Before proceeding with the sound measurement, David Murray and I inspected the sound system, the stage area, and the sound mitigation efforts throughout the amphitheater. The sound system was confirmed to be a D&B system with V series line arrays and the D&B directional subs. This system was installed by Big House Sound under the supervision of Zack Richards (GM Big House Sound).

It was confirmed that MBI Theater Board acoustic treatment has been installed on the stage house walls and acoustic panels throughout the roof canopy, as well, sound deflection walls placed on the west side of the amphitheater to minimize the impact to the residences to the west.

Life Austin Church utilizes the Idibri sound monitoring system which can measure the 1/3 octave band, LAdb, LAeq, LCdb, and LCeq for real time measurements. These units were deployed alongside our Sentinel units to confirm accuracy.

Measurement

The sound check began at 12:00 noon. The sound system was turned on and raised to a moderate level while system checks were completed on the B&K Sentinels for proper operation. The amphitheater was empty at the time of testing, which is important to note, when the theater is full of people there will be a measurable amount of sound absorption and less reflection/deflection.
At approximately 12:45pm Mark Numan (sound engineer/Life Austin Church) raised the level to what he believed would be the normal level of a live concert at the amphitheater. Between 12:45 and 1:00pm the Measurement at the house mixer was 91.6 LAeq and 105.3 LCeq, These are averaged over the 15 minute time period. The levels at the other 2 meters during the same time period were Stage Left property line 59.2 LAeq and 74.5 LCeq, and Stage Right property line was measured at 66.0 LAeq and 78.3 LCeq.
At approximately 1:15pm Mark Numan pushed the sound system slightly above what he believed would be normal operation at the house/mixer position. At that time David Murray and I prepared to go into the neighborhoods with the B&K Handheld meters to measure from various locations. Mark Numan kept the sound level constant while we measured at each location playing the same song in a loop for consistency in measurements. The reason for one song being looped during the test is that playing multiple songs could possibly give us inconsistent readings because of variances in the songs recording levels and different song dynamics.

Note: The wind was blowing from the SSE to the NNW at approximately 4.89mph gusting up to 7mph.

David Murray and I reached the first location to measure which was **Clear Night Drive** at the very eastern cul-de-sac. See attached Google map with pin drops for reference.
The first hand held measurement began at **1:35:34** and was a 15 second reading and was labeled Meter reference #82. The following are measurements at all 4 meter locations for the same time period.

<u>FOH mix position</u>
LAeq 93.1

LCeq 106.1

Stage left property line
LAeq 60.6
LCeq 75.3

Stage right property line
LAeq 62.6
LCeq 79.9

Meter reading #82 Handheld
LAeq 49.4
LCeq 71.7

We then moved to the next location to be measured which was **Summer Sky** at the very eastern cul-de-sac. See attached Google map with pin drops for reference.
The hand held measurement began at **1:41:28** and was a 15 second reading and was labeled Meter reference #83. The following are measurements at all 4 meter locations for the same time period.

FOH mix position
LAeq 93.1
LCeq 106.1

Stage left property line
LAeq 60.6
LCeq 75.3

Stage right property line
LAeq 62.6
LCeq 79.9

Meter reading #83 Handheld
LAeq 52.1
LCeq 70.2

We moved to the next location to be measured which was the residence driveway at **9311 Summer Sky** where there was a brake in the tree line and we could hear a little more sound getting through to the neighborhood. See attached Google map with pin drops for reference.
The hand held measurement began at **1:42:44** and was a 15 second reading and was labeled Meter reference #84. The following are measurements at all 4 meter locations for the same time period.

FOH mix position
LAeq 93.1
LCeq 106.1

Stage left property line
LAeq 60.6
LCeq 75.3

Stage right property line
LAeq 62.6
LCeq 79.9

Meter #84 Handheld
LAeq 56.4
LCeq 73.2

Note: It is worth mentioning that we could hear a slight rise in sound level when there was a significant gust of wind blowing in our direction. I attempted to measure this but was unable to time it just right with the handheld meter, also there were birds chirping in close proximity to the meter while I was taking the readings on Summer Sky which raised the LAeq average slightly.

We went to the Covered Bridge neighborhood and attempted to take measurements from 3 different locations but were not able to hear the music from any of those locations. All 3 locations are marked on the attached Google map as "No Impact".

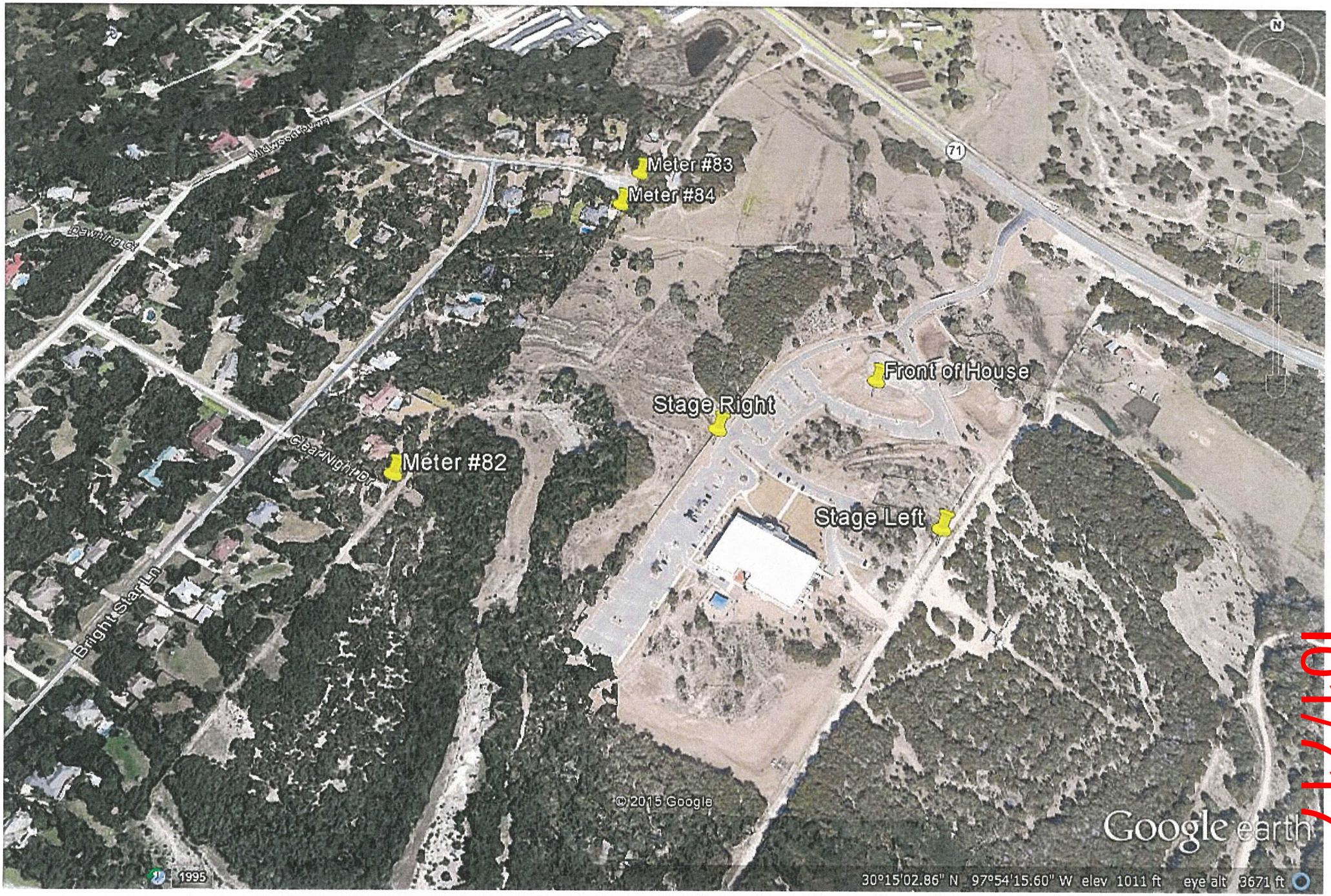
In summary:

There were rumors going around in the neighborhoods that someone measured a level of 100dbA in the neighborhood and some of the neighbors were obviously upset at this news. Just by evaluating factual data, this is near impossible to achieve that far away from the venue. To reach 100dbA at the closest house in the neighborhood the sound would have to be at a level at the mixing board that would be unbearable to human ears.

There does not appear to be an impact from the amphitheater in the Covered Bridge neighborhood, no sound was audible during the test.
The **Oak Hill Association of Neighborhoods,** specifically the neighbors immediately to the west of the Life Austin Church property line, can hear music in the area, therefore, is impacted to some extent. Excessive noise is subjective when measured at low levels and what one considers a nuisance another may not, neither is right or wrong. As far as the requirements of state law and city ordinance, the sound levels are significantly lower at the property line than what is allowed.

I can look at this facility at Life Austin Church and compare it to other facilities that I have experience with and can say that enormous care and detail has gone into the design and orientation of this structure, as well as, a significant amount of sound mitigation above and beyond what is required, however, people in parts of the neighborhood are impacted by sound coming into the area. I can only hope the two entities involved can come to an agreement.

To view the full spectrum readings for the entire 3 hours of testing see the attached spread sheet.


Meter #83
Meter #84
Front of House
Stage Right
Meter #82
Stage Left
Millwood Loop
Dawning Cv
Clear Night Dr
Bright Star Ln
71
N
©2015 Google
Google earth
1995
30°15'02.86" N 97°54'15.60" W elev 1011 ft eye alt 3671 ft

10777


Front of House
Stage Right
Stage Left
Bright Star Ln
Great Night Dr
Covered Bridge Dr
71
© 2015 Google
Google earth
1995
30°14'53.72" N 97°54'07.97" W elev 984 ft eye alt 4687 ft

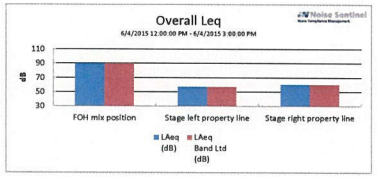

Meter #83
Meter #84
Stage Right
Front of House
Meter #82
Stage Left
No Impact
No Impact
No Impact
Bright Star Ln
Clear Night Cv
Glaxton Dr
Mowinkle Dr
Roaring Springs Dr
Foggy Mountain Dr
Covered Bridge Dr
Red Willow Dr
Smokey Hill Rd
Sage Mountain Dr
71
© 2015 Google
Google earth
1995
30°14'49.10" N 97°53'57.93" W elev 943 ft eye alt 5903 ft

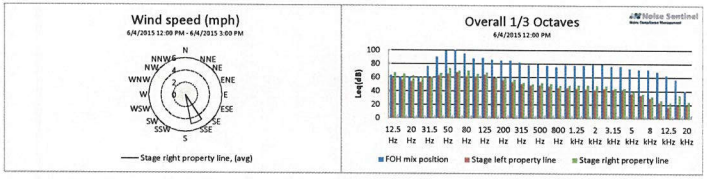
10/7/19

Long Period

Life Austin Church testing 6-4-15 (6/4/2015 12:00 PM - 6/4/2015 3:00 PM)

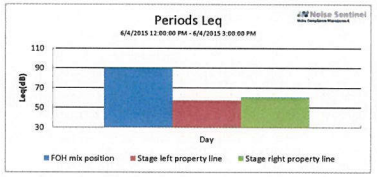
Brüel & Kjær

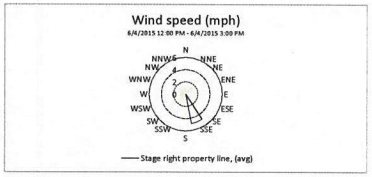




Overall Data

Location	Start Time	End Time	Activity	L_{Aeq} (dB)	L_{Ceq} (dB)	L_{Ceq}-L_{Aeq} (dB)	L_{eq} 1/1 Octave Band Spectra	12.5 Hz	16 Hz	20 Hz	25 Hz	31.5 Hz	40 Hz	50 Hz	63 Hz	80 Hz	100 Hz	125 Hz	160 Hz	200 Hz	250 Hz	315 Hz	400 Hz	500 Hz	630 Hz	800 Hz	1 kHz	1.25 kHz	1.6 kHz	2 kHz	2.5 kHz	3.15 kHz	4 kHz	5 kHz	6.3 kHz	8 kHz	10 kHz	12.5 kHz	16 kHz	20 kHz	L_{eq} 1/3 Octave Band Spectra	16 Hz	31.5 Hz	63 Hz	125 Hz	250 Hz	500 Hz	1 kHz	2 kHz	4 kHz	8 kHz	16 kHz	L_{eq} Band Ltd (dB)	Average Wind Speed (mph)	Average Wind Direction
FOH mix position	6/4 12:00:00 PM	6/4 3:00:00 PM	99%	89.9	103.6	13.6		63.3	61.1	61.2	61.2	76.9	90.6	99.0	100.9	95.2	88.2	89.2	86.1	85.2	85.1	82.3	78.4	79.7	78.3	76.0	78.4	78.2	78.2	79.1	79.7	76.5	76.6	73.6	72.0	72.0	68.6	63.3	57.3	40.3		66.7	90.8	103.7	92.8	89.2	83.6	82.5	83.8	80.6	75.9	64.3	90.0	4.9	SSE
Stage left property line	6/4 12:00:00 PM	6/4 3:00:00 PM	99%	57.5	72.6	15.1		59.2	56.8	54.4	53.7	59.9	63.5	65.9	68.1	62.0	61.7	64.3	59.9	56.7	53.7	50.8	48.6	48.8	47.5	44.9	45.1	44.2	43.0	42.0	43.9	42.6	42.5	36.9	34.4	30.4	23.6	17.1	19.6	19.4		62.0	65.4	70.8	67.1	59.2	53.1	49.5	47.8	46.1	36.1	23.6	57.6	4.9	SSE
Stage right property line	6/4 12:00:00 PM	6/4 3:00:00 PM	99%	60.8	77.2	16.3		67.4	65.4	63.2	61.0	60.5	66.2	73.6	70.3	70.1	65.5	67.1	60.6	58.9	56.9	52.3	50.3	52.2	50.6	48.5	48.5	48.6	48.7	48.3	47.7	44.1	44.0	39.8	36.1	32.1	26.8	23.2	34.3	24.4		70.4	68.1	76.4	69.9	61.6	55.9	53.3	53.0	47.8	37.9	35.0	60.9	4.9	SSE

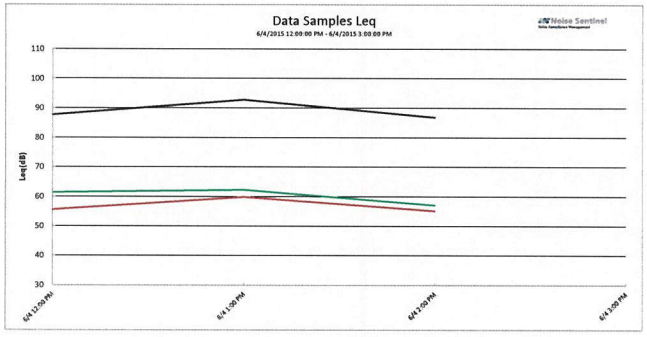


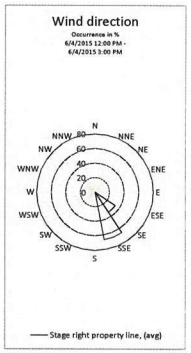


Periods Data

Location	Start Time	End Time	Activity	L_{Aeq} (dB)	L_{Ceq} (dB)	L_{Ceq}-L_{Aeq} (dB)	L_{eq} 1/1 Octave Band Spectra	12.5 Hz	16 Hz	20 Hz	25 Hz	31.5 Hz	40 Hz	50 Hz	63 Hz	80 Hz	100 Hz	125 Hz	160 Hz	200 Hz	250 Hz	315 Hz	400 Hz	500 Hz	630 Hz	800 Hz	1 kHz	1.25 kHz	1.6 kHz	2 kHz	2.5 kHz	3.15 kHz	4 kHz	5 kHz	6.3 kHz	8 kHz	10 kHz	12.5 kHz	16 kHz	20 kHz	L_{eq} 1/3 Octave Band Spectra	16 Hz	31.5 Hz	63 Hz	125 Hz	250 Hz	500 Hz	1 kHz	2 kHz	4 kHz	8 kHz	16 kHz	L_{eq} Band Ltd (dB)	Average Wind Speed (mph)	Average Wind Direction
FOH mix position (Day)	6/4 12:00:00 PM	6/4 3:00:00 PM	99%	89.9	103.6	13.6		63.3	61.1	61.2	61.2	76.9	90.6	99.0	100.9	95.2	88.2	89.2	86.1	85.2	85.1	82.3	78.4	79.7	78.3	76.0	78.4	78.2	78.2	79.1	79.7	76.5	76.6	73.6	72.0	72.0	68.6	63.3	57.3	40.3		66.7	90.8	103.7	92.8	89.2	83.6	82.5	83.8	80.6	75.9	64.3	90.0	4.9	SSE
Stage left property line (Day	6/4 12:00:00 PM	6/4 3:00:00 PM	99%	57.5	72.6	15.1		59.2	56.8	54.4	53.7	59.9	63.5	65.9	68.1	62.0	61.7	64.3	59.9	56.7	53.7	50.8	48.6	48.8	47.5	44.9	45.1	44.2	43.0	42.0	43.9	42.6	42.5	36.9	34.4	30.4	23.6	17.1	19.6	19.4		62.0	65.4	70.8	67.1	59.2	53.1	49.5	47.8	46.1	36.1	23.6	57.6	4.9	SSE
Stage right property line (D	6/4 12:00:00 PM	6/4 3:00:00 PM	99%	60.8	77.2	16.3		67.4	65.4	63.2	61.0	60.5	66.2	73.6	70.3	70.1	65.5	67.1	60.6	58.9	56.9	52.3	50.3	52.2	50.6	48.5	48.5	48.6	48.7	48.3	47.7	44.1	44.0	39.8	36.1	32.1	26.8	23.2	34.3	24.4		70.4	68.1	76.4	69.9	61.6	55.9	53.3	53.0	47.8	37.9	35.0	60.9	4.9	SSE

FOH mix position
Stage left property
Stage right





Data Samples - Resolution 1 hour

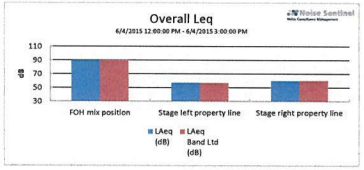
Location	Start Time	End Time	Activity	L_{Aeq} (dB)	L_{Ceq} (dB)	L_{Ceq}-L_{Aeq} (dB)	L_{eq} 1/1 Octave Band Spectra	12.5 Hz	16 Hz	20 Hz	25 Hz	31.5 Hz	40 Hz	50 Hz	63 Hz	80 Hz	100 Hz	125 Hz	160 Hz	200 Hz	250 Hz	315 Hz	400 Hz	500 Hz	630 Hz	800 Hz	1 kHz	1.25 kHz	1.6 kHz	2 kHz	2.5 kHz	3.15 kHz	4 kHz	5 kHz	6.3 kHz	8 kHz	10 kHz	12.5 kHz	16 kHz	20 kHz	L_{eq} 1/3 Octave Band Spectra	16 Hz	31.5 Hz	63 Hz	125 Hz	250 Hz	500 Hz	1 kHz	2 kHz	4 kHz	8 kHz	16 kHz	L_{eq} Band Ltd (dB)	Average Wind Speed (mph)	Average Wind Direction
FOH mix position	6/4 12:00:00 PM	6/4 1:00:00 PM	98%	87.7	101.5	13.9		63.1	60.9	59.6	57.9	68.9	84.8	95.7	100.0	90.6	86.7	87.3	82.9	83.3	82.4	80.2	75.8	76.5	76.9	74.5	77.3	76.9	77.1	76.0	75.6	74.0	74.2	70.4	68.6	68.8	66.0	59.8	52.4	35.5		66.2	84.9	101.7	90.8	86.9	81.2	81.2	81.0	78.0	72.7	60.5	87.6	4.4	SSE
FOH mix position	6/4 1:00:00 PM	6/4 2:00:00 PM	100%	92.8	106.4	13.7		63.4	61.3	62.8	63.7	80.4	93.9	102.0	103.5	98.4	90.8	91.8	88.8	87.7	87.9	85.1	81.2	82.6	80.8	78.6	81.0	80.8	80.7	82.1	82.8	79.4	79.6	76.6	75.1	75.2	71.7	66.3	60.4	43.4		67.4	94.1	106.5	95.4	91.8	86.4	85.1	86.7	83.5	79.0	67.3	92.8	4.8	SSE
FOH mix position	6/4 2:00:00 PM	6/4 3:00:00 PM	100%	86.9	100.2	13.3		63.3	61.1	60.4	59.8	75.0	88.3	96.2	96.1	93.0	84.8	86.4	84.3	83.1	82.4	79.2	75.6	77.2	75.3	72.8	74.6	74.6	74.2	76.2	77.1	73.3	73.3	70.6	68.8	68.8	65.2	60.5	55.2	38.1		66.6	88.5	100.1	90.1	86.7	80.9	78.8	80.8	77.3	72.7	61.6	86.9	5.5	SE
Stage left property line	6/4 12:00:00 PM	6/4 1:00:00 PM	98%	55.7	70.9	15.2		58.5	56.0	53.9	52.3	53.7	58.9	63.9	67.9	58.6	59.9	61.6	57.3	55.1	51.3	49.0	47.1	46.7	45.7	42.8	43.9	42.8	41.5	39.2	40.1	40.5	43.0	37.5	33.6	30.0	24.0	17.7	19.9	19.5		61.3	60.7	69.7	64.7	57.3	51.3	47.9	45.2	45.7	35.5	23.9	55.6	4.4	SSE
Stage left property line	6/4 1:00:00 PM	6/4 2:00:00 PM	100%	60.0	75.1	15.1		59.1	57.0	54.6	54.6	63.0	66.5	68.5	70.4	64.4	64.0	67.2	62.4	59.0	56.4	53.3	50.9	51.3	49.7	46.9	47.2	46.4	45.4	44.9	47.1	45.4	44.3	38.2	36.7	32.7	25.3	17.4	19.2	19.3		62.1	68.3	73.2	69.8	61.6	55.4	51.6	50.7	48.3	38.4	23.5	60.1	4.8	SSE
Stage left property line	6/4 2:00:00 PM	6/4 3:00:00 PM	100%	55.2	70.0	14.9		60.0	57.3	54.6	54.0	58.3	62.0	63.3	63.8	61.0	59.6	61.7	58.0	54.6	51.3	48.2	46.5	46.8	45.8	43.8	43.3	41.9	40.3	39.1	41.0	39.7	38.4	34.0	31.5	26.0	20.0	16.1	19.8	19.4		62.6	64.0	67.6	64.8	56.9	51.1	47.8	45.0	42.7	32.8	23.5	55.3	5.5	SE
Stage right property line	6/4 12:00:00 PM	6/4 1:00:00 PM	98%	61.5	74.5	13.1		64.2	61.5	58.8	56.5	55.9	61.9	67.3	70.1	61.9	66.3	65.8	62.3	60.3	58.3	55.2	52.5	51.9	52.7	49.6	50.1	50.7	49.2	48.2	46.7	45.0	44.7	39.5	37.8	34.6	29.9	26.7	38.8	28.0		66.8	63.7	72.4	69.9	63.2	57.2	54.9	52.9	48.4	39.9	39.4	61.5	4.4	SSE
Stage right property line	6/4 1:00:00 PM	6/4 2:00:00 PM	100%	62.4	79.8	17.5		67.8	65.7	63.4	61.1	60.8	69.0	76.9	72.5	73.4	67.0	69.4	61.1	59.6	57.9	51.2	50.3	54.3	51.0	49.7	49.3	48.8	50.4	50.3	50.1	45.6	45.6	41.8	37.1	32.0	25.6	21.0	25.2	20.3		70.8	70.2	79.5	71.7	62.2	57.0	54.0	55.0	49.4	38.5	27.5	62.5	4.8	SSE
Stage right property line	6/4 2:00:00 PM	6/4 3:00:00 PM	100%	57.1	75.1	17.9		69.0	67.1	65.2	63.2	62.4	64.6	71.5	66.4	68.4	61.4	64.7	56.8	55.4	52.9	46.1	45.2	48.8	45.7	44.8	44.1	43.6	44.6	44.4	44.4	40.2	39.7	36.2	31.0	25.8	19.2	16.4	19.3	19.8		72.2	68.3	74.1	66.8	57.7	51.7	49.0	49.2	43.8	32.3	23.5	57.2	5.5	SE

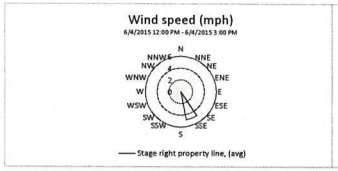
Please Note! Weather data shown in gray colour are copied from the master weather station.

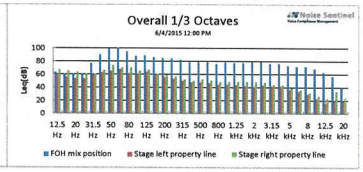
Short Period

Life Austin Church testing 6-4-15 (6/4/2015 12:00 PM - 6/4/2015 3:00 PM)

Brüel & Kjær

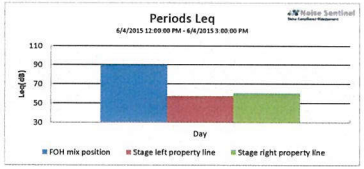


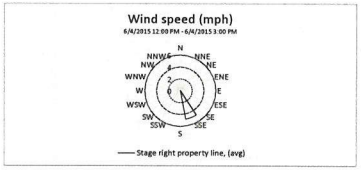




Overall Data

Location	Start Time	End Time	Activity	L_{Aeq}	L_{eq}	L_{eq}-L_{Aeq}	L_{eq}	12.5 Hz	16 Hz	20 Hz	25 Hz	31.5 Hz	40 Hz	50 Hz	63 Hz	80 Hz	100 Hz	125 Hz	160 Hz	200 Hz	250 Hz	315 Hz	400 Hz	500 Hz	630 Hz	800 Hz	1 kHz	1.25 kHz	1.6 kHz	2 kHz	2.5 kHz	3.15 kHz	4 kHz	5 kHz	6.3 kHz	8 kHz	10 kHz	12.5 kHz	16 kHz	20 kHz	L_{eq}	16 Hz	31.5 Hz	63 Hz	125 Hz	250 Hz	500 Hz	1 kHz	2 kHz	4 kHz	8 kHz	16 kHz	L_{Aeq} Band Ltd	L_{Cpeak}	Average Wind Speed	Average Wind Direction
FOH mix position	6/4 12:00:00 PM	6/4 3:00:00 PM	74%	90.1	104.1	14.0		63.3	61.1	61.2	61.2	76.9	90.6	99.0	100.8	95.2	88.2	89.2	86.1	85.2	85.1	82.3	78.4	79.7	78.3	76.0	78.4	78.2	78.1	79.1	79.7	76.5	76.6	73.6	72.0	72.0	68.6	63.3	57.2	40.3		66.7	90.8	103.7	92.8	89.2	83.6	82.4	83.8	80.5	75.9	64.3	90.0	124.3	4.9	SSE
Stage left property line	6/4 12:00:00 PM	6/4 3:00:00 PM	74%	57.7	73.0	15.3		59.2	56.8	54.4	53.7	59.9	63.5	65.9	68.1	62.0	61.7	64.3	59.9	56.7	53.7	50.8	48.6	48.8	47.5	44.9	45.1	44.2	43.0	42.0	43.9	42.6	42.5	36.9	34.4	30.4	23.6	17.1	19.6	19.4		62.0	65.4	70.8	67.1	59.2	53.1	49.5	47.8	46.1	36.1	23.6	57.6	100.9	4.9	SSE
Stage right property line	6/4 12:00:00 PM	6/4 3:00:00 PM	74%	60.4	77.5	17.1		67.4	65.4	63.2	61.0	60.5	66.2	73.6	70.3	70.1	65.5	67.1	60.6	58.9	56.9	52.3	50.2	52.2	50.6	48.5	48.5	48.6	48.7	48.2	47.7	44.1	43.9	39.7	36.1	32.0	26.8	23.2	34.3	24.5		70.4	68.1	76.4	69.9	61.6	55.9	53.3	53.0	47.8	37.9	35.0	60.9	107.3	4.9	SSE

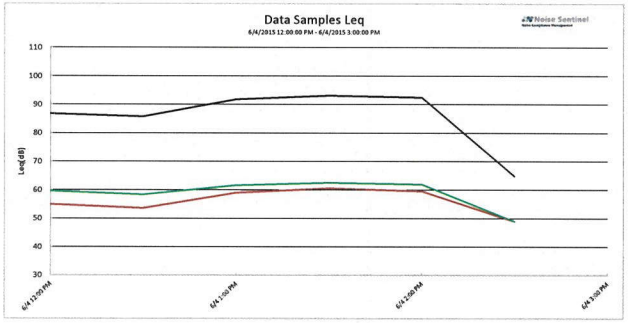


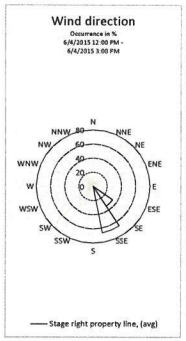


Periods Data

Location	Start Time	End Time	Activity	L_{Aeq}	L_{eq}	L_{eq}-L_{Aeq}	L_{eq}	12.5 Hz	16 Hz	20 Hz	25 Hz	31.5 Hz	40 Hz	50 Hz	63 Hz	80 Hz	100 Hz	125 Hz	160 Hz	200 Hz	250 Hz	315 Hz	400 Hz	500 Hz	630 Hz	800 Hz	1 kHz	1.25 kHz	1.6 kHz	2 kHz	2.5 kHz	3.15 kHz	4 kHz	5 kHz	6.3 kHz	8 kHz	10 kHz	12.5 kHz	16 kHz	20 kHz	L_{eq}	16 Hz	31.5 Hz	63 Hz	125 Hz	250 Hz	500 Hz	1 kHz	2 kHz	4 kHz	8 kHz	16 kHz	L_{Aeq} Band Ltd	L_{Cpeak}	Average Wind Speed	Average Wind Direction
FOH mix position (Day)	6/4 12:00:00 PM	6/4 3:00:00 PM	74%	90.1	104.1	14.0		63.3	61.1	61.2	61.2	76.9	90.6	99.0	100.8	95.2	88.2	89.2	86.1	85.2	85.1	82.3	78.4	79.7	78.3	76.0	78.4	78.2	78.1	79.1	79.7	76.5	76.6	73.6	72.0	72.0	68.6	63.3	57.2	40.3		66.7	90.8	103.7	92.8	89.2	83.6	82.4	83.8	80.5	75.9	64.3	90.0	124.3	4.9	SSE
Stage left property line (Da	6/4 12:00:00 PM	6/4 3:00:00 PM	74%	57.7	73.0	15.3		59.2	56.8	54.4	53.7	59.9	63.5	65.9	68.1	62.0	61.7	64.3	59.9	56.7	53.7	50.8	48.6	48.8	47.5	44.9	45.1	44.2	43.0	42.0	43.9	42.6	42.5	36.9	34.4	30.4	23.6	17.1	19.6	19.4		62.0	65.4	70.8	67.1	59.2	53.1	49.5	47.8	46.1	36.1	23.6	57.6	100.9	4.9	SSE
Stage right property line (D	6/4 12:00:00 PM	6/4 3:00:00 PM	74%	60.4	77.5	17.1		67.4	65.4	63.2	61.0	60.5	66.2	73.6	70.3	70.1	65.5	67.1	60.6	58.9	56.9	52.3	50.2	52.2	50.6	48.5	48.5	48.6	48.7	48.2	47.7	44.1	43.9	39.7	36.1	32.0	26.8	23.2	34.3	24.5		70.4	68.1	76.4	69.9	61.6	55.9	53.3	53.0	47.8	37.9	35.0	60.9	107.3	4.9	SSE

FOH mix position
Stage left property
Stage right





Data Samples - Resolution

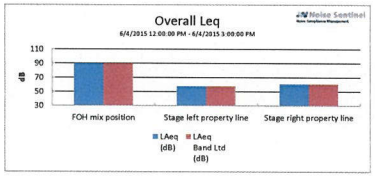
Location	Start Time	End Time	Activity	L_{Aeq}	L_{eq}	L_{eq}-L_{Aeq}	L_{eq}	12.5 Hz	16 Hz	20 Hz	25 Hz	31.5 Hz	40 Hz	50 Hz	63 Hz	80 Hz	100 Hz	125 Hz	160 Hz	200 Hz	250 Hz	315 Hz	400 Hz	500 Hz	630 Hz	800 Hz	1 kHz	1.25 kHz	1.6 kHz	2 kHz	2.5 kHz	3.15 kHz	4 kHz	5 kHz	6.3 kHz	8 kHz	10 kHz	12.5 kHz	16 kHz	20 kHz	L_{eq}	16 Hz	31.5 Hz	63 Hz	125 Hz	250 Hz	500 Hz	1 kHz	2 kHz	4 kHz	8 kHz	16 kHz	L_{Aeq} Band Ltd	L_{Cpeak}	Average Wind Speed	Average Wind Direction
FOH mix position	6/4 12:00:00 PM	6/4 12:30:00 PM	72%	86.8	100.9	14.1		63.5	61.3	59.5	57.4	68.8	81.8	92.2	96.1	86.5	83.9	83.5	78.8	79.1	79.1	77.6	72.9	71.8	72.5	70.2	72.8	71.9	72.3	72.4	72.4	70.6	70.0	66.7	64.9	64.8	61.7	55.6	48.2	32.1		66.5	82.0	97.9	87.4	83.4	77.2	76.5	77.1	74.1	68.8	56.4	83.5	123.3	4.5	SSE
Stage left property line	6/4 12:00:00 PM	6/4 12:30:00 PM	72%	55.0	70.2	15.2		58.8	56.1	53.6	51.6	53.4	57.6	60.4	64.4	56.5	57.2	57.3	53.5	51.5	48.7	46.5	44.3	43.8	42.9	40.6	41.0	39.1	37.2	35.8	36.6	37.0	43.5	38.9	32.1	27.5	21.5	17.3	20.3	19.7		61.4	59.7	66.3	61.1	54.1	48.5	45.1	41.3	45.4	33.7	24.0	52.8	91.9	4.5	SSE
Stage right property line	6/4 12:00:00 PM	6/4 12:30:00 PM	72%	59.6	74.1	14.5		64.0	61.5	58.7	56.4	55.5	59.2	62.8	67.0	59.1	63.8	61.9	58.6	55.1	54.4	51.3	47.8	44.3	43.1	43.5	46.3	44.2	43.7	41.8	43.0	41.3	41.3	36.0	34.2	30.9	26.2	25.4	41.3	29.8		66.7	62.1	68.9	66.7	58.6	50.3	49.6	47.7	44.9	36.3	41.7	56.6	94.7	4.5	SSE

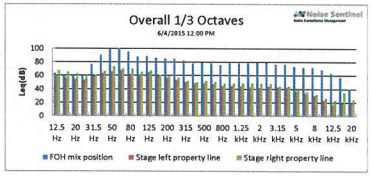
Please Note! Weather data shown in gray colour are copied from the master weather station.

Logged Data

Life Austin Church testing 6-4-15 (6/4/2015 12:00 PM - 6/4/2015 3:00 PM)

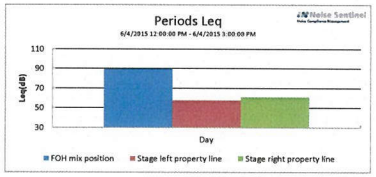
Brüel & Kjær





Overall Data

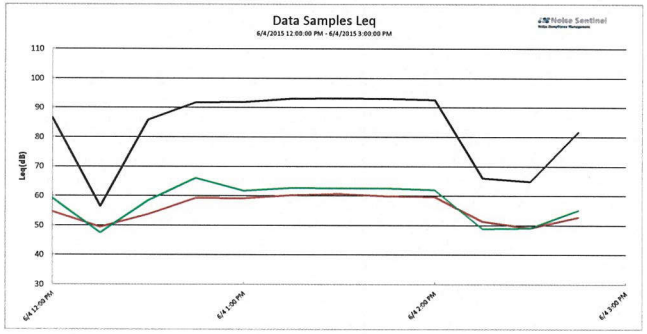
Location	Start Time	End Time	Activity	L_{Aeq}	L_{Ceq}	L_{Ceq}-L_{Aeq}	L_{eq}	12.5 Hz	16 Hz	20 Hz	25 Hz	31.5 Hz	40 Hz	50 Hz	63 Hz	80 Hz	100 Hz	125 Hz	160 Hz	200 Hz	250 Hz	315 Hz	400 Hz	500 Hz	630 Hz	800 Hz	1 kHz	1.25 kHz	1.6 kHz	2 kHz	2.5 kHz	3.15 kHz	4 kHz	5 kHz	6.3 kHz	8 kHz	10 kHz	12.5 kHz	16 kHz	20 kHz	L_{eq}	16 Hz	31.5 Hz	63 Hz	125 Hz	250 Hz	500 Hz	1 kHz	2 kHz	4 kHz	8 kHz	16 kHz	L_{Aeq} Band Ltd	L_{Peak}
FOH mix position	6/4 12:00:00 PM	6/4 3:00:00 PM	99%	89.9	103.6	13.6		63.3	61.1	61.2	61.2	77.0	90.6	99.0	100.9	95.2	88.2	89.2	86.1	85.2	85.1	82.3	78.4	79.7	78.3	76.0	78.4	78.2	78.2	79.1	79.7	76.5	76.6	73.6	72.0	72.0	68.6	63.3	57.3	40.3		66.8	90.8	103.7	92.8	89.2	83.6	82.5	83.8	80.6	75.9	64.3	90.0	124.3
Stage left property line	6/4 12:00:00 PM	6/4 3:00:00 PM	99%	57.5	72.6	15.1		59.2	56.8	54.4	53.7	59.9	63.5	65.9	68.1	62.0	61.7	64.3	59.9	56.7	53.7	50.8	48.6	48.8	47.5	44.9	45.1	44.2	43.0	42.0	43.9	42.6	42.5	36.9	34.4	30.4	23.6	17.1	19.6	19.4		62.0	65.4	70.8	67.1	59.2	53.1	49.5	47.8	46.1	36.1	23.6	57.6	100.9
Stage right property line	6/4 12:00:00 PM	6/4 3:00:00 PM	99%	60.8	77.2	16.3		67.4	65.4	63.2	61.0	60.5	66.2	73.6	70.3	70.1	65.5	67.1	60.6	58.9	56.9	52.3	50.3	52.2	50.6	48.5	48.5	48.6	48.7	48.2	47.7	44.1	44.0	39.7	36.1	32.1	26.8	23.3	34.4	24.5		70.4	68.1	76.4	69.9	61.6	55.9	53.3	53.0	47.8	37.9	35.2	60.9	107.3



Periods Data

Location	Start Time	End Time	Activity	L_{Aeq}	L_{Ceq}	L_{Ceq}-L_{Aeq}	L_{eq}	12.5 Hz	16 Hz	20 Hz	25 Hz	31.5 Hz	40 Hz	50 Hz	63 Hz	80 Hz	100 Hz	125 Hz	160 Hz	200 Hz	250 Hz	315 Hz	400 Hz	500 Hz	630 Hz	800 Hz	1 kHz	1.25 kHz	1.6 kHz	2 kHz	2.5 kHz	3.15 kHz	4 kHz	5 kHz	6.3 kHz	8 kHz	10 kHz	12.5 kHz	16 kHz	20 kHz	L_{eq}	16 Hz	31.5 Hz	63 Hz	125 Hz	250 Hz	500 Hz	1 kHz	2 kHz	4 kHz	8 kHz	16 kHz	L_{Aeq} Band Ltd	L_{Peak}
FOH mix position (Day)	6/4 12:00:00 PM	6/4 3:00:00 PM	99%	89.9	103.6	13.6		63.3	61.1	61.2	61.2	77.0	90.6	99.0	100.9	95.2	88.2	89.2	86.1	85.2	85.1	82.3	78.4	79.7	78.3	76.0	78.4	78.2	78.2	79.1	79.7	76.5	76.6	73.6	72.0	72.0	68.6	63.3	57.3	40.3		66.8	90.8	103.7	92.8	89.2	83.6	82.5	83.8	80.6	75.9	64.3	90.0	124.3
Stage left property line (Day	6/4 12:00:00 PM	6/4 3:00:00 PM	99%	57.5	72.6	15.1		59.2	56.8	54.4	53.7	59.9	63.5	65.9	68.1	62.0	61.7	64.3	59.9	56.7	53.7	50.8	48.6	48.8	47.5	44.9	45.1	44.2	43.0	42.0	43.9	42.6	42.5	36.9	34.4	30.4	23.6	17.1	19.6	19.4		62.0	65.4	70.8	67.1	59.2	53.1	49.5	47.8	46.1	36.1	23.6	57.6	100.9
Stage right property line (D	6/4 12:00:00 PM	6/4 3:00:00 PM	99%	60.8	77.2	16.3		67.4	65.4	63.2	61.0	60.5	66.2	73.6	70.3	70.1	65.5	67.1	60.6	58.9	56.9	52.3	50.3	52.2	50.6	48.5	48.5	48.6	48.7	48.2	47.7	44.1	44.0	39.7	36.1	32.1	26.8	23.3	34.4	24.5		70.4	68.1	76.4	69.9	61.6	55.9	53.3	53.0	47.8	37.9	35.2	60.9	107.3

FOH mix position
Stage left property
Stage right



Data Samples - Resolution 15 minutes

Location	Start Time	End Time	Activity	L_{Aeq}	L_{Ceq}	L_{Ceq}-L_{Aeq}	L_{eq}	12.5 Hz	16 Hz	20 Hz	25 Hz	31.5 Hz	40 Hz	50 Hz	63 Hz	80 Hz	100 Hz	125 Hz	160 Hz	200 Hz	250 Hz	315 Hz	400 Hz	500 Hz	630 Hz	800 Hz	1 kHz	1.25 kHz	1.6 kHz	2 kHz	2.5 kHz	3.15 kHz	4 kHz	5 kHz	6.3 kHz	8 kHz	10 kHz	12.5 kHz	16 kHz	20 kHz	L_{eq}	16 Hz	31.5 Hz	63 Hz	125 Hz	250 Hz	500 Hz	1 kHz	2 kHz	4 kHz	8 kHz	16 kHz	L_{Aeq} Band Ltd	L_{Peak}	Wind Speed	Wind Direction
FOH mix position	6/4 12:00:00 PM	6/4 12:15:00 PM	93%	86.5	100.6	14.1		64.2	62.1	60.8	59.3	71.9	84.9	95.4	99.3	89.7	87.1	86.7	82.0	82.2	82.2	80.8	76.0	75.0	75.7	73.3	76.0	75.1	75.5	75.5	75.6	73.7	73.1	69.8	68.0	68.0	64.9	58.8	51.4	35.1		67.4	85.1	101.1	90.5	86.6	80.3	79.7	80.3	77.3	72.0	59.5	86.5	123.3	0.0	0.0
FOH mix position	6/4 12:15:00 PM	6/4 12:30:00 PM	100%	56.4	64.2	7.8		62.8	60.3	58.0	54.4	53.0	52.9	52.6	51.3	52.0	52.7	50.1	49.9	49.5	51.6	49.5	50.2	51.2	51.0	47.8	44.4	43.8	44.8	40.7	39.5	38.0	38.9	37.6	36.5	31.9	27.9	25.7	24.1	19.8		65.6	58.3	56.8	55.9	55.1	55.6	50.5	47.1	42.9	38.2	28.6	56.4	91.0	0.0	0.0
FOH mix position	6/4 12:30:00 PM	6/4 12:45:00 PM	100%	85.7	100.1	14.3		63.7	61.6	60.3	58.3	68.2	85.0	94.2	98.5	90.2	84.3	85.1	81.1	81.9	81.2	78.4	74.6	75.3	74.8	73.1	74.5	74.8	75.2	73.9	73.9	71.8	71.9	68.3	67.0	67.1	64.4	58.2	50.6	34.3		66.9	85.1	100.3	88.6	85.5	79.7	79.0	79.2	75.7	71.1	58.9	85.8	119.2	0.0	0.0
FOH mix position	6/4 12:45:00 PM	6/4 1:00:00 PM	100%	91.6	105.3	13.7		61.4	59.1	58.8	58.5	69.9	87.6	99.5	103.9	94.1	90.4	91.4	87.0	87.2	86.0	83.6	79.3	80.6	81.1	78.4	81.6	81.2	81.3	79.9	79.2	78.0	78.4	74.4	72.4	72.7	70.0	63.8	56.4	39.2		64.7	87.6	105.6	94.7	90.6	85.1	85.4	85.0	82.0	76.6	64.5	91.7	124.3	0.0	0.0
FOH mix position	6/4 1:00:00 PM	6/4 1:15:00 PM	100%	91.8	107.3	15.6		64.0	62.0	62.0	62.1	76.2	91.6	102.1	106.0	96.5	91.5	92.1	85.8	85.3	84.4	83.4	78.8	80.5	79.2	76.8	80.4	80.6	81.3	80.6	80.6	78.6	79.3	75.9	74.7	75.1	72.2	66.3	59.4	42.0		67.5	91.7	107.8	95.3	89.2	84.3	84.4	85.6	82.9	78.9	67.1	91.8	123.5	0.0	0.0
FOH mix position	6/4 1:15:00 PM	6/4 1:30:00 PM	100%	93.0	106.0	13.0		60.6	58.5	62.3	63.9	81.2	94.4	101.9	102.2	98.8	90.4	91.6	89.4	88.2	88.4	85.5	81.8	83.0	81.3	79.0	81.3	80.9	80.5	82.6	83.4	79.6	79.7	76.8	75.2	75.3	71.5	66.4	60.7	43.9		65.5	94.6	106.0	95.3	92.3	86.9	85.3	87.1	83.7	79.1	67.5	93.1	122.4	0.0	0.0
FOH mix position	6/4 1:30:00 PM	6/4 1:45:00 PM	100%	93.1	106.1	13.0		65.5	63.7	64.2	64.5	81.2	94.5	102.0	102.2	98.9	90.6	91.7	89.4	88.2	88.8	85.5	81.7	83.3	81.4	79.1	81.2	80.8	80.6	82.5	83.4	79.7	79.7	76.8	75.2	75.2	71.5	66.5	60.8	43.9		69.3	94.7	106.0	95.4	92.5	87.0	85.2	87.1	83.7	79.1	67.5	93.1	122.0	0.0	0.0
FOH mix position	6/4 1:45:00 PM	6/4 2:00:00 PM	100%	93.0	106.1	13.1		61.8	59.2	62.4	63.9	81.2	94.5	102.0	102.3	98.8	90.6	91.7	89.5	88.3	88.7	85.5	81.8	83.1	81.1	79.0	81.2	81.0	80.6	82.4	83.2	79.6	79.6	76.9	75.3	75.1	71.3	66.2	60.5	43.5		66.1	94.7	106.1	95.5	92.5	86.8	85.3	87.0	83.6	79.0	67.2	93.0	122.2	0.0	0.0
FOH mix position	6/4 2:00:00 PM	6/4 2:15:00 PM	100%	92.5	105.5	13.0		62.8	60.5	62.5	63.6	80.6	93.9	101.4	101.7	98.4	89.8	91.0	88.9	87.7	87.9	84.9	81.2	83.0	81.1	78.6	80.4	80.3	79.9	82.1	83.0	79.1	79.0	76.2	74.5	74.5	70.8	65.7	60.0	43.0		66.8	94.1	105.5	94.8	91.8	86.6	84.6	86.6	83.1	78.4	66.8	92.5	122.0	0.0	0.0
FOH mix position	6/4 2:15:00 PM	6/4 2:30:00 PM	100%	66.0	75.2	9.2		63.0	61.0	58.7	56.1	55.4	57.0	65.5	65.4	72.4	66.9	56.5	58.5	55.9	56.9	57.8	54.5	54.8	58.6	54.7	54.6	55.4	56.4	53.8	54.0	54.8	51.7	49.1	47.6	44.8	41.6	39.4	37.5	30.0		66.0	61.0	73.8	67.8	61.7	61.2	59.7	59.7	57.3	50.1	41.8	66.1	95.4	0.0	0.0
FOH mix position	6/4 2:30:00 PM	6/4 2:45:00 PM	100%	64.8	73.2	8.4		63.4	61.1	59.8	56.6	60.6	60.0	64.9	62.3	68.5	66.0	57.0	57.6	56.6	56.7	53.7	53.7	54.0	58.8	54.0	53.3	54.2	54.9	52.6	52.0	51.5	51.0	48.2	46.8	43.8	40.9	39.4	37.1	28.3		66.5	64.2	70.8	67.1	60.6	61.0	58.6	58.1	55.2	49.2	41.6	64.8	93.6	0.0	0.0

I01/723

FOH mix position	6/4 2:45:00 PM	6/4 3:00:00 PM	100%	81.7	97.7	15.9
Stage left property line	6/4 12:00:00 PM	6/4 12:15:00 PM	93%	54.7	69.9	15.2
Stage left property line	6/4 12:15:00 PM	6/4 12:30:00 PM	100%	49.4	62.4	12.9
Stage left property line	6/4 12:30:00 PM	6/4 12:45:00 PM	100%	53.7	69.3	15.6
Stage left property line	6/4 12:45:00 PM	6/4 1:00:00 PM	100%	59.2	74.5	15.3
Stage left property line	6/4 1:00:00 PM	6/4 1:15:00 PM	100%	59.1	75.7	16.6
Stage left property line	6/4 1:15:00 PM	6/4 1:30:00 PM	100%	60.2	74.7	14.5
Stage left property line	6/4 1:30:00 PM	6/4 1:45:00 PM	100%	60.6	75.3	14.7
Stage left property line	6/4 1:45:00 PM	6/4 2:00:00 PM	100%	59.8	74.6	14.8
Stage left property line	6/4 2:00:00 PM	6/4 2:15:00 PM	100%	59.6	74.2	14.6
Stage left property line	6/4 2:15:00 PM	6/4 2:30:00 PM	100%	51.4	65.4	14.1
Stage left property line	6/4 2:30:00 PM	6/4 2:45:00 PM	100%	49.0	65.5	16.5
Stage left property line	6/4 2:45:00 PM	6/4 3:00:00 PM	100%	52.8	68.6	15.8
Stage right property line	6/4 12:00:00 PM	6/4 12:15:00 PM	93%	59.3	73.8	14.5
Stage right property line	6/4 12:15:00 PM	6/4 12:30:00 PM	100%	47.4	63.0	15.5
Stage right property line	6/4 12:30:00 PM	6/4 12:45:00 PM	100%	58.3	72.6	14.3
Stage right property line	6/4 12:45:00 PM	6/4 1:00:00 PM	100%	66.0	78.3	12.3
Stage right property line	6/4 1:00:00 PM	6/4 1:15:00 PM	100%	61.7	79.7	17.9
Stage right property line	6/4 1:15:00 PM	6/4 1:30:00 PM	100%	62.6	79.9	17.3
Stage right property line	6/4 1:30:00 PM	6/4 1:45:00 PM	100%	62.6	79.9	17.4
Stage right property line	6/4 1:45:00 PM	6/4 2:00:00 PM	100%	62.5	79.7	17.2
Stage right property line	6/4 2:00:00 PM	6/4 2:15:00 PM	100%	62.0	79.7	17.7
Stage right property line	6/4 2:15:00 PM	6/4 2:30:00 PM	100%	48.8	68.2	19.4
Stage right property line	6/4 2:30:00 PM	6/4 2:45:00 PM	100%	49.0	68.3	19.3
Stage right property line	6/4 2:45:00 PM	6/4 3:00:00 PM	100%	55.1	73.3	18.2

FOH mix position	6/4 2:45:00 PM	64.1	61.6	59.7	58.2	71.0	84.4	94.4	91.5	90.8	83.9	86.9	84.8	83.7	79.1	73.1	71.2	69.9	66.9
Stage left property line	6/4 12:00:00 PM	59.0	56.5	53.9	51.9	54.4	59.4	63.2	67.2	58.1	59.3	60.1	56.0	54.3	51.4	49.3	46.8	45.9	44.6
Stage left property line	6/4 12:15:00 PM	58.6	55.7	53.3	51.4	52.1	54.9	52.7	55.9	54.2	53.2	49.8	47.5	43.4	41.2	39.2	38.7	39.8	40.2
Stage left property line	6/4 12:30:00 PM	57.9	55.8	54.0	52.7	53.7	59.1	62.2	66.1	58.8	58.2	59.4	55.1	53.0	49.9	47.3	45.8	45.6	45.0
Stage left property line	6/4 12:45:00 PM	58.4	55.8	54.3	53.2	54.4	60.4	67.7	71.7	60.9	63.5	65.7	61.3	59.1	54.7	52.4	50.4	50.1	48.8
Stage left property line	6/4 1:00:00 PM	60.2	58.4	55.4	54.5	56.4	63.7	69.5	73.2	62.5	64.1	66.5	60.2	56.5	53.9	52.2	50.3	49.6	49.2
Stage left property line	6/4 1:15:00 PM	57.3	55.6	53.2	53.9	57.5	67.0	68.0	68.9	64.8	63.8	67.3	63.0	59.6	56.9	53.5	50.9	51.5	49.8
Stage left property line	6/4 1:30:00 PM	59.3	57.2	55.2	55.5	67.9	67.2	68.4	68.9	65.2	64.2	67.4	63.2	59.9	57.2	54.1	51.8	52.3	50.6
Stage left property line	6/4 1:45:00 PM	59.1	56.4	54.0	54.2	59.5	67.1	68.0	68.6	64.7	63.9	67.3	62.8	59.4	56.7	53.1	50.3	51.2	49.2
Stage left property line	6/4 2:00:00 PM	58.0	56.1	54.1	54.4	57.8	66.5	67.7	68.4	64.2	63.3	66.4	62.3	59.1	56.2	53.2	50.9	51.1	49.6
Stage left property line	6/4 2:15:00 PM	58.7	55.6	53.8	53.4	54.9	56.4	58.5	58.4	58.3	58.0	53.1	48.0	44.2	42.0	40.6	42.2	44.0	44.7
Stage left property line	6/4 2:30:00 PM	61.4	59.0	55.6	54.4	58.9	57.2	56.9	58.5	59.3	54.2	50.8	48.8	44.7	41.2	41.7	41.3	42.0	41.7
Stage left property line	6/4 2:45:00 PM	60.8	57.6	54.8	53.6	60.2	59.2	61.4	60.8	59.4	57.8	60.6	58.4	54.7	49.7	43.9	43.8	43.0	42.5
Stage right property line	6/4 12:00:00 PM	64.3	61.7	58.9	56.9	56.1	61.7	65.8	70.0	61.8	66.8	65.0	61.7	58.1	57.4	54.3	50.7	46.9	45.4
Stage right property line	6/4 12:15:00 PM	63.7	61.2	58.5	55.8	54.9	53.2	52.0	52.8	51.8	50.0	46.9	44.2	41.9	40.3	39.5	39.0	38.3	38.1
Stage right property line	6/4 12:30:00 PM	64.1	61.3	58.5	55.9	55.1	62.1	64.0	68.6	60.7	63.7	63.9	60.6	58.0	57.1	53.1	48.7	46.6	44.6
Stage right property line	6/4 12:45:00 PM	64.5	61.9	59.4	57.1	57.0	64.5	71.8	73.7	65.3	69.9	69.7	66.1	64.7	62.1	59.3	57.1	57.1	58.2
Stage right property line	6/4 1:00:00 PM	66.7	64.7	62.2	59.8	59.3	68.3	76.9	74.3	70.8	67.3	69.3	59.5	57.6	54.8	51.2	50.6	52.0	51.3
Stage right property line	6/4 1:15:00 PM	67.1	65.2	63.0	60.8	59.0	69.3	77.0	71.7	74.2	66.9	69.6	61.6	60.0	58.2	50.9	50.2	54.8	50.8
Stage right property line	6/4 1:30:00 PM	67.4	64.9	62.9	61.0	63.2	69.3	77.0	71.8	74.2	66.9	69.5	61.4	60.0	58.7	51.5	50.2	54.6	50.9
Stage right property line	6/4 1:45:00 PM	69.4	67.3	65.0	62.3	60.3	69.1	76.8	71.4	73.8	66.9	69.0	61.6	60.2	58.7	51.3	50.1	55.1	51.0
Stage right property line	6/4 2:00:00 PM	69.5	67.8	65.7	63.6	61.6	69.0	76.8	71.5	73.9	66.0	68.8	60.9	59.8	58.0	50.5	49.6	54.1	50.2
Stage right property line	6/4 2:15:00 PM	69.3	67.4	65.4	63.2	60.8	58.7	57.4	56.6	56.2	53.9	49.7	46.0	43.5	41.4	39.7	39.7	40.8	41.4
Stage right property line	6/4 2:30:00 PM	68.8	66.9	65.0	63.1	62.5	59.4	57.6	57.6	56.7	53.2	51.7	48.8	46.4	47.1	42.9	39.9	40.4	40.3
Stage right property line	6/4 2:45:00 PM	68.3	66.5	64.8	62.8	64.1	62.8	68.9	63.9	64.0	60.4	65.8	57.6	55.6	49.6	43.8	43.7	43.6	42.9

FOH mix position	6/4 2:45:00 PM	65.2	67.0	69.6	68.2	66.9	67.3	66.5	67.3	66.5	63.5	62.0	60.5	58.4	54.6	36.3
Stage left property line	6/4 12:00:00 PM	41.4	42.8	41.1	39.6	38.2	39.1	39.6	44.1	38.7	34.4	29.8	21.6	15.5	19.7	19.2
Stage left property line	6/4 12:15:00 PM	39.6	38.4	35.5	31.9	30.7	31.0	31.1	42.7	39.1	27.6	23.4	21.4	18.4	20.8	20.1
Stage left property line	6/4 12:30:00 PM	42.7	42.4	41.2	39.4	36.6	37.2	37.1	36.4	29.8	27.8	24.6	19.7	14.3	19.0	19.2
Stage left property line	6/4 12:45:00 PM	45.3	47.3	46.6	45.7	43.2	44.1	44.7	44.9	38.0	37.2	34.1	28.0	20.1	19.8	19.4
Stage left property line	6/4 1:00:00 PM	47.0	47.1	46.5	45.4	43.5	45.0	44.2	43.7	37.0	34.4	31.9	25.1	16.7	18.8	19.2
Stage left property line	6/4 1:15:00 PM	47.0	47.2	46.4	45.5	45.2	47.6	46.1	44.5	37.6	37.8	32.6	24.5	17.7	19.6	19.5
Stage left property line	6/4 1:30:00 PM	47.1	47.9	47.0	45.9	45.8	47.9	45.8	44.6	38.3	36.0	33.4	26.0	17.1	19.2	19.3
Stage left property line	6/4 1:45:00 PM	46.5	46.6	45.8	44.9	44.8	47.1	45.1	44.2	39.6	37.7	32.9	25.4	17.8	19.2	19.3
Stage left property line	6/4 2:00:00 PM	46.7	47.0	46.0	44.9	44.4	46.6	44.6	43.3	38.5	34.7	31.3	24.8	19.2	21.0	19.7
Stage left property line	6/4 2:15:00 PM	43.9	41.8	40.0	36.9	33.3	30.5	37.6	35.8	31.6	32.8	16.2	11.5	14.0	19.6	19.3
Stage left property line	6/4 2:30:00 PM	40.9	39.7	37.3	34.7	30.6	28.7	31.1	29.2	26.3	25.9	20.9	17.4	14.3	19.5	19.4
Stage left property line	6/4 2:45:00 PM	41.2	40.1	38.5	35.6	32.2	32.9	32.3	32.2	30.2	26.0	19.2	14.9	14.6	18.9	19.3
Stage right property line	6/4 12:00:00 PM	45.8	49.1	46.9	46.6	44.8	46.1	44.1	43.5	38.5	35.1	33.8	29.0	28.1	44.5	32.7
Stage right property line	6/4 12:15:00 PM	38.7	38.3	36.3	33.1	30.6	30.1	32.9	37.2	30.5	33.1	22.2	18.1	18.8	20.9	20.2
Stage right property line	6/4 12:30:00 PM	44.9	47.1	45.9	46.4	44.1	44.4	42.1	42.3	38.1	37.1	32.9	27.1	20.9	22.0	20.3
Stage right property line	6/4 12:45:00 PM	54.5	54.3	55.7	53.8	53.1	50.7	49.1	48.6	43.2	41.3	38.4	34.1	30.1	35.4	27.2
Stage right property line	6/4 1:00:00 PM	50.0	49.1	49.4	50.5	48.8	48.0	45.0	45.7	41.3	36.9	32.9	28.3	25.1	25.0	20.6
Stage right property line	6/4 1:15:00 PM	49.6	49.2	48.7	50.5	50.8	50.8	45.8	45.7	42.1	36.8	31.8	24.2	17.5	29.2	21.1
Stage right property line	6/4 1:30:00 PM	49.9	49.6	48.6	50.2	50.5	50.4	45.9	45.5	42.0	36.6	31.5	23.6	16.0	18.7	19.7
Stage right property line	6/4 1:45:00 PM	49.2	49.3	48.4	50.4	50.9	50.6	45.6	45.4	41.9	37.8	31.6	24.6	19.3	19.8	19.8
Stage right property line	6/4 2:00:00 PM	49.2	48.5	48.0	49.8	49.9	50.0	45.5	45.1	41.4	36.0	30.9	23.1	16.1	18.8	19.7
Stage right property line	6/4 2:15:00 PM	40.7	39.9	38.1	35.6	32.8	33.0	32.5	30.8	28.5	24.9	18.8	16.8	18.1	20.4	20.1
Stage right property line	6/4 2:30:00 PM	39.8	39.2	37.7	35.9	33.4	32.4	31.6	29.5	24.9	20.8	16.0	13.2	14.2	18.6	19.7
Stage right property line	6/4 2:45:00 PM	42.3	41.5	42.2	40.9	38.1	36.8	35.2	34.5	32.6	27.5	22.5	18.1	16.2	19.1	19.8

FOH mix position	6/4 2:45:00 PM	67.0	84.6	97.3	90.2	85.2	74.4	72.4	72.2	71.6	66.9	60.0	81.8	122.9	0.0	0.0
Stage left property line	6/4 12:00:00 PM	61.7	61.1	69.0	63.6	56.9	50.7	46.6	43.8	46.3	35.8	23.2	54.7	91.9	0.0	0.0
Stage left property line	6/4 12:15:00 PM	61.2	57.8	59.2	55.6	46.4	44.4	42.9	36.0	44.5	29.7	24.7	49.5	85.5	0.0	0.0
Stage left property line	6/4 12:30:00 PM	61.0	60.9	68.1	62.7	55.4	50.2	46.9	42.7	40.2	29.9	22.8	53.8	87.4	0.0	0.0
Stage left property line	6/4 12:45:00 PM	61.3	62.0	73.4	68.6	61.1	54.6	51.3	49.2	48.2	39.2	24.5	59.3	100.9	0.0	0.0
Stage left property line	6/4 1:00:00 PM	63.2	64.9	75.0	69.1	59.4	54.5	51.6	49.5	47.4	36.7	23.1	59.2	94.2	0.0	0.0
Stage left property line	6/4 1:15:00 PM	60.5	67.6	72.4	69.9	62.1	55.6	51.6	51.0	48.7	39.1	23.8	60.3	91.0	0.0	0.0
Stage left property line	6/4 1:30:00 PM	62.3	70.7	72.6	70.1	62.5	56.4	52.1	51.4	48.6	38.2	23.4	60.7	91.6	0.0	0.0
Stage left property line	6/4 1:45:00 PM	61.8	68.0	72.2	69.9	61.9	55.1	51.1	50.5	48.3	39.1	23.6	60.0	91.4	0.0	0.0
Stage left property line	6/4 2:00:00 PM	61.2	67.3	71.9	69.2	61.6	55.3	51.4	50.2	47.6	36.6	24.8	59.7	95.2	0.0	0.0
Stage left property line	6/4 2:15:00 PM	61.3	59.8	63.2	59.5	47.3	48.5	47.0	39.1	40.4	33.0	23.1	51.4	84.9	0.0	0.0
Stage left property line	6/4 2:30:00 PM	64.0	62.0	63.1	56.6	47.6	46.4	44.3	36.9	34.1	27.5	23.1	49.1	85.5	0.0	0.0
Stage left property line	6/4 2:45:00 PM	63.2	63.2	65.4	63.9	56.2	47.9	44.9	38.6	36.4	27.1	22.8	52.9	93.0	0.0	0.0
Stage right property line	6/4 12:00:00 PM	66.9	63.8	71.9	69.8	61.7	53.0	52.3	50.7	47.4	38.1	44.8	59.3	94.7	0.0	0.0
Stage right property line	6/4 12:15:00 PM	66.4	59.5	57.0	52.4	45.4	43.3	42.7	36.3	39.2	33.6	24.8	47.5	89.1	0.0	0.0
Stage right property line	6/4 12:30:00 PM	66.7	63.7	70.4	67.7	61.3	51.7	50.8	49.8	46.0	38.8	25.9	58.5	91.4	0.0	0.0
Stage right property line	6/4 12:45:00 PM	67.2	65.8	76.2	73.7	67.3	62.3	59.7	57.5	52.4	43.6	37.0	66.0	107.3	0.0	0.0
Stage right property line	6/4 1:00:00 PM	69.7	69.3	79.5	71.7	60.0	56.1	54.3	54.0	49.1	38.7	28.8	61.8	97.1	0.0	0.0
Stage right property line	6/4 1:15:00 PM	70.2	70.2	79.6	71.9	62.5	57.2	54.0	55.5	49.6	38.2	30.1	62.7	96.2	0.0	0.0
Stage right property line	6/4 1:30:00 PM	70.2	70.7	79.6	71.8	62.8	57.2	54.2	55.2	49.5	37.9	23.2	62.7	95.6	0.0	0.0
Stage right property line	6/4 1:45:00 PM	72.4	70.4	79.3	71.6	62.9	57.4	53.7	55.4	49.4	38.9	24.4	62.6	97.4	0.0	0.0
Stage right property line	6/4 2:00:00 PM	72.7	70.7	79.3	71.1	62.3	56.6	53.4	54.7	49.1	37.4	23.2	62.1	95.7	0.0	0.0
Stage right property line	6/4 2:15:00 PM	72.4	66.1	61.5	55.8	46.6	45.5	44.5	38.8	35.7	26.3	24.4	48.9	89.7	0.0	0.0
Stage right property line	6/4 2:30:00 PM	71.9	66.7	62.1	56.4	50.6	45.0	43.7	39.0	34.2	22.6	22.8	49.1	90.7	0.0	0.0
Stage right property line	6/4 2:45:00 PM	71.5	68.1	71.0	67.4	56.8	48.2	46.8	43.7	39.0	29.0	23.4	55.2	95.7	0.0	0.0

Please Note! The values shown in gray colour are calculated with a limited number of input values as the input values measured during a calibration check are left out of the calculation.

Alert Data

Life Austin Church testing 6-4-15 (6/4/2015 12:00 PM - 6/4/2015 3:00 PM)

Brüel & Kjær

Alert Log

Location	Start Time	End Time	Title	Message	Activity	Threshold	Value	Unit	Severity	Sounds	Comments

EXHIBIT G

DECLARATION OF JOHN CAPEZZUTI

My name is John Capezzuti. I am over 21 years of age, am of sound mind, and am fully competent to make the statements contained in this Declaration. Each of the statements below is within my personal knowledge and is true and correct to the best of my knowledge.

1. I serve as the Business Pastor at LifeAustin Church ("the Church"). The primary use of the Church's Outdoor Worship Center ("the Amphitheater") is for religious assembly purposes.

2. The Church has invested several hundred thousand dollars into hosting and putting on events as part of our ministry, and the costs of these events exceed any cash inflows to the Church from the events. The Church has not hosted, and will not host, any commercial for-profit events at the Amphitheater.

3. The Church keeps accurate records of the direct and indirect costs of hosting the events at the Amphitheater, as well as the cash inflows derived from each event. Indirect costs include items such as debt service, proration of utilities, proration of landscaping cost, personnel, and equipment maintenance.

4. Based on the partial accounting of the 16 events we have hosted to date, the Church's direct costs have exceeded all inflow associated with each event in all but two instances, with an average loss per event of roughly $7,000. In one case where costs did not exceed inflow, the artists donated some of their time, and therefore the Church did not have to pay a fee to the Christian artist who participated in our worship. In the other case, an individual chose to host his night of worship at our facility, again eliminating the need for the Church to pay an artist fee.

5. If all indirect costs were included in these calculations, all of the events that the Church has hosted would have lost money. For example, considering only debt service on the Amphitheater, the average cost per event to the Church is more than $20,000.

6. The Church is not financially benefiting from the existence of the Amphitheater, nor does it intend too. This is a ministry for the Church and, as with any ministry, there are costs associated. Through this ministry, we have already had over 200 people give their lives to Christ at events we have hosted at the Amphitheater. This is the reason our Church exists, and we pray these trends continue.

Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury that the foregoing statements are true and correct.

Executed on the 23 day of November, 2015.

John Capezzuti

EXHIBIT H

Barr v. City of Sinton

Supreme Court of Texas

March 22, 2007, Argued; June 19, 2009, Opinion Delivered

NO. 06-0074

Reporter
295 S.W.3d 287; 2009 Tex. LEXIS 396; 52 Tex. Sup. J. 871

PASTOR RICK BARR AND PHILEMON HOMES, INC., PETITIONERS, v. CITY OF SINTON, RESPONDENT

Prior History: [**1] ON PETITION FOR REVIEW FROM THE COURT OF APPEALS FOR THE THIRTEENTH DISTRICT OF TEXAS.
Barr v. City of Sinton, 2005 Tex. App. LEXIS 9847 (Tex. App. Corpus Christi, Nov. 23, 2005)

Core Terms

ordinance, ministry, religious, Church, exercise of religion, zoning, burdened, zoning ordinance, compelling interest, City's, cases, halfway house, regulation, purposes, free exercise of religion, compelling governmental interest, facilities, least restrictive, religious belief, residents, worship, courts, residential area, city limits, court of appeals, zoning law, statutes, argues, governmental interest, strict scrutiny

Case Summary

Procedural Posture

Petitioners, a city resident and a corporation, challenged a decision from the Court of Appeals for the Thirteenth District of Texas, which affirmed a trial court's decision that respondent city had not violated the Texas Religious Freedom Restoration Act (TRFRA).

Overview

The resident, as part of a religious ministry, offered men recently released from prison free housing and religious instruction in two homes that he owned. In response, the city passed Sinton, Tex., Ordinance 1999-02. The trial court found no violation of the TRFRA, and the court of appeals affirmed. This appeal followed. In reversing, the supreme court determined that the TRFRA's express terms required strict scrutiny of the zoning ordinance at issue in this case, pursuant to *Tex. Civ. Prac. & Rem. Code Ann. § 110.002(a)*. Further, none of the arguments advanced by the city or the court of appeals supported the assertion that zoning ordinances were exempt from the TRFRA. Next, the resident's ministry was substantially motivated by sincere religious belief for purposes of the TRFRA. The TRFRA required a case-by-case fact specific inquiry regarding whether there was a substantial burden of the resident's religious exercise, and that showing was made in this case since the ministry was effectively ended by the ordinance. The city failed to establish a compelling interest in this case, and it did not show that the least restrictive means were used to further its interest.

Outcome

The decision was reversed, and the case was remanded to the trial court for further proceedings.

LexisNexis® Headnotes

Civil Rights Law > Protection of Rights > General Overview

Constitutional Law > ... > Fundamental Freedoms > Freedom of Religion > Free Exercise of Religion

HN1 The Texas Religious Freedom Restoration Act (TRFRA) provides that a government agency may not substantially burden a person's free exercise of religion unless it demonstrates that the application of the burden to the person is in furtherance of a compelling governmental interest and is the least restrictive means of furthering that interest. *Tex. Civ. Prac. & Rem. Code Ann. § 110.003(a)-(b)*. The TRFRA does not immunize religious conduct from government regulation; it requires the government to tread carefully and lightly when its actions substantially burden religious exercise.

Civil Rights Law > Protection of Rights > General Overview

Constitutional Law > ... > Fundamental Freedoms > Freedom of Religion > Free Exercise of Religion

HN2 See *Tex. Civ. Prac. & Rem. Code Ann. § 110.005(a)-(b)*.

Constitutional Law > ... > Fundamental Freedoms > Freedom of Religion > Free Exercise of Religion

HN3 Under the Free Exercise Clause of the First Amendment, *U.S. Const. amend. I*, neutral, generally applicable laws may be applied to religious practices even when not supported by a compelling governmental interest.

Constitutional Law > ... > Fundamental Freedoms > Freedom of Religion > Free Exercise of Religion

HN4 See *U.S. Const. amend. I*.

Civil Rights Law > Protection of Rights > Religious Freedom > Religious Freedom Restoration Act

Constitutional Law > ... > Fundamental Freedoms > Freedom of Religion > Free Exercise of Religion

HN5 In enacting the Religious Freedom Restoration Act of 1993 (RFRA), *42 U.S.C.S. §§ 2000bb to 2000bb-4*, Congress found that laws "neutral" toward religion may burden religious exercise as surely as laws intended to interfere with religious exercise, *§ 2000bb(a)(2)*. and that governments should not substantially burden religious exercise without compelling justification. *§ 2000bb(a)(3)* The purpose of RFRA, Congress has declared, is to restore the compelling interest test as set forth in Sherbert and Yoder and to guarantee its application in all cases where free exercise of religion is substantially burdened; and to provide a claim or defense to persons whose religious exercise is substantially burdened by government. *§ 2000bb(b)*. Thus, government shall not substantially burden a person's exercise of religion even if the burden results from a rule of general applicability unless it demonstrates that application of the burden to the person is in furtherance of a compelling governmental interest; and is the least restrictive means of furthering that compelling governmental interest. § 2000bb-1(a) to (b).

Civil Rights Law > Protection of Rights > Religious Freedom > Religious Freedom Restoration Act

Public Health & Welfare Law > Social Services > Institutionalized Individuals > Advocacy & Protection

HN6 Congress has amended the Religious Freedom Restoration Act of 1993 (RFRA), *42 U.S.C.S. §§ 2000bb to 2000bb-4*, to limit its application to the governments of the United States, its territories and possessions, and the District of Columbia and Puerto Rico. But at the same time, Congress enacted the Religious Exercise in Land Use and by Institutionalized Persons Act of 2000 (RLUIPA), *42 U.S.C.S. §§ 2000cc to 2000cc-5*, which applied the RFRA standard to land use regulation. *42 U.S.C.S. § 2000cc(a)(1)*. The RLUIPA applies not only to the federal government but to state and local governments when the activity is federally funded or affects interstate commerce. *§§ 2000cc(b)*, -2(g), -5(4).

Constitutional Law > ... > Fundamental Freedoms > Freedom of Religion > Free Exercise of Religion

Public Health & Welfare Law > Social Services > Institutionalized Individuals > Advocacy & Protection

Real Property Law > Zoning > Constitutional Limits

HN7 See *42 U.S.C.S. § 2000cc(a)(1)*.

Civil Rights Law > Protection of Rights > Religious Freedom > Religious Freedom Restoration Act

Constitutional Law > ... > Fundamental Freedoms > Freedom of Religion > Free Exercise of Religion

HN8 Smith's construction of the Free Exercise Clause in *U.S. Const. amend. I* does not preclude a state from requiring strict scrutiny of infringements on religious freedom, either by statute or under the state constitution, and many states have done just that, Texas among them. The Texas Legislature enacted Texas Religious Freedom Restoration Act in 1999, which like Religious Freedom Restoration Act of 1993, *42 U.S.C.S. §§ 2000bb to 2000bb-4*, provides that government may not substantially burden a person's free exercise of religion unless it demonstrates that the application of the burden to the person is in furtherance of a compelling governmental interest; and is the least restrictive means of furthering that interest. *Tex. Civ. Prac. & Rem. Code Ann. § 110.003(a)-(b)*. The Act states that the protection of religious freedom afforded by this chapter is in addition to the protections provided under federal law and the constitutions of this state and the United States. *Tex. Civ. Prac. & Rem. Code Ann. § 110.009(b)*.

Civil Rights Law > Protection of Rights > General Overview

Constitutional Law > ... > Fundamental Freedoms > Freedom of Religion > Free Exercise of

Religion

Real Property Law > Zoning > Constitutional Limits

Real Property Law > Zoning > Ordinances

HN9 The ease of relocation goes to whether the burden of a zoning ordinance on a person's free exercise of religion is substantial, not to whether zoning ordinances are categorically exempt from Texas Religious Freedom Restoration Act (TRFRA). It is possible for zoning laws not to substantially burden free religious exercise. The opposite is also possible. Zoning laws cannot be used to exclude churches from all residential districts in some circumstances. The TRFRA's express terms, which require strict scrutiny of "any ordinance, rule, order, decision, practice, or other exercise of governmental authority. *Tex. Civ. Prac. & Rem. Code Ann. § 110.002(a)*. Zoning ordinances easily fall into this group.

Civil Rights Law > Protection of Rights > General Overview

Constitutional Law > ... > Fundamental Freedoms > Freedom of Religion > Free Exercise of Religion

Real Property Law > Zoning > Ordinances

HN10 See *Tex. Civ. Prac. & Rem. Code Ann. § 110.010*.

Civil Rights Law > Protection of Rights > General Overview

Constitutional Law > ... > Fundamental Freedoms > Freedom of Religion > Free Exercise of Religion

HN11 *Tex. Civ. Prac. & Rem. Code Ann. § 110.010* preserves the authority municipalities had under "the law" interpreted by the federal courts pre-Smith. The only restriction on the governing law is that it come from pre-Smith federal case law.

Real Property Law > Zoning > Constitutional Limits

HN12 The power of local governments to zone and control land use is undoubtedly broad and its proper exercise is an essential aspect of achieving a satisfactory quality of life in both urban and rural communities. But the zoning power is not infinite and unchallengeable; it must be exercised within constitutional limits.

Constitutional Law > ... > Fundamental Freedoms > Freedom of Religion > Free Exercise of Religion

Real Property Law > Zoning > Constitutional Limits

HN13 As is true of other ordinances, when a zoning law infringes upon a protected liberty, it must be narrowly drawn and must further a sufficiently substantial government interest. Mere legislative preferences or beliefs respecting matters of public convenience may well support regulation directed at other personal activities, but be insufficient to justify such as diminishes the exercise of rights so vital to the maintenance of democratic institutions. And so, as cases arise, the delicate and difficult task falls upon the courts to weigh the circumstances and to appraise the substantiality of the reasons advanced in support of the regulation of the free enjoyment of First Amendment, *U.S. Const. amend. I*, rights. A court must not only assess the substantiality of the governmental interests asserted but also determine whether those interests could be served by means that would be less intrusive on activity protected by the First Amendment, *U.S. Const. amend. I*: a municipality may serve its legitimate interests, but it must do so by narrowly drawn regulations designed to serve those interests without unnecessarily interfering with First Amendment, *U.S. Const. amend. I*, freedoms. Precision of regulation must be the touchstone.

Constitutional Law > ... > Fundamental Freedoms > Freedom of Religion > Free Exercise of Religion

HN14 The free exercise of religion is entitled to no less protection than adult entertainment.

Constitutional Law > ... > Fundamental Freedoms > Freedom of Religion > Free Exercise of Religion

Real Property Law > Zoning > Constitutional Limits

HN15 It is basic that no showing merely of a rational relationship to some colorable state interest would suffice; in this highly sensitive constitutional area, only the gravest abuses, endangering paramount interest, give occasion for permissible limitation. There is no reason to require strict scrutiny of unemployment compensation laws but not zoning laws.

Constitutional Law > ... > Fundamental Freedoms > Freedom of Religion > Free Exercise of Religion

Real Property Law > Zoning > Constitutional Limits

HN16 There is a general standard for evaluating the impact of a government provision on the exercise of religion and this test is appropriate for analyzing a challenge to zoning laws. This test involves examining the following three factors: (1) the magnitude of the

statute's impact upon the exercise of the religious belief; (2) the existence of a compelling state interest justifying the imposed burden upon the exercise of the religious belief; and (3) the extent to which recognition of an exemption from the statute would impede the objectives sought to be advanced by the state.

Real Property Law > Zoning > Constitutional Limits

HN17 Although determining whether a property regulation is unconstitutional requires the consideration of a number of factual issues, the ultimate question of whether a zoning ordinance constitutes a compensable taking or violates due process or equal protection is a question of law, not a question of fact. While courts depend on the district court to resolve disputed facts regarding the extent of the governmental intrusion on the property, the ultimate determination of whether the facts are sufficient to constitute a taking is a question of law.

Civil Rights Law > Protection of Rights > General Overview

Constitutional Law > ... > Fundamental Freedoms > Freedom of Religion > Free Exercise of Religion

HN18 The Texas Religious Freedom Restoration Act defines "free exercise of religion" as an act or refusal to act that is substantially motivated by sincere religious belief, adding that in determining whether an act or refusal to act is substantially motivated by sincere religious belief under this chapter, it is not necessary to determine that the act or refusal to act is motivated by a central part or central requirement of the person's sincere religious belief. *Tex. Civ. Prac. & Rem. Code Ann. § 110.001(a)(1)*.

Constitutional Law > ... > Fundamental Freedoms > Freedom of Religion > Free Exercise of Religion

Evidence > Inferences & Presumptions > Presumptions

HN19 It is no more appropriate for judges to determine the "centrality" of religious beliefs before applying a "compelling interest" test in the free exercise field, than it would be for them to determine the "importance" of ideas before applying the "compelling interest" test in the free speech field. What principle of law or logic can be brought to bear to contradict a believer's assertion that a particular act is "central" to his personal faith? Judging the centrality of different religious practices is akin to the unacceptable business of evaluating the relative merits of differing religious claims. It is not within the judicial ken to question the centrality of particular beliefs or practices to a faith, or the validity of particular litigants' interpretations of those creeds. Courts must not presume to determine the place of a particular belief in a religion or the plausibility of a religious claim.

Civil Rights Law > Protection of Rights > General Overview

Constitutional Law > ... > Fundamental Freedoms > Freedom of Religion > Free Exercise of Religion

HN20 Under Smith, the *Free Exercise Clause of U.S. Const. amend. I* does not require strict scrutiny for religious activity affected by neutral laws of general application, but the Texas Religious Freedom Restoration Act imposes the requirement by statute.

Constitutional Law > ... > Fundamental Freedoms > Freedom of Religion > Free Exercise of Religion

Governments > Legislation > Interpretation

HN21 Absent any special meaning, courts use ordinary meanings in common parlance. "Substantial" is defined as material, not seeming or imaginary, real, true, being of moment, and important. Thus defined, "substantial" has two basic components: real vs. merely perceived, and significant vs. trivial. These limitations leave a broad range of things covered.

Governments > Legislation > Interpretation

HN22 *Tex. Gov't Code Ann. § 312.002* states that words shall be given their ordinary meaning, except when a word is connected with and used with reference to a particular trade or subject matter or is used as a word of art.

Civil Rights Law > Protection of Rights > General Overview

Constitutional Law > ... > Fundamental Freedoms > Freedom of Religion > Free Exercise of Religion

HN23 To determine whether a person's free exercise of religion has been substantially burdened, some courts have focused on the burden on the person's religious beliefs rather than the burden on his conduct. Under what have been referred to as the compulsion and centrality tests, the issue is whether the person's conduct that is being burdened is compelled by or central to his religion. The problems with these approaches are the same as those in determining whether conduct is religious. It may require a court to do what it cannot do: assess the demands of religion on its

adherents and the importance of particular conduct to the religion. And it is inconsistent with the statutory directive that religious conduct be determined without regard for whether the actor's motivation is a central part or central requirement of the person's sincere religious belief. *Tex. Civ. Prac. & Rem. Code Ann. § 110.001(a)(1)*. These problems are avoided if the focus is on the degree to which a person's religious conduct is curtailed and the resulting impact on his religious expression. The burden must be measured, of course, from the person's perspective, not from the government's.

Civil Rights Law > Protection of Rights > General Overview

Constitutional Law > ... > Fundamental Freedoms > Freedom of Religion > Free Exercise of Religion

Public Health & Welfare Law > Social Services > Institutionalized Individuals > Advocacy & Protection

HN24 The United States Court of Appeals for the Fifth Circuit, after surveying decisions by other courts, recently held that under the Religious Exercise in Land Use and by Institutionalized Persons Act of 2000, *42 U.S.C.S. §§ 2000cc to 2000cc-5*, that a government action or regulation creates a "substantial burden" on a religious exercise if it truly pressures the adherent to significantly modify his religious behavior and significantly violate his religious beliefs. The Texas Religious Freedom Restoration Act, like its federal cousins, requires a case-by-case, fact-specific inquiry.

Constitutional Law > ... > Fundamental Freedoms > Freedom of Religion > Free Exercise of Religion

HN25 One is not to have the exercise of his liberty of expression in appropriate places abridged on the plea that it may be exercised in some other place.

Constitutional Law > ... > Fundamental Freedoms > Freedom of Religion > Free Exercise of Religion

HN26 Size of a place alone is not determinative of a violation of free exercise rights.

Constitutional Law > ... > Fundamental Freedoms > Freedom of Religion > Free Exercise of Religion

HN27 A burden on a person's religious exercise is not insubstantial simply because he could always choose to do something else.

Civil Rights Law > Protection of Rights > General Overview

Constitutional Law > ... > Fundamental Freedoms > Freedom of Religion > Free Exercise of Religion

HN28 Nothing in the Texas Religious Freedom Restoration Act suggests that being cited or charged with a crime is necessary for a burden to be substantial.

Constitutional Law > ... > Fundamental Freedoms > Freedom of Religion > Free Exercise of Religion

Constitutional Law > ... > Fundamental Freedoms > Freedom of Speech > Forums

HN29 A city may not escape the constitutional protection afforded against its actions by protesting that those who seek an activity it forbids may find it elsewhere. the availability of other sites outside city limits does not permit a city to forbid the exercise of a constitutionally protected right within its limits. One is not to have the exercise of his liberty of expression and his freedom of religion in appropriate places abridged on the plea that it may be exercised in some other place.

Constitutional Law > ... > Fundamental Freedoms > Freedom of Religion > Free Exercise of Religion

Real Property Law > Zoning > Constitutional Limits

HN30 The existence and degree of a zoning restriction's burden on religious exercise are practical matters to be determined based on the specific circumstances of a particular case. A restriction need not be completely prohibitive to be substantial; it is enough that alternatives for the religious exercise are severely restricted.

Constitutional Law > ... > Fundamental Freedoms > Freedom of Religion > Free Exercise of Religion

HN31 To say that a person's right to free exercise has been burdened, of course, does not mean that he has an absolute right to engage in the conduct. The government may regulate such conduct in furtherance of a compelling interest.

Constitutional Law > ... > Fundamental Freedoms > Freedom of Religion > Free Exercise of Religion

Real Property Law > Zoning > Constitutional Limits

HN32 Although the government's interest in the public welfare in general, and in preserving a common character of land areas and use in particular, is certainly legitimate when properly motivated and appropriately directed, the assertion that zoning ordinances are per se superior to fundamental, constitutional rights, such as the free exercise of religion, must fairly be regarded as indefensible.

Civil Rights Law > Protection of Rights > General Overview

Civil Rights Law > Protection of Rights > Religious Freedom > Religious Freedom Restoration Act

Constitutional Law > ... > Fundamental Freedoms > Freedom of Religion > Free Exercise of Religion

Public Health & Welfare Law > Social Services > Institutionalized Individuals > Advocacy & Protection

HN33 The United States Supreme Court has held in Smith, not that the government's interest in neutral laws of general application is always compelling when compared to the people's interest in fundamental rights, but only that the United States Constitution does not require the two interests to be balanced every time they conflict. The Religious Freedom Restoration Act of 1993, *42 U.S.C.S. §§ 2000bb to 2000bb-4*, the Religious Exercise in Land Use and by Institutionalized Persons Act of 2000, *42 U.S.C.S. §§ 2000cc to 2000cc-5*, and the Texas Religious Freedom Restoration Act, as well as laws enacted other states, now require that balance by statute when government action substantially burdens the free exercise of religion. The government's interest is compelling when the balance weighs in its favor -- that is, when the government's interest justifies the substantial burden on religious exercise. Because religious exercise is a fundamental right, that justification can be found only in interests of the highest order, only to avoid the gravest abuses, endangering paramount interests.

Civil Rights Law > Protection of Rights > Religious Freedom > Religious Freedom Restoration Act

HN34 The Religious Freedom Restoration Act of 1993 (RFRA), *42 U.S.C.S. §§ 2000bb to 2000bb-4*, requires the government to demonstrate that the compelling interest test is satisfied through application of the challenged law to the person -- the particular claimant whose sincere exercise of religion is being substantially burdened. To satisfy this requirement, courts must look beyond broadly formulated interests justifying the general applicability of government mandates and scrutinize the asserted harm of granting specific exemptions to particular religious claimants. The RFRA requires that courts should strike sensible balances, pursuant to a compelling interest test that requires the government to address the particular practice at issue.

Civil Rights Law > Protection of Rights > General Overview

Constitutional Law > ... > Fundamental Freedoms > Freedom of Religion > Free Exercise of Religion

Real Property Law > Zoning > Constitutional Limits

HN35 The compelling interest test must be taken seriously. Courts and litigants must focus on real and serious burdens to neighboring properties, and not assume that zoning codes inherently serve a compelling interest, or that every incremental gain to city revenue (in commercial zones), or incremental reduction of traffic (in residential zones), is compelling.

Civil Rights Law > Protection of Rights > General Overview

Constitutional Law > ... > Fundamental Freedoms > Freedom of Religion > Free Exercise of Religion

Evidence > Burdens of Proof > Allocation

HN36 Although the Texas Religious Freedom Restoration Act places the burden of proving a substantial burden on the claimant, it places the burden of proving a compelling state interest on the government.

Constitutional Law > ... > Fundamental Freedoms > Freedom of Religion > Free Exercise of Religion

HN37 The State is free to impose whatever restrictions it chooses on itself and local governments; those governments have no free exercise rights of their own. The State's interest in restricting halfway houses run by or for itself or local governments when no fundamental right is implicated does not suddenly become compelling when free religious exercise is substantially burdened.

Civil Rights Law > Protection of Rights > General Overview

Constitutional Law > ... > Fundamental Freedoms > Freedom of Religion > Free Exercise of Religion

HN38 The Texas Religious Freedom Restoration Act requires that even when the government acts in furtherance of a compelling interest, it must show that it

used the least restrictive means of furthering that interest.

Counsel: For Barr, Pastor Rick, PETITIONER: Mr. Kelly J. Shaekelford, Liberty Legal Institute, Plano, TX; Mr. Hiram S. Sasser III, Liberty Legal Institute, Plano, TX; Mr. Bradford M. Condit, Corpus Christi, TX; Mr. Michael Casey Mattox, The Rutherford Institute, Charlottesville, VA; Mr. Michael Sean Royall, Mr. Mark S. Whitburn, Mr. Scott Howard Mellon, Gibson & Crutcher LLP, Dallas, TX; Mr. James C. Ho, Office of the Attorney General, Austin, TX.

For Philemon Homes, Inc., PETITIONER: Mr. Hiram S. Sasser III, Liberty Legal Institute, Plano, TX.

For City of Sinton, RESPONDENT: Mr. Carlos Villareal, Hermansen, McKibben, Woolsey & Villareal, L.L.P., Corpus Christi, TX; Mr. James F. McKibben Jr.; Mr. Brian Charles Miller, Hermansen, McKibben, Woolsey & Villareal, L.L.P., Corpus Christi, TX.

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For The American Center for Law and Justice, AMICUS CURIAE: Mr. Jay alan Sekulow, Mr. Erick M. Zimmerman, American Center for Law & Justice, Virginia Beach, VA.

For Anti-Defamation League, AMICUS CURIAE: Ms. Loren Jacobson, Waters & Kraus, LLP, Dallas, TX.

For Laycock, Mr. Douglas, AMICUS CURIAE; Mr. Douglas Laycock, University of Michigan Law School, Ann Arbor, MI.

Judges: JUSTICE HECHT delivered the opinion of the Court.

Opinion by: Nathan L. Hecht

Opinion

[*289] ***HN1*** The *Texas Religious Freedom Restoration Act* (TRFRA) provides that "a government agency may not substantially burden a person's free exercise of religion [unless it] demonstrates that the application of the burden to the person . . . is in furtherance of a compelling governmental interest [and] is the least restrictive means of furthering that interest." [1] TRFRA does not immunize religious conduct from government regulation; it requires the government to tread carefully and lightly when its actions substantially burden religious exercise.

In this case, a city resident, as part of a religious ministry, offered men recently released from prison free housing and religious instruction in two homes he owned. In response, the city passed a zoning ordinance that not only precluded the use of the homes for that purpose but effectively banned the ministry from the city. The trial court found that the city had not violated TRFRA, and the court of appeals **[*290]** affirmed. [2] We reverse and remand to the trial **[**2]** court for further proceedings.

I

In 1998, Pastor Richard Wayne Barr began a religious halfway house ministry through Philemon Restoration Homes, Inc., a nonprofit corporation he directed. The purpose of the ministry was to offer housing, biblical instruction, and counseling to low-level offenders released from prison on probation or parole in transition back into the community. For the most part, men accepted by the ministry had been convicted of drug-related crimes; the ministry would not accept men convicted of violent crimes or sex offenses. In application forms for would-be residents, Philemon described its function as "[c]reating bridges to enable the Christian inmate to go from prison to the local church through Biblical discipleship". Applicants were asked to respond in writing to several pages of questions inquiring about such things as family background, drug usage, mental health, and religious faith. Applicants were also required to sign a "statement of faith" in basic Christian beliefs [3] and to agree to a

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[1] *TEX. CIV. PRAC. & REM. CODE § 110.003(a)-(b)*.

[2] *S.W.3d , 2005 Tex. App. LEXIS 9847 (Tex. App.--Corpus Christi-Edinburg 2005)*.

[3] The "statement of faith" provided: "We believe the Bible to be the inspired, infallible, and authoritative Word of God. We believe that there is one God, eternally existent in three persons: Father, Son, and Holy Spirit. We believe in the Deity of our Lord Jesus Christ, in His virgin birth, His sinless life, His atoning death on the cross, and His bodily resurrection from the grave. We believe that Jesus Christ ascended to the right hand of the Father, now rules as Head of His Body, the Church, and will personally return in power and glory. We believe that man in his natural state is lost and thus alienated from God, and that salvation through personal faith in the

long list of behavioral rules characterized as "biblical guidelines for Christian living". [4] The guidelines emphasized **[**3]** to prospective residents that Philemon was "a biblical ministry, NOT a social service agency". Each morning began with group prayer and Bible study.

Barr lived and operated his ministry in the City of Sinton, a **[**5]** town 2.2 square miles in size with a population of 5,676 (2000 census), the county seat of San Patricio County, not far from Corpus Christi. Barr owned two homes besides his residence, both of them within a block of the church he attended, Grace Christian Fellowship, which appears to have been supportive of Barr's ministry. Barr housed and taught Philemon residents in those homes, which together could hold up to **[*291]** sixteen men at one time. Though the men were unsupervised, neither Barr nor the city manager was aware of any complaint of disturbance. Barr's commitment to the ministry was personal; he himself is an ex-con.

When Barr began his ministry, the City imposed no zoning or other restrictions on his use of the homes. In January 1999, Barr discussed his ministry with Sinton's mayor, city manager, and police chief, and a few weeks later he presented his ministry before the city council. In response to questions whether Philemon was in compliance with state law, Barr researched the matter and concluded that it was. [5] In April, the city council held a public hearing at which a large number of people expressed both opposition to as well as support of Barr's ministry. A few days later, **[**6]** the city council passed Ordinance 1999-02, which added to the City Code a section that provided as follows:

> A correctional or rehabilitation facility may not be located in the City of Sinton within 1000 feet of a residential area, a primary or secondary school, property designated as a public park or public recreation area by any governmental authority, or a church, synagogue, or other place of worship.
>
> For the purposes of this section distance is measured along the shortest straight line between the nearest property line of the correctional or rehabilitation facility and the nearest property line of the residential area, school, park, recreation area, or place of worship, as appropriate.
>
> For the purposes of this section "Correctional or rehabilitation facility" means a residential facility that is not operated by the federal government, the state of Texas, nor San Patricio County, and that is operated for the purpose of housing persons who have been convicted of misdemeanors or felonies or children found to have engaged in delinquent conduct, regardless of whether the persons are housed
>
> (i) while serving a sentence of confinement following conviction of an offense;
>
> (ii) as a condition **[**7]** of probation, parole, or mandatory supervision; or
>
> (iii) within one (1) year after having been released from confinement in any penal institution.
>
> For the purposes of this section "residential area" means
>
> (i) any area designated as a residential zoning

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person and work of Jesus Christ is essential. We believe in the present ministry of the Holy Spirit, by whose indwelling a Christian is made spiritually alive and enabled to live a godly life. We believe in the resurrection of both the saved and the lost, they who are saved into the resurrection of life, and they who are lost unto the resurrection of damnation. We believe in **[**4]** the spiritual unity of believers in Christ. I understand that my signature indicates my agreement with the above statement of faith."

[4] The guidelines included: "Substance abuse of any nature is not permitted in Philemon Restoration Homes. A violation in or outside of the home is cause for termination of your residency. . . . Smoking anywhere is not allowed. . . . Possession of weapons of any nature will terminate your residency. . . . Be respectful of the property of other residents. . . . Attend and be on time for all family and biblical discipleship meetings . . . . Gambling or playing the lottery is not allowed. . . . Fights, threats, or aggressive behavior is not allowed . . . . Do not engage in illicit sexual activity anywhere nor in sexual activity within the house. . . . Borrowing or lending money is not allowed between residents or between residents and staff. . . . Being truthful about everything during your stay at Philemon Restoration Homes is expected. . . . In consideration of others, keep noise levels down and activities to a minimum after 11:00 p.m. . . . You are here because the Lord placed you here. . . ."

[5] Specifically, the questions concerned chapter 244 of the Local Government Code, relating to the location of correctional or rehabilitation facilities, and chapter 509 of the Texas Government Code, relating to the operation of community corrections facilities. Both chapters apply to facilities operated by the government or under government contract. *TEX. LOC. GOV'T CODE § 244.001(1)(A)*; *TEX. GOV'T CODE § 509.001(1)*. Barr and Philemon have never operated under government contract.

district by this ordinance, and

(ii) any area in which the principal permitted land use by this ordinance is for private residences.

The City Council finds the requirements of this section are reasonably necessary to preserve the public safety, morals, and general welfare.

As the city manager later confirmed, Ordinance 1999-02 targeted Barr and Philemon. [6] The halfway houses they operated **[*292]** were unquestionably within 1,000 feet of a church; indeed, they were across the **[**8]** street from the Grace Fellowship Church, which was helping to support the ministry. But the ordinance was broader, and was intended to be. Because Sinton is small, it would be difficult for a halfway house to be located anywhere within the city limits. The city manager later testified:

Q. Is there any property within the city limits of Sinton that you are aware of that would qualify not being 1000 feet from any church, school, park -- right-- or residential area?

A. I have not checked it out, but it would probably be minimal locations.

Q. In other words, probably pretty close to nonexistent?

A. Possibly.

Q. Would that be a fair statement?

A. A fair statement.

There was no evidence that any specific site within the city was available. [7]

Despite the ordinance, Barr continued to conduct his ministry as he had before. Though violations were punishable by a civil fine of $ 500 per day, neither Barr nor Philemon was ever cited. By the summer of 2000, Barr had taken in fifteen men altogether. Then in October 2000, the Sinton police chief complained to the Texas Board of Pardons and Paroles that Barr and Philemon were housing parolees in violation of a city ordinance, and for awhile parole officials refused to approve the arrangement. Philemon residents went to live **[**10]** with members of the Grace Fellowship Church.

In June 2001, Barr's attorney notified the City by letter that Barr claimed Ordinance 1999-02 violated TRFRA. [8]

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[6] At trial, Jackie Knox, the city manager at the time Ordinance 1999-02 was passed, testified as follows:

"Q. Was this ordinance written in response to activities of the home that Mr. Barr and Philemon operates?

"A. That was probably one of the agents of doing this, yes, sir.

"Q. That was the purpose of the ordinance?

"A. Probably so.

"Q. I'm sorry?

"A. For an establishment like that, yes.

"Q. Was there any other establishment to your knowledge --

"A. No, sir.

"Q. -- **[**9]** being targeted?

"A. No, sir.

"Q. So this one was specifically targeted?

"A. For that type of establishment, yes."

[7] The city manager testified briefly about a facility located outside the City:

"Q. You were asked a question about the detention facilities in the city. Is there some type of facility that is very near the city limits that is used by other state agencies for --

"A. Yes, sir, the restitution center there on 77 Business.

"Q. How far is that from the city limits?

"A. It's just outside the city limits.

"Q. Did the city also have public hearings on that?

"A. That I have no idea. I think that was prior to any knowledge I would have of that. That was before my time."

[8] The attorney's letter to the City referred to the ordinance as 156.026, the number of the section that Ordinance 1999-02 added to the City Code. Although the trial court found that "[p]laintiffs failed to give notice as required by the Religious Freedom Act", the City does not argue that here. *See* TEX. CIV. PRAC. & REM. CODE § 110.006(a) ("A person may not bring an action to assert a claim under this **[**11]** chapter unless, 60 days before bringing the action, the person gives written notice to the government agency by certified mail, return receipt requested: (1) that the person's free exercise of religion is substantially burdened by an exercise of the government agency's governmental authority; (2) of the particular act or refusal to act that is burdened; and (3) of the manner in which the exercise of governmental authority burdens the act or refusal to act.").

The City did not respond, and in August, Barr and Philemon sued the City under TRFRA, seeking injunctive relief, a declaratory judgment, monetary damages, and **[*293]** attorney fees. [9] In October, state officials withdrew objections to Philemon's halfway house operation, and parolees were again permitted to stay in the homes. But after the trial court denied Barr and Philemon's request for a temporary injunction in January 2002, [10] the Texas Board of Pardons and Paroles for the second time stopped approving parolees to live in Barr's homes and had the residents removed. Since then, Barr and Philemon have been unable to continue their ministry.

The parties agreed to a bifurcated trial to the bench, reserving the issues of damages and attorney fees pending the court's ruling on whether Ordinance 1999-02 violated the TRFRA. In November 2003, the court rendered judgment for the City. The court found that Barr and Philemon had operated "a correctional or rehabilitation facility" in violation of Ordinance 1999-02's 1,000-foot restriction, and that the ordinance did not violate TRFRA in any respect: that is, the ordinance did not substantially burden Barr's and Philemon's free exercise of religion, it was in furtherance of a compelling governmental interest, and it was the least restrictive means of furthering that interest. [11] Given the court's ruling, the issues of damages **[**13]** and attorney fees were never reached.

The court of appeals affirmed, concluding that Ordinance 1999-02 does not violate TRFRA because

> there is nothing in the ordinance that precludes [Barr] from providing his religious ministry to parolees and probationers, from providing instruction, counsel, and helpful assistance in other facilities in Sinton, or from housing these persons outside the City and providing his religious ministry to them there.
>
> * * *
>
> Moreover, Texas courts have long applied zoning ordinances to church-operated schools and colleges, supporting the **[**14]** conclusion that zoning ordinances do not substantially burden such auxiliary religious operations. [12]

[*294] We granted Barr and Philemon's petition for review. [13] Because petitioners' arguments are identical, we refer to petitioners collectively as "Barr". [14]

II

In 1997, the United States Supreme Court in *City of Boerne v. Flores* [15] recounted its 1990 decision in *Employment Division, Department of Human Resources v. Smith* [16] and Congress's reaction to it. *Smith* had held that ***HN3*** under the *Free Exercise Clause of the First*

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[9] *See* ***HN2*** *TEX. CIV. PRAC. & REM. CODE § 110.005(a)-(b)* ("(a) Any person, other than a government agency, who successfully asserts a claim or defense under this chapter is entitled to recover: (1) declaratory relief under Chapter 37; (2) injunctive relief to prevent the threatened violation or continued violation; (3) compensatory damages for pecuniary and nonpecuniary losses; and (4) reasonable attorney's fees, court costs, and other reasonable expenses incurred in bringing the action. (b) Compensatory damages awarded under Subsection (a)(3) may not exceed $ 10,000 for each entire, distinct controversy, without regard to the number of members or other persons within a religious group who claim injury as a result of the government agency's **[**12]** exercise of governmental authority. A claimant is not entitled to recover exemplary damages under this chapter.").

[10] On interlocutory appeal, the court of appeals affirmed the trial court's order. *Barr v. City of Sinton, No. 13-02-079-CV, 2003 Tex. App. LEXIS 2311, 2003 WL 1340689 (Tex. App.--Corpus Christi Mar. 20, 2003)* (op. on reh'g). We dismissed the petition for review for want of jurisdiction. *Barr v. City of Sinton, 46 Tex. Sup. Ct. J. 1062 (Aug. 28, 2003)*.

[11] The trial court also found that Barr and Philemon's "facility" violated the 1,000-foot restriction imposed on certain correctional or rehabilitation facilities under *section 244.003 of the Texas Local Government Code*, and the minimum standards for certain community correction facilities under *section 509.006(c) of the Texas Government Code*. Both statutes apply only to facilities operated by the government or under contract with the government. *TEX. LOC. GOV'T CODE § 244.003*; *TEX. GOV'T CODE § 509.001*. Although the trial court found that Barr and Philemon operated under contract with the government, there is no evidence they did.

[12] *S.W.3d , , 2005 Tex. App. LEXIS 9847(Tex. App.--Corpus Christi-Edinburg 2005)*.

[13] *50 Tex. Sup. Ct. J. 218 (Tex. Dec. 15, 2006)*.

[14] We have received amicus briefs from the American Center for Law and Justice, the American Civil Liberties Union Foundation of Texas, Senator David Sibley, Representative Scott Hochberg, and Prison Fellowship, all in support of petitioners.

[15] *521 U.S. 507, 117 S. Ct. 2157, 138 L. Ed. 2d 624 (1997)*.

[16] *494 U.S. 872, 110 S. Ct. 1595, 108 L. Ed. 2d 876 (1990)*.

Amendment, [17] "neutral, generally applicable laws may be applied to religious practices even when not supported by a compelling governmental interest." [18] Specifically, the Court held that a generally applicable Oregon statute criminalizing the use of peyote did not violate the Free Exercise rights of members of the Native American **[**15]** Church who ingested the drug for sacramental purposes. [19] *City of Boerne* explained that in *Smith*, the Court had "declined to apply the balancing test set forth in *Sherbert v. Verner, 374 U.S. 398, 83 S. Ct. 1790, 10 L. Ed. 2d 965 (1963)*, under which we would have asked whether Oregon's prohibition substantially burdened a religious practice and, if it did, whether the burden was justified by a compelling government interest." [20] *Sherbert* had held that under the *Free Exercise Clause*, a member of the Seventh-day Adventist Church who refused to work on Saturday, the Sabbath Day of her faith, could not be denied unemployment benefits because she was not "available for work" as required by generally applicable state law. [21] *Smith* also distinguished another case involving a generally applicable law, *Wisconsin v. Yoder*, [22] in which the Court "invalidated Wisconsin's mandatory school-attendance law as applied to Amish parents who refused on religious grounds to send their children to school. That case implicated not only the right to free religious exercise but also the right of parents to control their children's education." [23]

Four Members of the Court in *Smith* contended that the majority's decision "dramatically departs from well-settled First Amendment jurisprudence . . . and is incompatible with our Nation's fundamental commitment to individual religious liberty." [24] They were not alone in that view. The Court in *City of Boerne* acknowledged that "[m]any criticized the Court's reasoning [in *Smith*]," and this disagreement resulted **[*295]** in the passage of RFRA" [25] -- the Religious Freedom Restoration Act of 1993. [26] While Congress could not, of course, alter *Smith's* reading of the *First Amendment*, it could provide more protection by statute. ***HN5*** In enacting RFRA, Congress found that "laws 'neutral' toward religion may burden religious exercise as surely as laws intended to interfere with religious exercise", [27] and that "governments should not substantially burden religious exercise without compelling justification". [28] The purpose of RFRA, Congress declared, was "to restore the compelling **[**17]** interest test as set forth in [*Sherbert* and *Yoder*] and to guarantee its application in all cases where free exercise of religion is substantially burdened; and . . . to provide a claim or defense to persons whose religious exercise is substantially burdened by government." [29] Thus, RFRA provides that "[g]overnment shall not substantially burden a person's exercise of religion even if the burden results from a rule of general applicability [unless it] demonstrates that application of the burden to the person . . . is in furtherance of a compelling governmental interest; and . . . is the least restrictive means of furthering that compelling governmental interest." [30]

As originally enacted, RFRA applied to the States as well as the federal government, [31] but *City of Boerne* held that in extending RFRA to the States, **[**18]** Congress exceeded its enforcement authority under *Section 5 of the Fourteenth Amendment*. [32] In response, ***HN6*** Congress amended RFRA to limit its application to the governments of the United States, its territories and possessions, and the District of Columbia

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[17] *U.S. CONST. amend. I* (***HN4*** "Congress shall make no law **[**16]** respecting an establishment of religion, or prohibiting the free exercise thereof . . . .").

[18] *City of Boerne, 521 U.S. at 514*.

[19] *Id. at 513*.

[20] *Id.*

[21] *374 U.S. 398, 399-402, 83 S. Ct. 1790, 10 L. Ed. 2d 965 (1963)*.

[22] *406 U.S. 205, 92 S. Ct. 1526, 32 L. Ed. 2d 15 (1972)*.

[23] *City of Boerne, 521 U.S. at 514*.

[24] *Smith v. Employment Div., Dep't of Human Res., 494 U.S. 872, 891, 110 S. Ct. 1595, 108 L. Ed. 2d 876 (1990)* (O'Connor, J., concurring in the judgment).

[25] *City of Boerne, 521 U.S. at 515*.

[26] Religious Freedom Restoration Act of 1993, Pub. L. No. 103-141, 107 Stat. 1488 (1993) (codified at *42 U.S.C. §§ 2000bb to 2000bb-4 (2006)*).

[27] *Id. § 2000bb(a)(2)*.

[28] *Id. § 2000bb(a)(3)*.

[29] *Id. § 2000bb(b)*.

[30] *Id. § 2000bb-1(a) to (b)*.

[31] §§ 5(1), 6(a), 107 Stat. at 1489.

[32] *521 U.S. 507, 532-534, 117 S. Ct. 2157, 138 L. Ed. 2d 624 (1997)*; *see Gonzales v. O Centro Espirita Beneficente Uniao do Vegetal, 546 U.S. 418, 424 n.1, 126 S. Ct. 1211, 163 L. Ed. 2d 1017 (2006)* ("As originally enacted, RFRA applied to States as well as the Federal Government. In [*City of Boerne*], we held the application to States to be beyond Congress' legislative authority under *§ 5 of the 14th Amendment*.").

and Puerto Rico. [33] But at the same time, Congress enacted the Religious Exercise in Land Use and by Institutionalized Persons Act of 2000 (RLUIPA), [34] which applied the RFRA standard to land use regulation. [35] RLUIPA applies not only to the federal government but to state and local governments **[*296]** when the activity is federally funded or affects interstate commerce. [36]

States also reacted to *Smith*. ***HN8*** *Smith's* construction of the *Free Exercise Clause* does not preclude a state from requiring strict scrutiny of infringements on religious freedom, either by statute or under the state constitution, [37] and many states have done just that, Texas among them. [38] The Texas Legislature enacted TRFRA in 1999, [39] which like RFRA provides in part, that government "may **[**20]** not substantially burden a person's free exercise of religion [unless it] demonstrates that the application of the burden to the person . . . is in furtherance of a compelling governmental interest; and ... is the least restrictive means of furthering that interest." [40] The Act states that "[t]he protection of religious freedom afforded by this chapter is in addition to the protections provided under federal law and the constitutions of this state and the United States." [41]

Because TRFRA, RFRA, and RLUIPA were **[**21]** all enacted in response to *Smith* and were animated in their common history, language, and purpose by the same spirit of protection of religious freedom, we will consider decisions applying the federal statutes germane in applying the Texas statute. [42]

III

At the outset, the City argues, and the court of appeals concluded, that TRFRA's strict scrutiny does not apply to zoning ordinances. The court of appeals reasoned simply that nothing prevented Barr from relocating elsewhere in the City or moving outside. [43] But ***HN9***

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[33] Religious Land Use and Institutionalized Person Act of 2000, Pub. L. No. 106-274, § 7, 114 Stat. 803, 806 (2000) (codified at *42 U.S.C. § 2000bb-2(1) to (2) (2006)*); *see also Cutter v. Wilkinson, 544 U.S. 709, 715 n.2, 125 S. Ct. 2113, 161 L. Ed. 2d 1020 (2005)* **[**19]** ("RFRA, Courts of Appeals have held, remains operative as to the Federal Government and federal territories and possessions. This Court, however, has not had occasion to rule on the matter." (citations omitted)).

[34] §§ 2-6, 8, 114 Stat. at 803-807 (codified at *42 U.S.C. §§ 2000cc to 2000cc-5*).

[35] *42 U.S.C.§ 2000cc(a)(1)* (***HN7*** "No government shall impose or implement a land use regulation in a manner that imposes a substantial burden on the religious exercise of a person, including a religious assembly or institution, unless the government demonstrates that imposition of the burden on that person, assembly, or institution -- (A) is in furtherance of a compelling governmental interest; and (B) is the least restrictive means of furthering that compelling governmental interest.").

[36] *Id. §§ 2000cc(b), -2(g), -5(4)*.

[37] Although this Court applied *Smith in HEB Ministries, Inc. v. Texas Higher Education Coordinating Board, 235 S.W.3d 627 (Tex. 2007)*, we found it unnecessary to decide in that case whether to construe *article I, section 6 of the Texas Constitution* as *Smith* construed the federal *Free Exercise Clause*. We have not addressed that issue and do not do so here.

[38] *See* WILLIAM W. BASSETT, RELIGIOUS ORGANIZATIONS AND THE LAW § 2:54 (2008) (listing 13 states that have adopted statutes and 17 in which courts have adopted a stricter standard than *Smith*).

[39] Act of May 30, 1999, 76th Leg., R.S., ch. 399, 1999 Tex. Gen. Laws 2511.

[40] *TEX. CIV. PRAC. & REM. CODE § 110.003(a)-(b)*.

[41] *Id. § 110.009(b)*.

[42] *See, e.g., R.R. Street & Co. Inc. v. Pilgrim Enters., Inc., 166 S.W.3d 232, 241 (Tex. 2005)* (stating that construction of the Texas Solid Waste Disposal Act would be guided by federal cases construing its federal counterpart, the Comprehensive Environmental Response, Compensation, and Liability Act); *Quantum Chem. Corp. v. Toennies, 47 S.W.3d 473, 476 (Tex. 2001)* (stating that because the purposes of the Texas Commission on Human Rights Act and Title VII of the federal Civil Rights Act of 1964 are similar, federal case law is instructive in applying the state statute); *City of Garland v. Dallas Morning News, 22 S.W.3d 351, 360-361 (Tex. 2000)* (plurality opinion) (stating that the federal Freedom of Information Act is instructive in construing the Texas Public Information Act); *National Tank Co. v. Brotherton, 851 S.W.2d 193, 202 (Tex. 1993)* (stating that because the work product doctrine is similar in Texas and federal courts, federal **[**22]** case law is instructive).

[43] *S.W.3d at , 2005 Tex. App. LEXIS 9847, *17* ("Assuming **[**23]** without determining that Pastor Barr's ministry is substantially motivated by sincere religious belief, we nonetheless conclude that while the ordinance precludes Pastor Barr from operating a correctional or rehabilitation facility within 1000 feet of residential areas, schools, parks, recreation areas, and places of worship, which may include most of the City, there is nothing in the ordinance that precludes him from providing his religious ministry to parolees and probationers, from providing instruction, counsel, and

ease of relocation **[*297]** goes to whether the burden of a zoning ordinance on a person's free exercise of religion is substantial, not to whether zoning ordinances are categorically exempt from TRFRA. The court of appeals added that zoning laws have long been applied to religious education facilities. [44] But that generalization shows only that it is possible for zoning laws not to substantially burden free religious exercise. The opposite is also possible. This Court, for example, has held that zoning laws cannot be used to exclude churches from all residential districts in some circumstances. [45] In any event, not only is the court of appeals' analysis flawed, it is contradicted by TRFRA's express terms, which require strict scrutiny of "*any* ordinance, rule, order, decision, practice, or other exercise of governmental authority." [46] Zoning ordinances easily fall into this group.

Unlike the court of appeals, the City relies on TRFRA's text, specifically, the first sentence of section 110.010, which states: ***HN10*** "Notwithstanding any other provision of this chapter, a municipality has no less authority to adopt or apply laws and regulations concerning zoning, land use planning, traffic management, urban nuisance, or historic preservation than the authority of the municipality that existed under the law as interpreted by the federal courts before April 17, 1990" -- the date the Supreme Court issued its decision in *Smith*. ***HN11*** The statute thus **[**25]** preserves the authority municipalities had under "the law" interpreted by the federal courts *pre-Smith*. The only restriction on the governing law is that it come from *pre-Smith* federal case law. Guidance may be drawn from cases involving constitutional limits on zoning and land-use ordinances as well as from cases applying the Free Exercise Clause, or even the First Amendment generally, in other contexts. For example, Sherbert involved unemployment laws, and Yoder involved compulsory school attendance laws; both involved the Free Exercise Clause, while *Yoder* also involved parental rights; but each demonstrates the balancing of interests that *Smith* eschewed and that the statutes enacted in response -- RFRA, TRFRA, and RLUIPA -- all require.

The City argues first that the impact of zoning on the free exercise of religion is never subject to strict scrutiny. The Supreme Court has clearly refuted this argument. In *Schad v. Borough of Mount Ephraim*, the Supreme Court wrote:

> ***HN12*** The power of local governments to zone and control land use is undoubtedly broad and its proper exercise is an essential aspect of achieving a satisfactory quality of life in both urban and rural communities. But the zoning **[**26]** power is not infinite and unchallengeable; it must **[*298]** be exercised within constitutional limits. . . .
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> * * *
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> ***HN13*** [A] s is true of other ordinances, when a zoning law infringes upon a protected liberty, it must be narrowly drawn and must further a sufficiently substantial government interest. . . . Mere legislative preferences or beliefs respecting matters of public convenience may well support regulation directed at other personal activities, but be insufficient to justify such as diminishes the exercise of rights so vital to the maintenance of democratic institutions. And so, as cases arise, the delicate and difficult task falls upon the courts to weigh the circumstances and to appraise the substantiality of the reasons advanced in support of the regulation of the free enjoyment of First Amendment rights. . . . [T]he Court must not only assess the substantiality of the governmental interests asserted but also determine whether those interests could be served by means that would be less intrusive on activity protected by the First Amendment: [a municipality] may serve its

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helpful assistance in other facilities in Sinton, or from housing these persons outside the City and providing his religious ministry to them there." (footnote omitted)).

[44] *Id. at , 2005 Tex. App. LEXIS 9847 at *19* ("Moreover, Texas courts have long applied zoning ordinances to church-operated schools and colleges, supporting the conclusion that zoning ordinances do not substantially burden such auxiliary religious operations." (citing *Fountain Gate Ministries, Inc., v. City of Plano, 654 S.W.2d 841, 844 (Tex. App.--Dallas 1983, writ ref'd n.r.e.)*, and *Heard v. City of Dallas, 456 S.W.2d 440, 444 (Tex. App.--Dallas 1970, writ ref'd n.r.e.)*)).

[45] *See City of Sherman v. Simms, 143 Tex. 115, 183 S.W.2d 415, 416-417 (Tex. 1944)* **[**24]** ("[T]he power to establish zones is a police power and its exercise cannot be extended beyond the accomplishment of purposes rightly within the scope of that power. To exclude churches from residential districts does not promote the health, the safety, the morals or the general welfare of the community, and to relegate them to business and manufacturing districts could conceivably result in imposing a burden upon the free right to worship and, in some instances, in prohibiting altogether the exercise of that right. An ordinance fraught with that danger will not be enforced.").

[46] *TEX. CIV. PRAC. & REM. CODE § 110.002(a)* (emphasis added).

> legitimate interests, but it must do so by narrowly drawn regulations designed to serve those interests without unnecessarily **[**27]** interfering with First Amendment freedoms. . . . Precision of regulation must be the touchstone. [47]

Schad held that a borough could not use zoning laws to prohibit all live entertainment, including live adult entertainment, within its borders. [48] Surely ***HN14*** the free exercise of religion is entitled to no less protection than adult entertainment.

In *Sherbert*, the Supreme Court held that denying unemployment benefits to someone because she would not work on Saturday, a religious day for her, was a "substantial infringement" of her rights that could be justified only by "some compelling state interest". [49] ***HN15*** "It is basic", the Court wrote, "that no showing merely of a rational relationship to some colorable state interest would suffice; in this highly sensitive constitutional area, '(o)nly the gravest abuses, endangering paramount interest, give occasion for permissible limitation'". [50] There is no reason to require strict scrutiny of unemployment compensation laws but not zoning laws.

The City argues **[**28]** more narrowly that *pre-Smith* federal cases specifically involving conflicts between zoning ordinances and the *Free Exercise Clause* do not require strict scrutiny when a zoning ordinance is facially neutral with respect to religion and impacts free exercise only in its across-the-board application, even if the impact is substantial. The City cites five cases, each of which involved the application of zoning laws to places of worship: *Christian Gospel Church, Inc. v. City and County of San Francisco;* [51] Messiah Baptist Church v. County of Jefferson; [52] Islamic Center of Mississippi, Inc. v. City of Starkville; [53] Grosz v. City of Miami Beach; [54] and Lakewood, Ohio Congregation of Jehovah's Witnesses, Inc. v. City of **[*299]** Lakewood. [55] Islamic Center appears to have applied a standard similar to that required by TRFRA, stating that zoning laws that infringe upon First Amendment rights "must be narrowly drawn in furtherance of a substantial government interest" [56] that could not be served "by a means less burdensome to the exercise of religion." [57] Although far less clear, *Grosz* referred to a "principle that has emerged in free exercise doctrine, the 'least restrictive means test,'" [58] and "[a]nother **[**29]** principle" that "a showing of 'compelling state interest' on the government side will justify inroads on religious liberty." [59] Two other cases, *Christian Gospel Church* [60] and *Lakewood Jehovah's Witnesses*, [61] required that the government have a "compelling interest" in zoning restrictions that impact free religious exercise. In *Messiah Baptist Church*, the court found that zoning regulations had no significant impact on the free exercise of religion and therefore did not state a

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[47] *452 U.S. 61, 68-70, 101 S. Ct. 2176, 68 L. Ed. 2d 671 (1981)* (citations, footnotes, and internal quotation marks and brackets omitted).

[48] *Id. at 65*.

[49] *374 U.S. 398, 406, 83 S. Ct. 1790, 10 L. Ed. 2d 965 (1963)*.

[50] *Id.* (quoting *Thomas v. Collins, 323 U.S. 516, 530, 65 S. Ct. 315, 89 L. Ed. 430 (1945)*).

[51] *896 F.2d 1221 (9th Cir. 1990)*.

[52] *859 F.2d 820 (10th Cir. 1988)*.

[53] *840 F.2d 293 (5th Cir. 1988)*.

[54] *721 F.2d 729 (11th Cir. 1983)*.

[55] *699 F.2d 303 (6th Cir. 1983)*.

[56] *Islamic Ctr., 840 F.2d at 299*.

[57] *Id. at 300*.

[58] *Grosz, 721 F.2d at 734*.

[59] *Id. at 737* (citing *Sherbert v. Verner, 374 U.S. 398, 83 S. Ct. 1790, 10 L. Ed. 2d 965 (1963)*; *Thomas v. Review Bd. of the Ind. Employment Sec. Div., 450 U.S. 707, 101 S. Ct. 1425, 67 L. Ed. 2d 624 (1981)*; and *Wisconsin v. Yoder, 406 U.S. 205, 92 S. Ct. 1526, 32 L. Ed. 2d 15 (1972)*).

[60] *Christian Gospel Church, Inc., v. City & County of San Francisco, 896 F.2d 1221, 1223-1224 (9th Cir. 1990)* ("We **[**30]** have articulated ***HN16*** a general standard for evaluating the impact of a government provision on the exercise of religion and we find that this test is appropriate for analyzing a challenge to zoning laws. This test involves examining the following three factors: (1) the magnitude of the statute's impact upon the exercise of the religious belief; (2) the existence of a compelling state interest justifying the imposed burden upon the exercise of the religious belief; and (3) the extent to which recognition of an exemption from the statute would impede the objectives sought to be advanced by the state.").

[61] *Lakewood, Ohio Congregation of Jehovah's Witnesses v. City of Lakewood, 699 F.2d 303, 305 (6th Cir. 1983)* ("If the ordinance does infringe the Congregation's first amendment right, the City must justify the ordinance by a compelling governmental interest.").

standard. [62] In sum, four of the five cases the City cites contradict its contention that *pre-Smith* federal cases did not strictly scrutinize zoning ordinances that impact free religious exercise.

None of the arguments made by the City or the court of appeals supports the assertion that zoning ordinances are exempt from TRFRA. Accordingly, we turn to the Act's application in this case.

IV

Applying TRFRA to this case raises four questions, each succeeding question contingent on an affirmative **[**31]** answer to the one preceding:

. Does the City's Ordinance 1999-02 burden Barr's "free exercise of religion" as defined by TRFRA?

. Is the burden substantial?

. Does the ordinance further a compelling governmental interest?

. Is the ordinance the least restrictive means of furthering that interest?

We consider these questions in the order presented. While we must accept the trial court's fact findings supported by the evidence, the ultimate answers determine the legal rights protected by the Act and are thus matters of law. [63]

[*300] A

The City argues that **[**32]** Barr's free exercise of religion is not involved because a halfway house need not be a religious operation. But the fact that a halfway house *can be* secular does not mean that it *cannot be* religious. ***HN18*** TRFRA defines "free exercise of religion" as "an act or refusal to act that is substantially motivated by sincere religious belief", adding that "[i]n determining whether an act or refusal to act is substantially motivated by sincere religious belief under this chapter, it is not necessary to determine that the act or refusal to act is motivated by a central part or central requirement of the person's sincere religious belief." [64] Not only is such a determination unnecessary, it is impossible for the judiciary. As the Supreme Court stated in a part of *Smith* unaffected by RFRA:

> ***HN19*** It is no more appropriate for judges to determine the "centrality" of religious beliefs before applying a "compelling interest" test in the free exercise field, than it would be for them to determine the "importance" of ideas before applying the "compelling interest" test in the free speech field. What principle of law or logic can be brought to bear to contradict a believer's assertion that a particular act is "central" **[**33]** to his personal faith? Judging the centrality of different religious practices is akin to the unacceptable "business of evaluating the relative merits of differing religious claims." As we reaffirmed only last Term, "[i]t is not within the judicial ken to question the centrality of particular beliefs or practices to a faith, or the validity of particular litigants' interpretations of those creeds." *Hernandez v. Commissioner, 490 U.S. [680,] 699, 109 S. Ct. 2136, 104 L. Ed. 2d 766 [1989]*. Repeatedly and in many different contexts, we have warned that courts must not presume to determine the place of a particular belief in a religion or the plausibility of a religious claim. [65]

We agree.

The trial court appears to have been troubled that an operation which can be and often is conducted for purely secular purposes could be entitled to increased protection from government regulation if conducted for religious reasons. But TRFRA guarantees such protection. Just as a Bible study group and a book club are not treated the same, neither are a halfway house operated for religious purposes **[**34]** and one that is not.***HN20*** Under *Smith*, the *Free Exercise Clause* does not require strict scrutiny for religious activity affected by

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[62] *859 F.2d 820, 824-825 (10th Cir. 1988)*.

[63] *See, e.g., Mayhew v. Town of Sunnyvale, 964 S.W.2d 922, 932-933 (Tex. 1998)* (***HN17*** "Although determining whether a property regulation is unconstitutional requires the consideration of a number of factual issues, the ultimate question of whether a zoning ordinance constitutes a compensable taking or violates due process or equal protection is a question of law, not a question of fact. . . . While we depend on the district court to resolve disputed facts regarding the extent of the governmental intrusion on the property, the ultimate determination of whether the facts are sufficient to constitute a taking is a question of law." (citations omitted)).

[64] *Tex. Civ. Prac. & Rem. Code § 110.001(a)(1)*.

[65] *Employment Div., Dep't of Human Res. v. Smith, 494 U.S. 872, 886-887, 110 S. Ct. 1595, 108 L. Ed. 2d 876 (1990)* (citation omitted).

neutral laws of general application, [66] but TRFRA imposes the requirement by statute.

[*301] The City does not dispute that the purpose of Barr's ministry was to provide convicts a biblically supported transition to civic life. Applicants were required to sign a statement of faith, agree to abide by stated biblical principles, and commit as a group to daily prayer and Bible study. They were specifically told that the Barr's halfway house was "a biblical ministry, NOT a social service agency". Barr considered the halfway house a religious ministry, and it appears to have been supported by his church. The record easily establishes that Barr's ministry was "substantially motivated by sincere religious **[**35]** belief" for purposes of the TRFRA.

B

TRFRA does not elaborate on what it means to "substantially burden" the right to free religious exercise, and that particular phrase is not used elsewhere in Texas statutes, unlike the words "substantial" and "substantially", which are used thousands of times. So far as we have been able to find, however, they are never defined. The same phrase is used in RFRA and RLUIPA, but it is not defined in those statutes, either. ***HN21*** Absent any special meaning, we use ordinary meanings in common parlance. [67] *Webster's Third New International Dictionary* defines "substantial" in part as "material", "not seeming or imaginary", "real", "true", "being of moment", "important". [68] Thus defined, "substantial" has two basic components: real vs. merely perceived, and significant vs. trivial. These limitations leave a broad range of things covered.

HN23 To determine whether a person's free exercise of religion has **[**36]** been substantially burdened, some courts have focused on the burden on the person's religious beliefs rather than the burden on his conduct. Under what have been referred to as the compulsion and centrality tests, the issue is whether the person's conduct that is being burdened is compelled by or central to his religion. [69] The problems with these approaches are the same as those in determining whether conduct is religious. It may require a court to do what it cannot do: assess the demands of religion on its adherents and the importance of particular conduct to the religion. And it is inconsistent with the statutory directive that religious conduct be determined without regard for whether the actor's motivation is "a central part or central requirement of the person's sincere religious belief." [70] These problems are avoided if the focus is on the degree to which a person's religious conduct is curtailed and the resulting impact on his religious expression. The burden must be measured, of course, from the person's perspective, not from the government's. Thus, ***HN24*** the United States Court of Appeals for the Fifth Circuit, after surveying decisions by other courts, recently held that under **[**37]** RLUIPA, "a government action or regulation creates a 'substantial burden' on a religious exercise if it truly pressures the adherent to significantly modify his religious behavior and significantly violate his religious beliefs." [71] Amici curiae suggest **[*302]** the following: "A person's religious exercise has been substantially burdened under the Texas RFRA when his ability to express adherence to his faith through a particular religiously-motivated act has been meaningfully curtailed or he has otherwise been truly pressured significantly to modify his conduct." [72] Like the Fifth Circuit, however, "we make no effort to craft a bright-line rule" or one that will apply in every context. [73] TRFRA, like its federal cousins, "requires a case-by-case, fact-specific inquiry". [74]

Ordinance **[**38]** 1999-02 prohibited Barr from operating his halfway house ministry in the two homes he owned adjacent his supporting church, and the city manager

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[66] *Gonzales v. O Centro Espirita Beneficente Uniao do Vegetal, 546 U.S. 418, 424, 126 S. Ct. 1211, 163 L. Ed. 2d 1017 (2006)* ("In *Employment Div., Dept. of Human Resources of Ore. v. Smith, 494 U.S. 872, 110 S.Ct. 1595, 108 L.Ed.2d 876 (1990)*, this Court held that the *Free Exercise Clause of the First Amendment* does not prohibit governments from burdening religious practices through generally applicable laws.").

[67] ***HN22*** *TEX. GOV'T CODE § 312.002* (stating that "words shall be given their ordinary meaning" except when "a word is connected with and used with reference to a particular trade or subject matter or is used as a word of art").

[68] WEBSTER'S THIRD NEW INT'L DICTIONARY 2280 (1961).

[69] *See Coronel v. Paul, 316 F. Supp. 2d 868, 876-880 (D. Ariz. 2004)* (discussing cases and commentaries).

[70] *TEX. CIV. PRAC. & REM. CODE § 110.001(a)(1)*.

[71] *Adkins v. Kaspar, 393 F.3d 559, 570 (5th Cir. 2004)*.

[72] Brief of the American Center for Law and Justice, the American Civil Liberties Union Foundation of Texas, Senator David Sibley, and Representative Scott Hochberg as Amici Curiae Supporting Petitioners at 3.

[73] *Adkins, 393 F.3d at 571*.

[74] *Id.*