been “killed in action” a requirement that the member have been “killed or fatally injured in the line of duty.” In addition, the bill makes changes to the Tax Code relating to the date by which late applications for certain ad valorem tax exemptions for disabled veterans must be filed.

Changing the term “killed in action” to “killed or fatally injured in the line of duty” expands the class of individuals eligible for the exemption provided by Section 11.133, Tax Code. A member of the armed services who is “killed in action” is an individual who is killed while engaged in combat. A member of the armed services who is “killed or fatally injured in the line of duty” is an individual who is either killed or injured in a way that causes death, regardless of whether the death occurs at the time of the injury, during any incident, including an accident, that arises in the performance of the individual’s duties as a member of the armed services. Because the change in law made by S.B. 611 expands the class of individuals eligible for the exemption provided by Section 11.133, a greater number of surviving spouses of members of the armed services will be eligible for the exemption provided by that section.

The bill applies only to a tax year beginning on or after January 1, 2022, and the amendments to Section 11.133, Tax Code, made by the bill take effect only if the constitutional amendment proposed by S.J.R. 35 is approved by the voters.

SUMMARY OF COMMENTS

The following comments supporting or opposing the proposed amendment reflect positions that were presented in committee proceedings, during house or

senate floor debate, or in the analysis of the resolution prepared by the House Research Organization (HRO) when the resolution was considered by the House of Representatives.

Comments by Supporters

- Members of the U.S. armed forces who are killed in accidents in the line of duty or who die as a direct result of injuries they receive in the line of duty have given their lives in service to the country. That sacrifice is equally as deserving of a property tax exemption for the member's surviving spouse as a death that occurs during active combat.
- Federal data indicates that fewer than 10 individuals per year would qualify under the expanded exemption. This would not have a significant financial impact on taxing units in Texas.

Comments by Opponents

- Authorizing an additional property tax exemption for one group of people will increase the tax burden on other property owners. The legislature should instead work to lower the property tax burden on all Texans.

Text of S.J.R. 35

SENATE JOINT RESOLUTION

proposing a constitutional amendment authorizing the legislature to provide for an exemption from ad valorem taxation of all or part of the market value of the residence homestead of the surviving spouse of a member of the armed services of the United States who is killed or fatally injured in the line of duty.

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

SECTION 1. Section 1-b(m), Article VIII, Texas Constitution, is amended to read as follows:

(m) The legislature by general law may provide that the surviving spouse of a member of the armed services of the United States who is killed or fatally injured in the line of duty ~~[in action]~~ is entitled to an exemption from ad valorem taxation of all or part of the market value of the surviving spouse's residence homestead if the surviving spouse has not remarried since the death of the member of the armed services.

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

TEMPORARY PROVISION. (a) This temporary provision applies to the constitutional amendment proposed by the 87th Legislature, Regular Session, 2021, authorizing the legislature to provide for an exemption from ad valorem taxation of all or part of the market value of the residence homestead of the surviving spouse of a member of the armed services of the United States who is killed or fatally injured in the line of duty.

(b) The amendment to Section 1-b(m), Article VIII, of this constitution takes effect January 1, 2022, and applies only to a tax year beginning on or after that date.

(c) This temporary provision expires January 1, 2023.

SECTION 3. This proposed constitutional amendment shall be submitted to the voters at an election to be held November 2, 2021. The ballot shall be printed to permit voting for or against the proposition: "The constitutional amendment authorizing the legislature to provide for an exemption from ad valorem taxation of

all or part of the market value of the residence homestead of the surviving spouse of a member of the armed services of the United States who is killed or fatally injured in the line of duty.”

Senate Author: Donna Campbell et al.

House Sponsor: Ray Lopez et al.