

SENATE JOURNAL

EIGHTY-FIRST LEGISLATURE — REGULAR SESSION

AUSTIN, TEXAS

PROCEEDINGS

ELEVENTH DAY

(Wednesday, February 11, 2009)

The Senate met at 10:15 a.m. pursuant to adjournment and was called to order by the President.

The roll was called and the following Senators were present: Averitt, Carona, Davis, Deuell, Duncan, Ellis, Eltife, Estes, Fraser, Gallegos, Harris, Hegar, Hinojosa, Huffman, Jackson, Lucio, Nelson, Nichols, Ogden, Patrick, Seliger, Shapiro, Uresti, Van de Putte, Watson, Wentworth, West, Whitmire, Williams, Zaffirini.

Absent-excused: Shapleigh.

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

The Reverend William C. Hassel, First English Lutheran Church, Victoria, offered the invocation as follows:

God of grace and mercy, we give You thanks for this day and the opportunities in it. As we come together as the Senate of the State of Texas, we humbly ask that You might shower Your blessing down upon us. We ask that You would guide our actions, our words, and even our thoughts, so all we do might be pleasing in Your sight, strengthening for our state, the best for all concerned, seeking justice and peace for all. Bless this assembly and protect each of us and our nation. In this the day You have made, hear our prayer. Amen.

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

The motion prevailed without objection.

LEAVE OF ABSENCE

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

CO-AUTHOR OF SENATE BILL 69

On motion of Senator Nelson, Senator Davis will be shown as Co-author of **SB 69**.

CO-AUTHOR OF SENATE BILL 123

On motion of Senator Ellis, Senator Davis will be shown as Co-author of **SB 123**.

CO-AUTHOR OF SENATE BILL 267

On motion of Senator Hinojosa, Senator Davis will be shown as Co-author of **SB 267**.

CO-AUTHOR OF SENATE BILL 454

On motion of Senator Shapiro, Senator Davis will be shown as Co-author of **SB 454**.

CO-AUTHOR OF SENATE BILL 493

On motion of Senator Nelson, Senator Davis will be shown as Co-author of **SB 493**.

CO-AUTHOR OF SENATE BILL 528

On motion of Senator Nelson, Senator Davis will be shown as Co-author of **SB 528**.

CO-AUTHORS OF SENATE BILL 544

On motion of Senator Ellis, Senators West and Zaffirini will be shown as Co-authors of **SB 544**.

CO-AUTHOR OF SENATE BILL 623

On motion of Senator West, Senator Carona will be shown as Co-author of **SB 623**.

CO-AUTHORS OF SENATE BILL 643

On motion of Senator Nelson, Senators Carona and Shapiro will be shown as Co-authors of **SB 643**.

GUESTS PRESENTED

Senator Ogden was recognized and introduced to the Senate The Texas A&M University System Chancellor's Student Advisory Board members and their advisors.

The Senate welcomed its guests.

SENATE RESOLUTION 183

Senator Uresti offered the following resolution:

WHEREAS, The Senate of the State of Texas is pleased to recognize Saint Mary's University for its legacy of outstanding service to the City of San Antonio and our state; and

WHEREAS, A close-knit academic and spiritual community, Saint Mary's University offers a 13-to-one student-to-faculty ratio with numerous Fulbright scholars, Piper professors, and other engaged faculty members coming together to create an exceptional educational experience; and

WHEREAS, Saint Mary's University has produced close to 300 elected officials, who have served both our state and our nation with distinction; and

WHEREAS, More than 70 percent of the university's students participate in community service activities, and Saint Mary's University is listed as a College that Builds Character by the John Templeton Foundation and as one of the nation's top Colleges with a Conscience by the Princeton Review and Campus Compact; and

WHEREAS, Saint Mary's University has been home to 167 All-American Scholar athletes, and it has won five national championships in athletic competition; and

WHEREAS, Saint Mary's University graduates have historically been accepted to medical and dental schools at rates far exceeding the national average; the combination of academic, athletic, and community excellence has truly established Saint Mary's University as a leader in the field of higher education; now, therefore, be it

RESOLVED, That the Senate of the State of Texas, 81st Legislature, hereby commend the students, faculty, and staff of Saint Mary's University for their many outstanding contributions to our state and nation; and, be it further

RESOLVED, That a copy of this Resolution be prepared for the university as an expression of high regard from the Texas Senate.

SR 183 was read and was adopted without objection.

GUESTS PRESENTED

Senator Uresti was recognized and introduced to the Senate Dr. Charles L. Cotrell, President, Saint Mary's University, and Robert Elizondo, Chair, Board of Trustees, accompanied by students and staff from Saint Mary's University in San Antonio.

The Senate welcomed its guests.

PHYSICIAN OF THE DAY

Senator Patrick was recognized and presented Dr. William Chen of Houston as the Physician of the Day.

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

MESSAGES FROM THE GOVERNOR

The following Messages from the Governor were read and were referred to the Committee on Nominations:

February 10, 2009
Austin, Texas

TO THE SENATE OF THE EIGHTY-FIRST LEGISLATURE, REGULAR SESSION:

On January 22, 2009, I submitted the name of Zachary S. Brady for appointment to the Brazos River Authority Board of Directors for a term to expire February 1, 2013.

Because he resigned, I hereby withdraw his nomination and request that the Senate return the appointment to me.

Respectfully submitted,

/s/Rick Perry
Governor

February 10, 2009
Austin, Texas

TO THE SENATE OF THE EIGHTY-FIRST LEGISLATURE, REGULAR SESSION:

I ask the advice, consent and confirmation of the Senate with respect to the following appointments:

To be the Texas Youth Commission Independent Ombudsman for a term to expire February 1, 2011:

Will Harrell
Austin, Texas

(pursuant to SB 103, 80th Legislature, Regular Session)

To be members of the Texas Funeral Services Commission for terms to expire February 1, 2015:

Sue Evenwel
Mount Pleasant, Texas

(Ms. Evenwel is being reappointed)

Elwynn Gene Allen
Kerrville, Texas

(replacing Laurens Fish of Austin whose term expired)

To be members of the Texas Farm and Ranch Lands Conservation Council for terms to expire February 1, 2015:

Neal Wilkins
College Station, Texas

Dan Dierschke
Austin, Texas

(the individuals listed above are being reappointed)

To be a member of the Evergreen Underground Water Conservation District for a term to expire February 1, 2013:

Darrell Travis Brownlow
Floresville, Texas

(Dr. Brownlow is being reappointed)

To be members of the Texas Historical Commission for terms to expire February 1, 2015:

Sheri Shelby Krause
Austin, Texas

(replacing Bob Bowman of Lufkin whose term expired)

Leslie Kirk Courson

Perryton, Texas

(replacing Steve Tomka of San Antonio whose term expired)

Nancy M. Steves

San Antonio, Texas

(replacing Albert Hausser of San Antonio whose term expired)

Steven Lee Highlander

Austin, Texas

(replacing John Nau of Houston whose term expired)

Thomas E. Alexander

Kerrville, Texas

(Mr. Alexander is being reappointed)

To be members of the Texas State University System Board of Regents for terms to expire February 1, 2015:

James David Montagne

Beaumont, Texas

(replacing Bernie Francis of Carrollton whose term expired)

Ron Lynn Mitchell

Horseshoe Bay, Texas

(replacing John Dudley of Comanche whose term expired)

Kevin J. Lilly

Houston, Texas

(replacing Dora Alcala of Del Rio whose term expired)

Respectfully submitted,

/s/Rick Perry

Governor

SENATE RESOLUTION 161

Senator Carona offered the following resolution:

WHEREAS, On February 11, 2009, proud residents, business people, and friends of the Richardson community are meeting at the State Capitol for Richardson's Telecom Corridor Legislative Day; and

WHEREAS, Located just north of Dallas in both Collin and Dallas Counties, Richardson is home to almost 100,000 people and a high concentration of technology and telecommunications firms, as well as financial services firms and corporate headquarters, making it the second largest employment center in North Texas; and

WHEREAS, The collaboration between business and government that characterizes the region is due in large part to the committed efforts of the Richardson Chamber of Commerce and the City of Richardson; assistance from the state's Texas Enterprise Fund and Emerging Technology Fund has also greatly contributed to local economic development initiatives; and

WHEREAS, Richardson has been among the most successful cities in the nation at promoting economic development, attracting such internationally renowned companies as Cisco Systems, AT&T, Verizon, Fujitsu Network Communications, Samsung Telecommunications America, Hewlett-Packard, Rockwell Collins, Boeing, and Texas Instruments; at the same time, the city has spawned exciting new companies in the fields of telecommunications, nanotechnology, life sciences, software, and semiconductors, garnering over \$2 billion in venture capital investments; in 2006, the city received the prestigious "Technology-Led Development Award" from the International Economic Development Council; and

WHEREAS, Richardson's high quality of life makes it an ideal home to modern businesses; in addition to some of the state's best schools and colleges, the city boasts more than 1,000 acres of park space, and the nationally known Wildflower Arts and Music Festival and Cottonwood Art Festival are apt reflections of the area's rich cultural opportunities; and

WHEREAS, Richardson is also home to The University of Texas at Dallas, a dynamic public research institution on the cutting edge of science, technology, and medicine; the site of the new \$85 million Natural Science and Engineering Research Building, the university is known for its outstanding school of engineering and computer science as well as for its exceptional faculty and staff; and

WHEREAS, The Richardson Chamber of Commerce and the area's technology leadership have made Richardson's Telecom Corridor area one of the showpieces of modern Texas, and they can take great pride in their many accomplishments as they look forward to the challenges and opportunities that lie ahead; now, therefore, be it

RESOLVED, That the Senate of the 81st Texas Legislature hereby recognize February 11, 2009, as Richardson's Telecom Corridor Legislative Day and extend a warm welcome to the area's business and civic leaders visiting the State Capitol.

CARONA
SHAPIRO

SR 161 was read and was adopted without objection.

GUESTS PRESENTED

Senator Carona, joined by Senator Shapiro, was recognized and introduced to the Senate Steve Mitchell, Mayor, City of Richardson; Lanet Greenhaw, Vice-president, Board of Trustees, Richardson Independent School District; Chris Luna, Metro PCS Wireless, Incorporated, representing the Richardson Chamber of Commerce Board; George McKearin, Richardson Chamber of Commerce Advisory Board member representing small business; and Vickie Wintrich representing Nortel Network Corporation.

The Senate welcomed its guests.

GUESTS PRESENTED

Senator Hegar was recognized and introduced to the Senate a delegation of citizens from Victoria County.

The Senate welcomed its guests.

SENATE RESOLUTION 185

Senator Ellis offered the following resolution:

WHEREAS, The Senate of the State of Texas is pleased to recognize the National Association for the Advancement of Colored People on the auspicious occasion of its centennial anniversary; and

WHEREAS, The NAACP was founded in New York City in 1909 by a coalition of black and white citizens fighting for social justice; and

WHEREAS, The mission of the NAACP is to strive to ensure the political, educational, social, and economic equality of rights of all persons and to eliminate racial hatred and discrimination; and

WHEREAS, Dedicated to removing the barriers of racial discrimination through democratic processes, the NAACP has worked to seek enactment of federal, state, and local laws to secure civil rights for all our nation's citizens; and

WHEREAS, The organization's efforts in supporting anti-lynching legislation and its work to end discrimination in the workplace through the Fair Employment Practices Committee have served as an inspiration to many; and

WHEREAS, The NAACP also worked through the American legal system to achieve its goals; with its Legal Defense and Educational Fund, it played an important role in the landmark *Brown v. Board of Education* case, which outlawed segregation in public schools; and

WHEREAS, Built on the collective courage of countless people, the NAACP has helped determine the course of American history; from its early struggles to make itself heard in the days of widespread lynching, to its energetic support of civil rights legislation, to its defense of affirmative action and its advocacy in the areas of education, health care, and economic justice, this exceptional organization has made a difference in the lives of innumerable people; it is truly deserving of respect and admiration for its contributions to American life; now, therefore, be it

RESOLVED, That the Senate of the State of Texas, 81st Legislature, hereby commend the National Association for the Advancement of Colored People for its enduring commitment to helping our nation achieve the ideals set forth at its conception and extend sincere congratulations to this invaluable organization on its centennial anniversary; and, be it further

RESOLVED, That a copy of this Resolution be prepared in honor of this special occasion.

ELLIS	HINOJOSA	URESTI
DAVIS	LUCIO	WATSON
DUNCAN	SELIGER	WEST
ESTES	SHAPIRO	WHITMIRE
GALLEGOS	SHAPLEIGH	

SR 185 was read and was adopted without objection.

SENATE RESOLUTION 180

Senator Williams offered the following resolution:

WHEREAS, Residents of Chambers County are gathering at the State Capitol on February 11, 2009, to celebrate their unique region of Texas and to discuss the challenges they face after Hurricane Ike; and

WHEREAS, Situated on the plains of the Gulf Coast, Chambers County was first settled by several Indian tribes and by people from Spain, France, and Mexico; the county was created in 1858 from portions of Liberty and Jefferson Counties, and it was named for T. J. Chambers, a chief justice of the Supreme Court of Coahuila and Texas; and

WHEREAS, Over the years, the diverse economy of Chambers County has included agriculture, fish and oyster processing, and the petroleum industry, and the region's abundant natural resources have drawn visitors from across the state for the ample opportunities for birding, hunting, and fishing in the county's coastal marshlands; and

WHEREAS, Today, however, the people of Chambers County are facing the difficult job of cleaning up after Hurricane Ike, which struck on September 13, 2008; a number of people lost their lives, and homes and businesses were destroyed or severely damaged; two of the county's treasured habitats, the Anahuac National Wildlife Refuge and the Candy Cain Abshier Wildlife Management Area, were hit hard as well; the popular Texas Gatorfest in Anahuac and the Texas Rice Festival in Winnie were canceled; and

WHEREAS, In spite of these setbacks, the people of Chambers County are working with grit and determination to restore their way of life; businesses have begun to reopen, and three months to the day after the landfall of the hurricane, portions of the Anahuac National Wildlife Refuge were opened again to the public; plans for the 2009 Gatorfest and the Rice Festival are well under way; and

WHEREAS, The hardy spirit of the people of Chambers County remains strong, and with the help of their fellow Texans, they are working dauntlessly to rebuild their communities, earning the respect of all for their courage and fortitude; now, therefore, be it

RESOLVED, That the Senate of the 81st Texas Legislature hereby recognize February 11, 2009, as Chambers County Day at the State Capitol and extend to the visiting delegation best wishes for a meaningful and productive visit to Austin.

WILLIAMS
HUFFMAN

SR 180 was read and was adopted without objection.

GUESTS PRESENTED

Senator Williams, joined by Senator Huffman, was recognized and introduced to the Senate Chambers County Judge Jimmy Sylvia; County Commissioners Mark Huddleston, David "Bubba" Abernathy, Gary Nelson, and Bill Wallace; accompanied by a delegation of citizens from Chambers County.

The Senate welcomed its guests.

**INTRODUCTION OF
BILLS AND RESOLUTIONS POSTPONED**

The President announced that the introduction of bills and resolutions on first reading would be postponed until the conclusion of the Joint Session.

There was no objection.

SENATE RESOLUTION 189

Senator Zaffirini offered the following resolution:

WHEREAS, The Senate of the State of Texas is pleased to recognize February 11, 2009, as Bee County Day at the State Capitol and to welcome the citizens of Bee County who have traveled to Austin for this occasion; and

WHEREAS, Bee County covers over 800 square miles in the Rio Grande Plain of South Central Texas, an area known for its great people, its prime farmlands, its subtropical climate, and its mild winters and warm summers; and

WHEREAS, Bee County was created by an act of the Texas Legislature on December 8, 1857, from portions of San Patricio, Refugio, Goliad, Karnes, and Live Oak Counties; it was named for Colonel Bernard E. Bee, Sr., the father of then speaker of the House of Representatives General Hamilton P. Bee; and

WHEREAS, Beautiful Bee County offers its proud citizens a well-rounded community life, outstanding public schools, and a number of natural and cultural resources and historical sites that promote a climate for progress and achievement; Bee County is the home of Coastal Bend College, a two-year state college established in 1965 that provides vocational and academic courses leading to higher degrees with off-campus extension programs in three area counties; Bee County is also the home of Christus Spohn Hospital, a state-of-the-art health care institution with emergency services and intensive care, physical therapy resources, and complete surgical services; and

WHEREAS, Bee County Day at the Texas State Capitol provides an opportunity for friends and families to honor Bee County's history and to celebrate its assets and accomplishments, which are enjoyed today by residents and visitors; now, therefore, be it

RESOLVED, That the Senate of the State of Texas, 81st Legislature, hereby join the citizens of this historic and vital region in paying tribute to their county and extend to them best wishes for an enjoyable Bee County Day at the State Capitol; and, be it further

RESOLVED, That a copy of this Resolution be prepared for the residents of Bee County as a memento of this event.

SR 189 was read and was adopted without objection.

GUESTS PRESENTED

Senator Zaffirini was recognized and introduced to the Senate Bee County Commissioner Eloy Rodriguez, Sheriff Carlos Carrizales, Jr., and Chief Deputy Alden Southmayd, accompanied by a delegation of citizens from Bee County.

The Senate welcomed its guests.

MOTION TO ADJOURN

On motion of Senator Whitmire and by unanimous consent, the Senate at 10:57 a.m. agreed to adjourn, upon conclusion of the Joint Session and completion of the introduction of bills and resolutions on first reading, until 11:00 a.m. Tuesday, February 17, 2009.

JOINT SESSION

(To hear the State of the Judiciary Address by the Honorable Wallace B. Jefferson, Chief Justice, Supreme Court of Texas)

The President announced the time had arrived for the Joint Session pursuant to the provisions of **HCR 32**.

The President of the Senate and the Senators present, escorted by the Secretary of the Senate and the Sergeant-at-Arms, proceeded to the Hall of the House of Representatives at 10:58 a.m.

The Honorable David Dewhurst was announced and, on invitation of the Speaker, occupied a seat at the Speaker's Rostrum.

The Senators were announced and were admitted and escorted to seats prepared for them along the aisle.

The Honorable Wallace B. Jefferson was announced and was escorted to the Speaker's Rostrum by Senators Wentworth, Chair; Whitmire, Seliger, Ellis, and Huffman on the part of the Senate, and Representatives Hartnett, Chair; Herrero, S. King, Creighton, and Hunter on the part of the House.

The Honorable David Dewhurst, President of the Senate, called the Senate to order and announced a quorum of the Senate present.

The Honorable Joe Straus, Speaker of the House of Representatives, called the House to order, announced a quorum of the House present, and stated the purpose of the Joint Session.

Speaker Straus acknowledged Governor Rick Perry and former Chief Justices, Jack Pope and Thomas Phillips, and introduced the wife of Chief Justice Jefferson, Rhonda, and his brother, Lamont Jefferson.

The President introduced the Honorable Wallace B. Jefferson, who addressed the Joint Session as follows:

Thank you for that warm welcome. Governor Perry, Lieutenant Governor Dewhurst, Speaker Straus, Members of the Legislature, to my colleagues on the bench, and most importantly, to the citizens of Texas, thank you for giving me an opportunity to speak with you today.

These are critical times for Texas and for the nation. Now more than ever, the public relies on all branches of government to work together. That work begins here in the Capitol, in this Chamber, and in the Senate, where the Legislature crafts laws to promote the general welfare. Without the executive branch to enforce them, the laws may as well be written on sand. And unless the judiciary interprets the laws faithfully, the underpinning of our democracy, the rule of law, will falter. We each have an obligation to

concentrate our energies on the first goal the United States Constitution articulates, and that is to "establish Justice." Working together, we have made good progress toward that ideal.

With the Legislature's help, we have greatly increased transparency in the judiciary. The public has greater access to judicial information, because we now have live Webcasts of Supreme Court oral arguments with links to all of the briefs filed in each argued case. Legislative and public members serve on judicial bodies such as the Texas Judicial Council, which is working to improve the administration of justice for all Texans. And through your generous support, the two high courts, the 14 courts of appeals, the 449 district courts, and the entire judiciary have employed new technologies to enhance court efficiency.

I could speak of these innovations for hours, but instead I would like to take a few moments on the impressive progress the Texas judiciary has made to protect our most vulnerable Texans in times of economic crisis.

Access to Justice for All Texans

Alexander Hamilton said that "the first duty of society is justice," and the first duty of justice should be the protection of our most vulnerable citizens of all, our children. In my last State of the Judiciary, I spoke of a fledgling initiative to create a commission focusing on children and families. Under the strong and passionate leadership of Justice Harriet O'Neill, that idea has evolved into the Supreme Court's Permanent Commission on Children, Youth and Families.

The judiciary plays an integral role in the lives of children who are thrust into the legal system through no fault of their own. Only a court order can remove them from their families or return them to their homes. Only a judge can determine who visits a child or when to terminate a parent's rights. And where child abuse or neglect is involved, justice is ensured only if its administration is thoughtful and swift. Our commission has been both thoughtful and swift. In just a year's time, it has distributed over \$1.4 million in grants to help expand judicial and legal training throughout the state. Because of the commission's great work, Texas has been selected to host the third National Judicial Summit on Child Protection. In October, Austin will host judicial leaders from every state in the nation, coming together to improve the lives of children and families nationwide. Justice O'Neill has their interest at heart, and the court commends her for her devotion to this cause.

While protecting children remains a focus of our judiciary, part of ensuring justice for all involves emergency preparedness. No one will soon forget the tragic scenes of families torn asunder in the aftermath of Hurricane Katrina. In addition to the human catastrophe, these disasters can have serious consequences to the rule of law, as vital court records are destroyed, protective orders ignored, and vested rights lost. I talked with the Louisiana Chief Justice shortly after that calamity, and he spoke emotionally about the toll on Louisiana citizens who had no access to the courts. Based on that and other examples, the Supreme Court established a Task Force to

Ensure Judicial Readiness in Times of Emergency. The task force was charged with the identifying existing gaps in court security, ensuring continuity, and examining other preparedness functions across the Texas judiciary. Chaired by Denise Davis, this task force has made great strides in developing response plans for adoption by individual courts that will continue operations in the event of hurricanes, pandemics, violence, terrorism, and threats to computer systems. Fortunately, when Hurricane Ike hit, Presiding Judge Olen Underwood made sure that the task force was prepared. He helped develop interim emergency plans for counties, which were in effect in the hurricane zone. As a result, many legal matters requiring emergency action were submitted to courts in adjacent counties, preserving the legal rights of coastal residents. In the next few weeks, the task force will publish its final report and recommendations, including a plea that the judiciary have a representative at the state operations center, where Texas prepares for disasters. I commend the task force for its work and look forward to collaborating with the Governor and Legislature to ensure the continuity of court operations.

Access to justice for low-income Texans continues to require the coordinated efforts of all branches of government. The number of those qualifying for court appointed counsel in a criminal case is on the rise, especially in light of a recent United States Supreme Court's recent ruling that requires the appointment of counsel for defendants before charges are filed. Last session the Legislature increased state funding to help ensure access to court appointed counsel for low-income Texans. The additional funding has enabled the Task Force on Indigent Defense, under the leadership of Presiding Judge Sharon Keller of the Court of Criminal Appeals, to assist a number of jurisdictions in the establishment of public defender offices. The two newest programs are a regional office serving Bowie and Red River counties and a public defender created by Lubbock County serving 65 counties. And our program to provide legal services to the poor, led by a great Texan, Jim Sales, has been impaired by the national economic downturn. I hope the Legislature will help us preserve this program, upon which thousands of Texans have come to rely to protect their legal rights.

But no system of justice is successful if it leads to the incarceration of citizens who have committed no crime. I have long advocated creation of a commission to study wrongful convictions. The recent exoneration of Charles Allen Chatman, who spent 27 years in jail for a crime he did not commit, and last week's posthumous exoneration of Timothy Cole, only confirm the need to confront this issue. The Court of Criminal Appeals' Justice Integrity Unit has brought about meaningful reform through education, training, and legislative recommendations. It has achieved significant advancements in the areas of eyewitness identification procedures; collection, preservation, and storage of evidence; and writs of habeas corpus. There is even a proposal for a traveling DNA lab. While this

is impressive progress, I continue to commend the creation of a commission to investigate each instance of DNA exoneration, to assess the likelihood of wrongful convictions in future cases, and to establish statewide reforms.

Public Perception of Bias in the Judiciary

For the remainder of my time here today, I would like to continue a discourse begun 23 years ago by my Democratic predecessor, Chief Justice John Hill.

I am concerned by the public's perception that money in judicial races influences outcomes. This is an area where perception itself destroys public confidence. A month from now, the United States Supreme Court will hear argument on this very issue in a case called *Caperton v. Massey*. The court will decide whether due process requires the recusal of an elected judge who has benefited from a litigant's campaign expenditures. Last month, retired United States Supreme Court Justice Sandra Day O'Connor gave a hint of what may be coming in that case. She said, "If I could do one thing to protect judicial independence in this country, it would be to convince those states that still elect their judges to adopt a merit selection system and, short of that, at least do something to remove the vast sums of money being collected by judicial candidates, usually from litigants who appear before them in the courtroom."

I share Justice O'Connor's concern about the corrosive influence of money in judicial elections. Polls asking about this perception find that more than 80 percent of those questioned believe contributions influence a judge's decision. That's an alarming figure—four out of five. If the public believes that judges are biased toward contributors, then confidence in the courts will suffer. So, I ask the question: Is our current judicial election system, which fuels the idea that politics and money play into the rule of law, the best way to elect judges in Texas? The status quo is broken. It is time for Texas to set a high standard for judicial selection. That is why I am so pleased to be speaking to visionaries in the House and Senate, for the judiciary is incapable of commanding such reform. Your work on this issue can bequeath to all Texans the gift of courts that need labor no longer under the assumption that judicial decrees are encumbered by political or economic motives.

Reforming Judicial Elections

The Founding Fathers believed that the best method to secure an independent judiciary is through nomination by the President and confirmation by the Senate. That method, said Alexander Hamilton, serves at least two purposes. First, it ensures that a judge's decision is influenced less by the preferences of a majority than by the Constitution and laws. And appointment is superior to popular election, he said, because the people lack the requisite information or interest to select judges of sufficient merit and integrity. Although Texas adopted the federal method for a few years after it joined the Union, it soon embraced the Jacksonian premise that citizens have not only the ability but the right to vote for the men and women who

control their fate in our courts of law. We have been electing judges since 1876; only recently have those elections transitioned into truly partisan contests.

Sadly, we have now become accustomed to judicial races in which the primary determinants of victory are not the flaws of the incumbent or qualities of the challenger but political affiliation and money. In 1994, 2006, and again in 2008, district judges lost elections due to partisan sweeps in the urban counties. We have witnessed similar partisan sweeps in our courts of appeals and high courts. I would like to claim that voters gave me the honor of continued service due to stellar credentials, but it may just as well have been tied to McCain's success in Texas. And this is the point. Justice must be blind. It must be as blind to party affiliation as to the litigant's social or financial status. The rule of law resonates across party lines.

Both of my predecessors, Chief Justices Hill and Phillips, giants from opposite political perspectives, advocated for merit selection, as have several legislators who see the need for an independent, fair, and respected judiciary.

Currently, only seven states hold partisan judicial elections. Seven. Twenty-five states either have a complete merit selection system or a system that combines merit selection with other methods. There are other proposals that call for eliminating the straight-ticket vote, so that Democratic judges have a chance at statewide office, and Republican judges might be competitive in urban district court races. So long as we cast straight-ticket ballots for judges, the fate of all judges is controlled by the whim of the political tide. A merit system, in which voters later vote the judge up or down, is the best remedy, but I commend any innovation in which the goals are to recruit and retain qualified judges and to reduce the role of money in judicial campaigns.

Conclusion

Chief Justice Harlan Fiske Stone once said, "The law itself is on trial in every case." Texas is blessed with talented men and women who have committed themselves to conducting that trial honorably. I am proud to serve with them, Democrats and Republicans alike. But the state of our judiciary will be made stronger if we appoint our judges based on merit and hold them accountable in retention elections. To those who say we cannot achieve this lofty goal, I have three words: Yes, we can. Thank you, and God bless Texas.

AT EASE

The President at 11:36 a.m. stated the purpose for which the Joint Session was held having been completed, the Senate would stand At Ease.

CONCLUSION OF JOINT SESSION

The Speaker of the House of Representatives at 11:37 a.m. announced that the purpose for which the Joint Session was called having been completed, the House would stand At Ease pending the departure of its guests.

INTERPRETER FOR THE DEAF

The interpretation of the proceedings of the Joint Session was provided by Billy Collins.

IN LEGISLATIVE SESSION

Senator Watson at 11:52 a.m. called the Senate to order as In Legislative Session.

SENATE BILLS ON FIRST READING

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

SB 18 by Estes

Relating to the use of eminent domain authority.

To Committee on State Affairs.

SB 201 by Shapleigh

Relating to the participation of the medical school at Texas Tech University Health Sciences Center at El Paso in the Joint Admission Medical Program.

To Committee on Higher Education.

SB 202 by Shapleigh

Relating to provisional licensing of physicians to practice in underserved areas.

To Committee on Health and Human Services.

SB 203 by Shapleigh

Relating to the reporting of MRSA infection rates in hospitals.

To Committee on Health and Human Services.

SB 204 by Shapleigh

Relating to a prohibition of foods containing trans fat; providing a criminal penalty.

To Committee on Health and Human Services.

SB 205 by Shapleigh

Relating to the Texas Partnership for Children in Nature.

To Committee on Agriculture and Rural Affairs.

SB 206 by Shapleigh

Relating to the reporting of information concerning the cancellation or rescission of health benefit plans.

To Committee on State Affairs.

SB 207 by Shapleigh

Relating to prohibition of certain compensation based on rescinding, canceling, or limiting coverage under health benefit plans.

To Committee on State Affairs.

SB 208 by Shapleigh

Relating to the regulation of the use of human cells and tissue, including a ban on human cloning; providing penalties.

To Committee on Health and Human Services.

SB 209 by Shapleigh

Relating to the minimum salary schedule for certain public school employees.
To Committee on Education.

SB 210 by Shapleigh

Relating to certain prohibited lottery games.
To Committee on State Affairs.

SB 211 by Shapleigh

Relating to a requirement that an electric utility meet certain energy efficiency goals before receiving a rate increase.
To Committee on Business and Commerce.

SB 212 by Shapleigh

Relating to the sale or transport of certain desert plants; providing a penalty.
To Committee on Agriculture and Rural Affairs.

SB 213 by Shapleigh

Relating to a manifest system to record the transportation of certain liquid wastes.
To Committee on Natural Resources.

SB 215 by Van de Putte

Relating to the sale of instructional materials to students of public institutions of higher education.
To Committee on Higher Education.

SB 216 by Carona

Relating to the permissible uses of the state highway fund.
To Committee on Transportation and Homeland Security.

SB 217 by Carona

Relating to the rate of the state gasoline tax and diesel fuel taxes.
To Committee on Transportation and Homeland Security.

SB 218 by Nichols

Relating to the limitation on increases in the appraised value of a residence homestead for ad valorem taxation.
To Committee on Finance.

SB 219 by Nichols

Relating to prohibiting the use of eminent domain to take private property for recreational purposes.
To Committee on State Affairs.

SB 220 by Nichols

Relating to the conversion of a nontolled state highway or segment of the state highway system to a toll project.
To Committee on Transportation and Homeland Security.

SB 221 by Nichols

Relating to the requirement that retail water and utility services maintain auxiliary generators for use during an extended power outage.
To Committee on Natural Resources.

SB 222 by West

Relating to arbitration and arbitration agreements.
To Committee on Jurisprudence.

SB 223 by West

Relating to allowing a person who successfully completes a term of deferred adjudication community supervision to be eligible for a pardon.
To Committee on Criminal Justice.

SB 224 by West

Relating to the power of a licensing authority to revoke, suspend, or deny a license on the basis of certain criminal proceedings.
To Committee on Criminal Justice.

SB 225 by West

Relating to the classifications used in rating personal automobile insurance.
To Committee on Business and Commerce.

SB 226 by West

Relating to student members of the board of regents of a state university system or a state university.
To Committee on Higher Education.

SB 227 by West

Relating to a fee on certain lottery prizes to fund the TEXAS grant program.
To Committee on Finance.

SB 228 by West

Relating to an offense committed against a homeless person because of bias or prejudice.
To Committee on Criminal Justice.

SB 229 by West

Relating to the procurement methods authorized for public projects by certain local governments.
To Committee on Intergovernmental Relations.

SB 230 by West

Relating to the termination of the duty to pay child support based on the results of genetic testing excluding the obligor as the child's biological father.
To Committee on Jurisprudence.

SB 231 by West

Relating to the adoption of a child who has an adjudicated, presumed, or acknowledged father.
To Committee on Jurisprudence.

SB 232 by West

Relating to procedures for rescinding or challenging an acknowledgment or denial of paternity.
To Committee on Jurisprudence.

SB 233 by West

Relating to the time limitation for certain proceedings to adjudicate paternity.
To Committee on Jurisprudence.

SB 234 by West

Relating to real property subject to restrictive covenants.
To Committee on Intergovernmental Relations.

SB 235 by West

Relating to prohibiting a restrictive covenant granting a right of first refusal to a property owners' association in certain circumstances.
To Committee on Intergovernmental Relations.

SB 236 by West

Relating to the regulation of solar energy devices by a property owners' association.
To Committee on Intergovernmental Relations.

SB 237 by West

Relating to certain procedures and requirements for the operation of property owners' associations.
To Committee on Intergovernmental Relations.

SB 238 by West

Relating to the availability of a property owners' association's books and records.
To Committee on Intergovernmental Relations.

SB 239 by West

Relating to notice requirements in certain enforcement actions initiated by property owners' associations.
To Committee on Intergovernmental Relations.

SB 240 by West

Relating to the enforcement of deed restrictions.
To Committee on Intergovernmental Relations.

SB 241 by West

Relating to procedures required for the foreclosure of a property owners' association's assessment lien.
To Committee on Intergovernmental Relations.

SB 242 by Shapleigh

Relating to the regulation of a person who offers, services, or brokers a deferred presentment transaction.
To Committee on Business and Commerce.

SB 243 by Shapleigh

Relating to the prohibition on participating in the lending of credit by a credit services organization that assists a borrower in obtaining the credit.
To Committee on Business and Commerce.

SB 244 by Shapleigh

Relating to restrictions on the authority of certain persons to act as or on behalf of, or associate with, a lender.

To Committee on Business and Commerce.

SB 245 by Shapleigh

Relating to the use of direct recording electronic voting systems.

To Committee on State Affairs.

SB 246 by Shapleigh

Relating to limits on political contributions and direct campaign expenditures by individuals, partnerships, partners, and limited liability companies; providing civil and criminal penalties.

To Committee on State Affairs.

SB 247 by Shapleigh

Relating to the computation of the cost of goods sold for franchise tax purposes by certain taxable entities.

To Committee on Finance.

SB 248 by Shapleigh

Relating to the interest and fees that may be charged for certain consumer loans; providing a criminal penalty.

To Committee on Business and Commerce.

SB 249 by Shapleigh

Relating to counties eligible to impose an optional fee on registration of a vehicle to fund transportation projects.

To Committee on Transportation and Homeland Security.

SB 250 by Shapleigh

Relating to a report on use of money from the Texas Enterprise Fund.

To Committee on Economic Development.

SB 251 by Shapleigh

Relating to the posting of certain business tax incentives on Internet websites maintained by certain political subdivisions.

To Committee on Economic Development.

SB 252 by Estes

Relating to the authority of a municipality with a population of less than 10,000 to enter into an agreement with an owner of real property in or adjacent to an area in the municipality that has been approved for funding under certain revitalization or redevelopment programs to prohibit ad valorem tax increases on the owner's property for a limited period.

To Committee on Agriculture and Rural Affairs.

SB 253 by Estes

Relating to the amount of a county expenditure for which competitive bidding is required.

To Committee on Intergovernmental Relations.

SB 254 by Estes

Relating to the exemption of volunteer fire departments from certain motor fuel taxes.
To Committee on Finance.

SB 255 by Estes

Relating to designation of Midwestern State University as a public liberal arts university.
To Committee on Higher Education.

SB 256 by Estes

Relating to an intercollegiate athletics fee at Midwestern State University.
To Committee on Higher Education.

SB 257 by Estes

Relating to the sale or delivery of salvia divinorum to a child; providing a penalty.
To Committee on Criminal Justice.

SB 258 by Shapleigh

Relating to a requirement that certain appraisal districts provide for electronic filing of and electronic communications regarding a protest of appraised value by the owner of a residence homestead.
To Committee on Finance.

SB 259 by Ellis

Relating to restrictions on the location and operation of concrete crushing facilities.
To Committee on Natural Resources.

SB 260 by Ellis

Relating to the disclosure of certain information regarding, and the admissibility and use of testimony by, a witness for the state in a criminal case.
To Committee on Criminal Justice.

SB 261 by Deuell

Relating to the taking of a specimen of the breath or blood of a person arrested for an intoxication offense under certain circumstances.
To Committee on Criminal Justice.

SB 262 by Shapiro

Relating to an exemption from public insurance adjuster license requirements for certain persons.
To Committee on Business and Commerce.

SB 263 by Carona

Relating to the issuance by the Texas Transportation Commission of general obligation bonds for highway improvement projects.
To Committee on Finance.

SB 264 by Hinojosa

Relating to prior approval of residential property insurance rates of certain insurers.
To Committee on Business and Commerce.

SB 265 by Hinojosa

Relating to benefits and protections for certain residential electric customers.
To Committee on Business and Commerce.

SB 266 by Hinojosa

Relating to an open document format for electronic state documents and the sharing of information electronically among state agencies.
To Committee on Government Organization.

SB 267 by Hinojosa

Relating to design, construction, and renovation standards for state buildings and facilities.
To Committee on Natural Resources.

SB 268 by Harris

Relating to the cancellation of the voter registrations of persons who are not United States citizens.
To Committee on State Affairs.

SB 269 by Harris

Relating to use of electronically readable information on a driver's license or personal identification certificate in connection with the over-the-counter sale of ephedrine, pseudoephedrine, or norpseudoephedrine; providing a criminal penalty.
To Committee on Criminal Justice.

SB 270 by Harris

Relating to the reporting of income-producing contracts or programs entered into or operated by school districts.
To Committee on Education.

SB 271 by Harris

Relating to the appointment of a successor guardian for certain wards adjudicated as totally incapacitated.
To Committee on Jurisprudence.

SB 272 by Harris, Nelson

Relating to the creation of an additional judicial district composed of Tarrant County.
To Committee on Jurisprudence.

SB 273 by Nichols

Relating to testing requirements for certain commercial injection wells.
To Committee on Natural Resources.

SB 274 by Nichols

Relating to limitations on the location of injection wells.
To Committee on Natural Resources.

SB 275 by Nichols

Relating to the application of new requirements for commercial underground injection control wells to be adopted by the Texas Commission on Environmental Quality.
To Committee on Natural Resources.

SB 276 by Patrick

Relating to the determination of the appraised value of a residence homestead for ad valorem taxation.

To Committee on Finance.

SB 277 by Nelson

Relating to the Department of Family and Protective Services, including protective services and investigations of alleged abuse, neglect, or exploitation for certain adults who are elderly or disabled; providing a criminal penalty.

To Committee on Health and Human Services.

SB 278 by Nelson, Harris

Relating to appropriations to the Department of State Health Services for the prevention and treatment of substance abuse.

To Committee on Finance.

SB 279 by Nelson

Relating to the modification of an order establishing the conservatorship of a child or providing for the possession of or access to a child based on military deployment.

To Committee on Jurisprudence.

SB 280 by Nelson

Relating to the exception from required public disclosure of certain personal information of public employees and public officials.

To Committee on State Affairs.

SB 281 by Nelson

Relating to the confidentiality of the home address information of the spouses of certain federal judges and certain state judges.

To Committee on State Affairs.

SB 282 by Nelson

Relating to grant programs to provide nutrition education to children.

To Committee on Education.

SB 283 by Nelson

Relating to the membership and activities of local school health advisory councils.

To Committee on Education.

SB 284 by Nelson

Relating to human body and anatomical specimen donation.

To Committee on Health and Human Services.

SB 285 by Nelson

Relating to the punishment for violating certain orders requiring the removal of the alleged perpetrator from the home of an abused child.

To Committee on Criminal Justice.

SB 286 by Nelson

Relating to a health passport for Medicaid recipients.

To Committee on Health and Human Services.

SB 287 by Nelson

Relating to the use of electronic prescribing data transmission systems under the state Medicaid program.

To Committee on Health and Human Services.

SB 288 by Nelson

Relating to the review of a Medicaid recipient's electronic medication history by a Medicaid provider.

To Committee on Health and Human Services.

SB 289 by Nelson

Relating to ensuring that health information technology used in the medical assistance and child health plan programs conforms to certain standards.

To Committee on Health and Human Services.

SB 290 by Nelson

Relating to the creation and implementation of the health professional education grant program.

To Committee on Higher Education.

SB 291 by Nelson

Relating to hepatitis B vaccination for students enrolled in certain health-related courses of study at an institution of higher education.

To Committee on Health and Human Services.

SB 292 by Nelson

Relating to the requirement that licensed physicians provide emergency contact information to the Texas Medical Board.

To Committee on Health and Human Services.

SB 293 by Carona

Relating to the pledge of certain revenue of a regional transportation authority to the payment of bonds.

To Committee on Transportation and Homeland Security.

SB 294 by Hinojosa

Relating to optional fees on the registration of a vehicle imposed by a county.

To Committee on Transportation and Homeland Security.

SB 295 by West

Relating to a project that may be undertaken by a development corporation to promote higher education opportunities in this state.

To Committee on Economic Development.

SB 296 by West

Relating to the disclosure of certain payments or other transfers of value by manufacturers of prescription drugs, medical devices, and medical supplies; providing a penalty.

To Committee on State Affairs.

SB 297 by Van de Putte, Ogden

Relating to resident tuition rates at public institutions of higher education for certain veterans and their spouses and children.

To Committee on Higher Education.

SB 298 by Carona

Relating to the authority of the Texas Department of Public Safety and certain local law enforcement agencies to establish a checkpoint on a highway or street to determine whether persons are driving while intoxicated.

To Committee on Transportation and Homeland Security.

SB 299 by Patrick

Relating to the limitation on increases in the appraised value of a residence homestead for ad valorem taxation.

To Committee on Finance.

SB 300 by Patrick

Relating to eliminating certain mandates on school districts.

To Committee on Education.

SB 301 by Shapleigh

Relating to caseload assignments for employees of the Department of Family and Protective Services.

To Committee on Health and Human Services.

SB 302 by Shapleigh

Relating to the implementation of an in-home caregiver demonstration project under the Medicaid program.

To Committee on Health and Human Services.

SB 303 by Shapleigh

Relating to application for and cancellation or rescission of health benefit plan coverage.

To Committee on State Affairs.

SB 304 by Shapleigh

Relating to information obtained under the public information law for legislative purposes that indicates a crime has been committed by a governmental body or a governmental officer or employee.

To Committee on State Affairs.

SB 305 by Shapleigh

Relating to an online list of work-study employment opportunities available to students at a public institution of higher education.

To Committee on Higher Education.

SB 306 by Shapleigh

Relating to the acknowledgment of a candidate's authorization of political advertising.

To Committee on State Affairs.

SB 307 by Shapleigh

Relating to the regulation of telephone calls made by certain persons for political advertising purposes; providing a criminal penalty.

To Committee on State Affairs.

SB 308 by Patrick

Relating to the number of charters the State Board of Education may grant for open-enrollment charter schools.

To Committee on Education.

SB 309 by Jackson

Relating to the licensing and regulation of amusement redemption machines at certain locations; providing criminal penalties.

To Committee on State Affairs.

SB 310 by Jackson

Relating to the forfeiture of property related to certain gambling offenses.

To Committee on State Affairs.

SB 311 by Jackson

Relating to the criminal offenses applicable to gambling and gambling devices.

To Committee on Criminal Justice.

SB 312 by Wentworth

Relating to the regulation and certification of medical examiners and the conduct of autopsy and inquest investigations by justices of the peace and medical examiners.

To Committee on Jurisprudence.

SB 313 by Wentworth

Relating to the extension of the term of a reinvestment zone created under the Tax Increment Financing Act.

To Committee on Economic Development.

SB 314 by Wentworth

Relating to the treatment of longevity pay that is paid to certain state judges and justices.

To Committee on Jurisprudence.

SB 315 by Wentworth

Relating to the reapportionment of congressional districts and the creation, function, and duties of the Texas Congressional Redistricting Commission.

To Committee on State Affairs.

SB 316 by Wentworth

Relating to the establishment of railroad quiet zones outside the boundaries of certain municipalities.

To Committee on Transportation and Homeland Security.

SB 317 by Wentworth

Relating to the elimination of straight-party voting.

To Committee on State Affairs.

SB 318 by Wentworth

Relating to the order of succession to the office of governor.
To Committee on Administration.

SB 319 by Wentworth

Relating to providing notice to devisees under a decedent's will.
To Committee on Jurisprudence.

SB 320 by Wentworth

Relating to the qualifications for office of justice of the peace in certain counties.
To Committee on Jurisprudence.

SB 321 by Shapleigh

Relating to the filing and posting on the Internet of reports of political contributions and expenditures required in connection with the office of member of the board of trustees of a school district.
To Committee on State Affairs.

SB 322 by Shapleigh

Relating to the use of technology by public schools.
To Committee on Education.

SB 323 by Shapleigh

Relating to the franchise tax liability of certain taxable entities during an initial period of operation.
To Committee on Finance.

SB 324 by Shapleigh

Relating to the tuition rebate program for certain undergraduate students at general academic teaching institutions.
To Committee on Higher Education.

SB 325 by Shapleigh

Relating to providing training in personal financial literacy instruction for public school teachers.
To Committee on Education.

SB 327 by Van de Putte

Relating to a business's duty to protect sensitive personal information contained in its customer records.
To Committee on Business and Commerce.

SB 328 by Carona

Relating to the civil and criminal consequences of operating a motor vehicle or a watercraft while intoxicated or under the influence of alcohol.
To Committee on Transportation and Homeland Security.

SB 329 by Carona

Relating to the automatic suspension of the driver's license of a person convicted of certain organized crime offenses; providing penalties.
To Committee on Transportation and Homeland Security.

SB 330 by Carona

Relating to the punishment for unlawful carrying of weapons.
To Committee on Transportation and Homeland Security.

SB 331 by Carona

Relating to access to certain information under the public information law concerning public officers and employees.
To Committee on State Affairs.

SB 332 by Carona

Relating to the adjudication of certain gang-related delinquent conduct.
To Committee on Transportation and Homeland Security.

SB 333 by Carona

Relating to the retention by a county or municipality of certain court costs for maintaining and supporting a certified breath alcohol testing program.
To Committee on Transportation and Homeland Security.

SB 334 by Carona

Relating to the repeal of the authority of the Texas Department of Transportation to regulate air carriers.
To Committee on Transportation and Homeland Security.

SB 335 by Shapleigh

Relating to the requirement that matching funds be provided by school districts and open-enrollment charter schools under the educator excellence awards program.
To Committee on Education.

SB 336 by Deuell

Relating to closing state schools.
To Committee on Health and Human Services.

SB 337 by Deuell

Relating to the designation of a segment of Interstate Highway 30 in Hunt County as the Martin Luther King, Jr., Freeway.
To Committee on Transportation and Homeland Security.

SB 338 by Van de Putte

Relating to requirements for businesses that offer plastic checkout bags to customers; providing civil and administrative penalties.
To Committee on Business and Commerce.

SB 339 by Gallegos

Relating to uniform reentry procedures for essential personnel entering an area evacuated during a disaster or other emergency.
To Subcommittee on Flooding and Evacuations.

SB 340 by Gallegos

Relating to temporary housing and emergency shelters provided by a political subdivision for disaster victims.
To Subcommittee on Flooding and Evacuations.

SB 341 by Wentworth

Relating to changing the name of the Railroad Commission of Texas to the Texas Energy Commission.

To Committee on Natural Resources.

SB 342 by Nelson

Relating to creating a presumption regarding the possession of a controlled substance by a person who gives birth to a child who tests positive for the substance.

To Committee on Criminal Justice.

SB 343 by Nelson

Relating to the creation of an advisory committee to study the retail availability of healthy foods in certain underserved areas of this state.

To Committee on Health and Human Services.

SB 344 by Nelson

Relating to the establishment of an advisory committee to study the acceptance at farmers markets of food stamps and benefits under the women, infants, and children supplemental food program.

To Committee on Agriculture and Rural Affairs.

SB 345 by Nelson

Relating to screening health care personnel of home and community support services agencies for tuberculosis.

To Committee on Health and Human Services.

SB 346 by Nelson

Relating to information submitted to and maintained in the immunization registry after an individual becomes an adult.

To Committee on Health and Human Services.

SB 347 by Nelson

Relating to the receipt and release of immunization information by the immunization registry in connection with a disaster.

To Committee on Health and Human Services.

SB 348 by Carona

Relating to the Texas Transportation Commission's authority to establish advisory committees.

To Committee on Transportation and Homeland Security.

SB 349 by Shapleigh

Relating to the period of continuous eligibility for the medical assistance program.

To Committee on Health and Human Services.

SB 350 by Shapleigh

Relating to the application for and continuation of certain health benefit plan coverage; providing a civil penalty.

To Committee on State Affairs.

RESOLUTIONS OF RECOGNITION

The following resolutions were adopted by the Senate:

Memorial Resolutions

SR 165 by Van de Putte, In memory of Dora Montana Rabago.

SR 166 by Van de Putte, In memory of Felicita Acevedo of San Antonio.

SR 186 by Gallegos, In memory of Mary Alice Romo-Partida of Houston.

SR 192 by Lucio, In memory of the life of Olivia Ramos Rocha.

SR 193 by Lucio, In memory of Reynaldo Esparza "Ray" Ramirez, Jr., of San Benito.

SR 194 by Lucio, In memory of McHenry Taylor "Mac" Tichenor, Sr.

Congratulatory Resolutions

SR 145 by Watson, Recognizing the Texas Congress of Parents and Teachers on the occasion of its 100th anniversary.

SR 152 by Uresti, Congratulating former Governor Dolph Briscoe for receiving the 2009 Santa Rita Award from The University of Texas System.

SR 171 by Hinojosa, Recognizing Carlos Sandoval for his work on the documentary film *A Class Apart*.

SR 181 by West, Recognizing Gerald Borders on the occasion of his retirement from Texas Instruments, Incorporated.

SR 182 by West, Recognizing Philip J. Ritter on the occasion of his retirement from Texas Instruments, Incorporated.

SR 187 by Gallegos, Recognizing the legacy of the Fidelity Manor schools in the Galena Park community of Houston.

SR 188 by West, Recognizing JoAnn Brown for her contributions to the Dallas community and Alpha Kappa Alpha Sorority, Incorporated.

SR 195 by Lucio, Congratulating Gilberto de los Santos for being named professor emeritus by The University of Texas–Pan American.

SR 202 by Ellis, Commemorating the Jack Yates High School Founder's Day celebration in Houston.

Official Designation Resolutions

SR 170 by Hinojosa, Recognizing February 12, 2009, as Mission Day at the Capitol.

SR 184 by Shapiro, Celebrating February 16, 2009, as Texas SkillsUSA Day at the State Capitol.

SR 190 by Hegar, Celebrating February 17 and 18, 2009, as Leadership Fayette County Days at the Capitol.

SR 191 by Nichols, Recognizing February 11 and 12, 2009, as Angelina County Days at the Capitol.

ADJOURNMENT

Pursuant to a previously adopted motion, the Senate at 12:05 p.m. adjourned until 11:00 a.m. Tuesday, February 17, 2009.

APPENDIX

RESOLUTIONS ENROLLED

February 10, 2009

SR 46, SR 48, SR 129, SR 134, SR 135, SR 137, SR 142, SR 143, SR 146, SR 147, SR 153, SR 154, SR 159, SR 160, SR 162, SR 163, SR 164, SR 167, SR 168, SR 169, SR 172, SR 173, SR 174, SR 175, SR 176, SR 177