

**10th Texas Silver-Haired Legislature
Legislative Session
September 13-17, 2004
House Chambers, State Capitol**

MINUTES

Opening Session – September 13, 2004

Speaker Chris Kyker called the Opening Session of the 10th TSHL Legislative Session to order at 9:00 a.m. Speaker Pro Tem Carlos Higgins announced that the Camp Mabry Color Guard is unable to join us due to the death of one of their members and thus the Guard members are attending the memorial services today. The pledge to the flags of the United States and Texas were led by John Holcomb, North Central Texas. Ivan Arceneaux, Houston-Galveston, presented the invocation.

A. ADMINISTRATION OF THE OATH OF OFFICE:

Assistant Secretary of State Luis Saenz administered the oath of office to elected TSHL members Nancy Cooper, Viola de la Rosa, Arlie Ray Horn, Richard Landry, Jo Ann McFarland, Estella L Trevino. Members who were absent for the swearing in ceremony were: Cassie Jean Benham, Dorothy Rose, Ingram Smith, Alice Stubbs, Louis Vannatter and Hazel Wright.

B. ROLL CALL:

Secretary Al Campbell called the Roll; there were 84 members in attendance. A Quorum was declared. (49 are required).

C. EMERITUS AWARD:

Speaker Kyker introduced Speaker Emeritus Homer Lear. Speaker Lear is Chairman of the Board of Directors of the National Silver-Haired Congress. He is chairman of the Emeritus Committee of the TSHL. Speaker Lear called former Speaker Gaston West to the Speakers platform along with his Family. He presented the Emeritus award to Speaker West in behalf of all the members of the TSHL "In appreciation of his dedication and contributions during ten years of service and his leadership as Speaker during the 7th and 8th session of the Texas Silver-Haired Legislature." Therefore, the TSHL hereby confirm upon Gaston West the title Speaker Emeritus with all the honors thereto. Speaker Emeritus West addressed the members following a standing ovation. He introduced his family and dear friends in attendance. "Anything I say comes from my heart," he said. He indicated that he is a better person as a result of his membership in the TSHL. He doesn't know of anything he treasurers more than what this award represents—the friendship and association with the Texas Silver-Haired Legislature. Speaker Kyker thanked Speaker Emeritus West for his most recent special contribution in serving as Chair of an ad hoc committee to review and revise the official documents of the TSHL.

D. RECOGNITION OF VISITORS:

TSHL Members recognized personal visitors in the audience. A number of special guests were recognized representing various organizations that support our efforts, including the Texas Department on Aging, the Texas Silver-Haired Foundation, and the University Of Texas School of Social Work.

E. APPOINTMENTS:

Speaker Kyker made the following appointments for the 10th Legislative Session: The Sergeant at Arms is Bill Cummings; Parliamentarian is Lu Russell; Time Keeper is Joe Hargrove, and the Interns from the University of Texas coordinated by Kathy Kramer. Speaker Kyker welcomed each of them. She mentioned that the interns have been a big help to us and we hope that this experience will be of great benefit to them as well. She further acknowledged the attendance of Dr. Namkee Choi, Intern Supervisor.

F. ADOPTION OF RULES:

Speaker Kyker indicated that the executive committee reviewed the rules and adopted them for consideration by the General Assembly today. It was moved by Oscar Garcia and seconded that the action of the executive committee in adopting the rules be confirmed. Motion seconded. Passed unanimously. (Attachment A)

G. AGENDA FOR THE LEGISLATIVE SESSION:

Speaker Kyker indicated that Governor Perry and Speaker Craddick will be speaking to us during the session. Oscar Garcia made the motion to accept the 10th Legislative agenda. Motion seconded. Motion passed. (Attachment B)

H. CONSENT RESOLUTIONS:

It was moved by Oscar Garcia that the Consent Resolutions of Tribute, Support and Organization for Monday September 13, 2004 as distributed be accepted. Motion seconded. The Speaker noted that the distributed sheet is a summary of the resolutions and if there is no opposition to any particular resolution we can vote for them in total. (CR 1-21, Attachment C). Motion passed

I. ANNOUNCEMENTS:

Robert Osborne announced that the Training and the Technology Committees will be meeting at the Holiday Inn Austin South on Wednesday September 15 at 6:00 p.m. He reminded the members about returning the House of Representatives to the condition we found it.

The Speaker announced that he Legislative Issues Committee will be meeting at 10:30 a.m. in their announced rooms in the Capitol and the next General Assembly meeting will be held at 9:00 a.m. on September 14. The bus will return to the hotel at 4:30. The meeting was recessed at 10:00 a.m.

ADDITIONAL TSHLAGENDA ITEMS FOR SEPTEMBER 13, 2004:

1:30-4:30 p.m. Meeting of the Legislative Issues Committees, State Capitol

7:00 to 9:00 p.m. Meeting of the Legislative Action Committee, Holiday Inn to consider resolutions presented to them by the LIC Committees and set calendar for Tuesday's General Session.

7:30 to 1:00 a.m. Operations committee prepares resolution copies for General Session



Albert B. Campbell, Secretary
September 26, 2004

Attachment A 10th TSHL Legislative Session Rules
Attachment B 10th TSHL Legislative Session Agenda
Attachment C Consent Resolutions (CR 1-21)

**RULES ADOPTED BY THE
TENTH TEXAS SILVER-HAIRED LEGISLATURE
FOR ITS 2004 LEGISLATIVE SESSION**

Attachment A

I. AUTHORITY

Roberts Rules of Order, Newly Revised Edition, in the most recent edition shall be the parliamentary authority in all cases except where otherwise provided in the Bylaws or the Policy and Procedures Handbook. Copies of Roberts Rules should be made available to each committee chair.

II. COMMITTEES

- 2a There shall be nine (9) Legislative Issues Committees. The names of these Committees shall be:
- Criminal Justice
 - Education
 - General
 - Health & Human Resources
 - Human Services
 - Insurance
 - Retirement & Aging
 - State Affairs
 - Utilities & Natural Resources
- 2b There shall be (5) Administrative Committees. The names of these Committees shall be:
- Communications
 - Elections & Credentials
 - Finance
 - Legislative Action
 - Operations
- 2c The Executive Committee shall consist of members as prescribed by the Bylaws and the Policies and Procedures Handbook.
- 2d Officers of committees shall consist of Chairman, Vice-Chairman and Secretary
- 2e The five TSHL officers are ex-officio members of all committees but are not eligible to serve as Chairman, Vice-Chairman or Secretary without prior approval by the Executive Committee.
- 2f Resolutions to be considered by the Silver-Haired Legislature or the Legislative Action

Committee shall be approved by a majority of the reviewing committee, signed by the committee chair and presented to the Legislative Action Committee by the author or committee chairman or his/her designee.

2g TSHL Committees shall consider only those Resolutions received from (or through) a Silver-Haired Legislator.

2h The Legislative Action Committee shall resolve any question that arises as to the appropriate committee to consider a proposed resolution.

III. LEADERSHIP

The Speaker, Speaker Pro Tem, Deputy Speaker Pro Tem, Secretary and Comptroller shall be the line of authority.

3a The Speaker or designee shall preserve decorum at all times.

3b The Speaker may only speak to an issue after he/she has passed the gavel and come to the floor.

3c The Speaker shall recognize members to speak for up to three (3) minutes at a time.

3d The Speaker shall decide all points of order and can be overruled only through "an appeal of the decision of the chair."

3e No persons other than members of the Silver-Haired Legislature or persons authorized by the Speaker or the Sgt. At Arms shall be allowed on the floor during session.

IV. AGENDA

4a The agenda shall be the order of business and the Order of the Day for the Silver-Haired Legislature. The agenda will be printed and distributed prior to the beginning of the session.

4b The Legislative Action Committee will list the resolutions in the order to be presented, including the name of the presenter, and the Speaker will call for the resolutions in that order. The author or the Chairman or his/her designee of the originating committee will present each resolution. The Author of each Resolution shall be given a reasonable

opportunity to participate in the presentation. A Resolution may be taken out of order at the discretion of the Speaker.

- 4c Time allotted for introducing Resolutions will be limited to three (3) minutes. Debate on resolutions will be limited to twelve (12) minutes. Within the debate time limits, members may speak until all who wish to speak have spoken, or time expires. When there are both “for” and “against” speakers waiting to speak, they shall be alternately called upon. At the discretion of the Speaker, total time may be extended for up to an additional six (6) minutes for debate, provided repetitious arguments are avoided. When a Resolution is presented with no opposing debate offered, the Speaker may call for a vote without further discussion.
- 4d No member shall speak twice to an issue until all who wish to speak shall be heard for the first time, except as determined by the Speaker.
- 4e At the discretion of the Speaker, minor corrections may be accepted from the floor. Substantive amendments will be accepted from the floor only after each member is provided a printed copy of the amendment. The resolution amendment will be tabled to give time to make copies. Amendments must be germane to the resolution under consideration.

V. LATE FILED RESOLUTIONS and the CONSENT AGENDA

5a **Submission of Resolutions:**

In accordance with the Proposed Resolution Review Process, Resolutions may be submitted

- Prior to August 20: To the Proposed Resolution Review Panel
- After August 20: To the LAC or to the Speaker

5b **Consideration by the LAC**

The LAC has full discretion to accept or reject for consideration any Resolution offered after August. 20. If the LAC elects to consider a late submitted Resolution, it may, upon timely

request, hear the author and any opponent of the resolution.

- If approved, the LAC shall place the resolution on the appropriate Agenda for consideration on the floor.
- If rejected, the LAC may refer the Resolution to the author for any suggested adjustments,

5c **Consideration by the Speaker**

The Speaker has full discretion to accept or reject for consideration any Resolution offered after August 20. She may, upon timely request of any member opposing the Resolution, informally listen to arguments by that member and the author.

If she approves the Resolution, she shall place it on the appropriate Agenda for floor consideration

5d **Purpose of the Consent Agenda:** The Consent Agenda is intended only for those Resolutions which:

- Express appreciation for efforts and services on behalf of the TSHL, or
- Recognize notable efforts and contributions on behalf of Texas’ aging citizens. and
- May reasonably be expected to encounter no significant opposition.

5e **Consideration on the Floor of Resolutions on the Consent Agenda:**

Resolutions on the Consent Agenda will be voted on in total and require two-thirds (2/3) vote of those present and voting. A motion on the floor to lift out a Consent Agenda item is not debatable and requires a majority vote.

In the event the Resolutions on the Consent Agenda are rejected in total, Resolutions may then, at the discretion of the Speaker, be considered and voted upon separately.

VI. CATEGORY OF RESOLUTIONS

6a The **LAC** shall assign to each Resolution the category of **DR** (Direct Resolution) or **SR** (Support Resolution).

- **DR** designations merit greater emphasis because these issues not only directly impact senior Texans, but their effect is primarily upon seniors.
- **SR** designations indicate “Support Policies” because these issues affect the general population rather than primarily seniors, but are still of particular interest to seniors.

6b Each LIC will recommend to the LAC a category for each Resolution. Committees shall, by majority vote, adopt a committee rule setting limits on discussion to be allowed before calling for the vote to assign a category.

VII. PRIORITY SETTING

The TSHL membership shall rank the adopted Resolutions within the **DR** and **SR** categories in accordance with the TSHL Policy and Procedures Handbook. The relative importance of **DR** and **SR** Resolutions to TSHL constituents, with a higher priority assigned to the **DR** category, should be emphasized by TSHL members when establishing TSHL legislative priorities and when presenting Resolutions to the Governor and the Texas Legislature.

VIII. QUORUM

8a A quorum for a meeting of the Texas Silver-Haired Legislature shall be a majority of the membership currently recognized and sworn in.

8b Committees – A quorum for committees and sub-committees shall be a majority of the committee or sub-committee membership. Approval of resolutions - other than Consent Agenda items – requires “for” votes equal to a majority of the committee or sub-committee membership, or, if lesser, two-thirds (2/3) of the members present. Each committee chair shall insure the vote count for each decision on resolutions is recorded and given to the TSHL Secretary.

IX. CONFLICTS OF INTEREST

Members of the Texas Silver-Haired Legislature shall refrain from voting on any consent, regular or

administrative agenda items that could be considered a conflict of interest, real or apparent. TSHL members who have a conflict of interest on any agenda item will disclose that information, will refrain from comment, and will abstain from voting. The action shall be recorded in the minutes of the meeting to stand as an official record of the abstention.

X. CODE OF CONDUCT.

Members of the Texas Silver-Haired Legislature are expected to conduct themselves in a manner commensurate with the high honor of his/her office and to refrain from conduct that would bring discredit to the Silver-Haired Legislature.

Accordingly, TSHL Legislators must refrain from any practice that could be considered to be in conflict, real or apparent, with this code. While acting or appearing as a member of the TSHL, members must not advocate a political party or otherwise participate in partisan politics.

XI. DRESS CODE

The appearance and dress of the Texas Silver-Haired Legislators, while in the Capitol Complex, must reflect the highest order of decorum expected of mature, professional men and women. Therefore, the dress code for members of the Tenth Texas Silver-Haired Legislature during committee hearings in the Capitol Extension and during general assembly in the House Chambers will include coat and tie for men and conventional, professional apparel for women.

XII. PROTOCOL

During general sessions, the presiding officer shall be addressed as Madam Speaker or Mister Speaker. During committee meetings, the presiding officer shall be addressed as Madam Chairman or Mister Chairman.

XIII. HOUSE CHAMBER GUIDELINES

Members shall observe the following guidelines for the House Chamber and committee rooms:

- Food and/or drink are not allowed in the House Chamber or a committee room
- Rowdy or disorderly conduct, incivility, profanity, and other conduct that does not meet acceptable standards of decorous behavior are not permitted.

- No sign, placard, banner, or other unauthorized articles may be brought into the House Chamber or a committee room.
- The desk telephones in the House Chamber may not be used.
- Objects on, or contents of, desks in the House Chamber may not be disturbed.
- State property in the House Chamber or a committee room may not be moved or removed.
- At the end of a session, desks must be cleared of personal belongings
- TSHL guests are requested to comply with these guidelines as applicable

membership. After allowing debate in accordance with Rule 4c above, the Speaker may properly decline any further challenge and present this question to the body for its vote.

XIV. AMENDMENTS TO THESE RULES

After these rules are adopted by the membership, proposed amendments must be submitted in writing to the Speaker in advance of any discussion on the floor, and requires a two-thirds (2/3) vote of the membership for adoption.

XV. TIMELY RESOLUTION OF DISPUTES

Attempts to resolve disputes arising during the formal conduct of this TSHL Legislative Session shall be in accord with these Rules, TSHL Bylaws and Policies and Procedures, Roberts Rules of Order, and rulings by the Parliamentarian. However, any dispute which cannot be timely and reasonably resolved thereby without seriously jeopardizing the ability of the TSHL to timely complete its Legislative responsibilities may be finally resolved by ruling of the Speaker, with the concurring vote of four-fifths (4/5) of the TSHL

10TH TEXAS SILVER-HAIRED LEGISLATURE
Legislative Session
House Chambers, State Capitol
Austin, Texas
September 13 – 17, 2004

Attachment B

Tentative Agenda

Monday, September 13, 2004

8:15 a.m. Buses depart from Holiday Inn Austin South for Capitol

9:00 a.m. OPENING SESSION

- Call To Order by **Speaker Chris Kyker**
- Posting of the Colors: Color Guard, Camp Mabry
- Pledge of Allegiance **Jack Holcomb**, North Central Texas
- Invocation **Ivan Arceneaux**, Houston-Galveston
- Administer oath of office by **Assistant Secretary of State Luis Saenz** to:
**Cassie Jean Benham, Nancy Cooper
Viola de la Rosa, Arlie Ray Horn
Richard Landry, Jo Ann McFarland
Dorothy Rose, Ingram Smith
Alice Stubbs, Estella L. Trevino
Louis E. Vannatter, Hazel Wright**
- Roll Call – Establish Quorum – **Al Campbell**
- Presentation of Emeritus Award to Former Speaker **Gaston West** by **Homer Lear**, Speaker Emeritus
- Recognize Visitors
- Appointments:
 - Sergeant At Arms – **Bill Cummings**
 - Parliamentarian – **Lu Russell**
 - Time Keeper – **Joe Hargrove**
 - Interns - Univ. of Texas - **Kathy Kramer**
- Adoption of Rules
- Adoption of Agenda
- Consent Resolutions
- Announcements:

11:00 a.m. Legislative Issue Committees meet in assigned rooms to consider resolutions

E2.010 - Health & Human Resources

E1.010 - Insurance

E2.022 - Retirement & Aging

E2.026 - State Affairs

E1.014 - Utilities & Natural Resources

E2.012 - Criminal Justice

E2.014 - Education

E2.016 - General

E1.026 - Human Services

Monday, September 13, 2004 (cont)

12 Noon –Lunch (Capitol)

1:30 – 4:00 p.m. - LICs continue meetings

2:30 p.m. - TSHL Officers Meet- E2 Lounge

4:30 p.m. Buses depart for Holiday Inn

7:00 – 9:00 p.m. - LAC meets at Holiday Inn

- Consider Resolutions
- Set calendar for Tuesday

7:30 – 9:30 p.m. – OPS meets at Holiday Inn

Tuesday, September 14, 2004

8:15 a.m. Buses Depart for Capitol

9:00 a.m. GENERAL SESSION

- Call To Order
- Pledge of Allegiance - **Oscar Soliz**, Coastal Bend
- Invocation - **Steven Coycault**, Harris County
- Roll Call – Establish Quorum – **Al Campbell**
- Recognize Visitors
- Consider Resolutions
- Greetings from Governor Rick Perry
- Announcements
- Recess

10:30 a.m. Group Picture in House Chambers

11:00 a.m. LICs meet in assigned room to consider resolutions (same as Monday)

12:00 noon Lunch (Capitol)

1:30—4:00 p.m. LICs continue meetings

4:30 p.m. Buses Depart for Holiday Inn

6:00 p.m. LICs subject to call

7:00 – 9:00 p.m. LAC meets at Holiday Inn

- Consider Resolutions
- Set calendar for Wed.

7:30 – 9:30 p.m. – OPS meets at Holiday Inn

Wednesday, September 15, 2004

8:15 a.m. Buses Depart

9:00 a.m. GENERAL SESSION

- Call To Order
- Pledge of Allegiance – **Jim Brisbin**, Concho
- Invocation **Harvey Fredriksson**, Heart of Texas
- Roll Call – Establish Quorum – **Al Campbell**

Wednesday, September 15, 2004 (cont)

- Recognize Visitors
- Consider Resolutions
- Announcements
- Recess

12:00 Noon - Lunch (Capitol)

1:30 – 4:00 p.m. - LICs meet in assigned rooms

E2.010 - Health & Human Resources

E1.010 - Insurance

E2.022 - Retirement & Aging

E2.020 - State Affairs

E1.014 - Utilities & Natural Resources

E2.012 - Criminal Justice

E2.014 - Education

E2.016 - General

E1.018 - Human Services

4:30 p.m. Buses depart

6:00 p.m. Training & Technology meet Holiday Inn

7:00 – 9:00 p.m. LAC meets Holiday Inn

7:30 – 9:30 p.m. – OPS meets Holiday Inn

Thursday, September 16, 2004

- 8:15 a.m.** Buses Depart
9:00 a.m. GENERAL SESSION
- Call To Order
 - Pledge of Allegiance **Chester Cunningham**, Panhandle
 - Invocation – **Alan Abraham**, Panhandle
 - Greetings – Speaker Tom Craddick
 - Roll Call – Establish Quorum **Al Campbell**
 - Recognize Visitors
 - Consider Resolutions
 - Announcements
 - Recess
- 12 Noon –Lunch** (Capitol)
- OPS Committee meets during lunch
- 2:00 p.m.** General Session
- Call to Order
 - Roll Call – Establish Quorum **Al Campbell**
 - Prioritize Resolutions
 - Announcements
 - Recess
- 3:00 p.m.** Administrative Committees Meet
- E1.010 Communications
 - E1.012 Elections & Credentials
 - E1.014 Finance
 - E2.010 Operations
- 4:30 p.m. Buses depart**
6:00 p.m. Administrative Committees on call
7:30 – 9:30 p.m. LAC meets Holiday Inn
7:30 – 9:30 p.m. OPS meets Holiday Inn
Friday, September 17, 2004

- 8:15 a.m.** Buses Depart
9:00 a.m. CLOSING SESSION
- Call To Order
 - Pledge of Allegiance **David Leopard**, Dallas
 - Invocation **Bobby Southwood**, Dallas
 - Roll Call – Establish Quorum – **Al Campbell**
 - Consent Resolutions
 - Report: Executive Committee

- Report: Fund Raising – **Charlotte Parks**
 - Reports: Special committees
 Training Committee – **Fred Bell**
 Technology Committee – **Oscar Garcia**
 - Reports: Administrative Committees
 Finance Committee – **Harvey Fredriksson**
 Elections & Credentials – **Narris Braly**
 Communication – **Harold Evetts**
 Operations – **Elsie Whiteside**
 Legislative Action – **Jim Caldwell**
 - Adopt TSHL Biennial Budget 2004-2006 – **Harvey Fredriksson & Barbara Effenberger**
 - Report: Priority Resolutions – **Jim Caldwell**
 - TSHL Challenge - **Speaker Chris Kyker**
 - Announcements
 - Benediction – **Ivan Arceneaux**
 - Retiring of the Colors-Color Guard Camp Mabry
- 12:00 noon Adjourn - SINE DIE**
12:30 p.m. Buses depart
1:30 p.m. Officers or Exec Committee on call

Friday, Sept 17, 2004, 12 noon TSHL Foundation meets SBC 1616 Guadalupe

September 13-17, 2004, Capitol Headquarters for TSHL officers, Operations and Interns E2.1002 Members Lounge

8:15 a.m. daily - Buses depart from Holiday Inn Austin South to Capitol
4:30 p.m. daily (except Friday) - Buses depart from Capitol to Holiday Inn Austin South

LAC, OPS meet evenings - Holiday Inn Austin South; LICs & Admin on call

Sunday, Sept 12, 2004 -Holiday Inn Austin South 2:00 p.m. Executive Committee meets 4:00 p.m. Intern Orientation.

10th Texas Silver-Haired Legislature Attachment C
Consent Resolutions of Tribute, Appreciation, Support, Organization

Monday, September 13, 2004

CR #	Tribute
CR-1	Tribute to 9th TSHL Officers In tribute to the 9 th TSHL Officers who served 2002-2004

CR-2	<p style="text-align: center;">Senior Day at the Capitol</p> <p style="text-align: center;">In tribute to older Texans and calling on the 79th Texas Legislature to declare Tuesday, February 8, 2005 as Senior Day at the Capitol</p>
CR-3	<p style="text-align: center;">Tribute to Texas Department on Aging: 1981-2004</p> <p>In tribute to TDoA, to its Director and to each and every staff member for this enviable record of decades of outstanding services to Texas senior citizens, which were consistently delivered with exemplary efficiency, courtesy, dedication, focus, and heart-felt care, and to express sincere optimism that this grand level of concern by the State of Texas for its senior citizens will remain prominent and focused within the newly formed state agency.</p>

CR#	Support and Assistance
CR-14	<p style="text-align: center;">Texas Association of Area Agencies on Aging</p> <p>Appreciation for a grant of \$2000 to develop and publish the Resource Book for TSHL members and providing support of TSHL elections and pre-orientation training</p>
CR-15	<p style="text-align: center;">Texas Silver-Haired Legislature Foundation</p> <p>Appreciation for funds and encouragement to provide education and training support for TSHL and its support since 1986</p>
CR-16	<p style="text-align: center;">Kathy Kramer and Interns, UT at Austin, School of Social Work</p> <p>Appreciation for providing Interns and Faculty Supervisors for TSHL Legislative Session</p>
CR-17	<p style="text-align: center;">John Willis, TDoA Liaison to TSHL</p> <p>Appreciation to John Willis, State Long Term Care Ombudsman for his service through the years as liaison to TSHL and arranging for publication of the documents since 2002 without cost to TSHL.</p>
CR-18	<p style="text-align: center;">Blue Cross and Blue Shield</p> <p>Appreciation to BCBS for awarding TSHL two grants in the amount of \$17,460 to initiate, design and develop the TSHL Website and to initiate and develop the online learning project to be launched in 2005.</p>

CR#	Organization
CR-19	<p style="text-align: center;">Organization of 10th TSHL – Officers</p> <p>Certifying the five state officers were elected at the 10th TSHL Orientation Session, September 2004</p>
CR-20	<p style="text-align: center;">Organization of 10th TSHL – Executive Committee</p> <p>Certifying the election of the 10th TSHL Executive Committee during the 10th TSHL Orientation Session, September 2004</p>
CR-21	<p style="text-align: center;">Organization of 10th TSHL –Standing Committees</p> <p>Certifying the election of officers and appointment of members to the nine legislative issues committees and the five administrative committees.</p>

Second General Session – Tuesday, September 14, 2004

Speaker Chris Kyker called the Assembly to order at 9:00 a.m. The pledge to the flags of the United States and Texas were led by Oscar Soliz, Coastal Bend. The invocation and thought for the day were presented by Steven Coycault, Harris County. The roll was called by Secretary Al Campbell. There were 85 members in attendance. A quorum was declared. Members recognized their personal visitors in attendance.

- A. **CONSIDERATION OF RESOLUTIONS:** Speaker Kyker reviewed the time limits of Debate as follows: The time limit is three minutes. Joe Hargrove, the timekeeper, will show a three-minute card, followed by a two-minute card, one minute, 30 second and no time at all with an "X." Total debate on a resolution will be 12 minutes. The presenter will be asked to remain at the front mike until the debate is concluded. Debaters for and against will be asked to alternate positions at the rear mike. If your point has already been covered by someone else, please don't repeat the position. When you are recognized, state your name and the district that you represent.

Resolution To35s. Dick Landry made the presentation and recommended the acceptance of this resolution. Seconded. There were no speakers for or against. Motion passed.

Resolution To69. Jim Brisbin made the presentation and recommended the acceptance of this resolution. Seconded. Motion Passed.

Resolution To77am. Sarah Birdsong made the presentation and recommended the acceptance of this resolution. Seconded. At this point The Speaker Pro Tem assumed the Speaker's gavel so that Speaker Kyker could speak to the resolution. She suggested that this resolution should have more documentation for presentation to the various committees having oversight on this issue. Speaker Lear suggested that the second paragraph had numerous arbitrary assumptions. The motion was approved with an amendment requiring additional documentation.

RESOLUTION To74. Charlotte Parks made the presentation and recommended the acceptance of this resolution. There was a discussion related to a second. The Speaker indicated that since these resolutions come from a committee a second is not necessary. A typographical error was noted and the Speaker indicated these would be corrected. Motion passed.

RESOLUTION To73. Sarah Birdsong, the author recommends acceptance of the resolution as distributed. The corrections to the resolution that were added by the State Affairs Committee do not show up on the paper today. It is suggested by the Speaker Pro Tem that the resolution go back to the Operations Committee for corrections. It was moved by Glen Peterson that the resolution be returned to Operations. Seconded. The resolution is to be set aside to be brought back with correct language.

RESOLUTION To02. Walter Weber recommends acceptance of this resolution. There being no persons at the mike, the vote was held and the resolution passes.

RESOLUTION T100. The author, Carlos Higgins recommends approval of this resolution. Several testimonials were given in favor of this resolution by Nancy Foster and others. Motion passed.

- B. **ADDRESS BY GOVERNOR RICK PERRY.** At this point Governor Rick Perry joined the group and received a standing ovation. Speaker Kyker offered the following introduction: "Governor Perry is the 47th Governor. Governor Perry signed 16 bills into laws that had been proposed by the Silver-Haired in the last legislative session. One of these was the tax freeze which was our #1 priority. Please give a TSHL welcome to a 5th generation Texan, a proud Aggie, an Air Force Veteran and a public servant of 19 years." She indicated that Governor Perry is the first governor ever to address the Texas Silver-Haired Legislature in the House Chambers.

Governor Perry indicated that it is an honor to address the Silver-Haired Legislature. He expressed his appreciation for our work. He indicated that our work has a solid Impact on the voters and constituents. Governor Perry listed some issues including fraud, health care and rural needs. Home ownership means so much to our Seniors; all to be challenged by runaway property taxes. He indicated that we can fund our State without always going after property taxes. He indicated that he looks forward to working with us in the next session to lower property taxes. He said that his door will be open to members of the TSHL to help build Texas and represent all Texans. Speaker Kyker thanked the Governor and he was given another standing ovation.

B. CONTINUATION OF RESOLUTIONS.

RESOLUTUON To99. The author, Carlos Higgins recommends acceptance of this Resolution. Motion passed

RESOLUTUION To45. The author, Adelaide Balaban recommended acceptance of this resolution as presented. Motion passed

RESOLUTION To42. The author is Jetta Roberts but the resolution was presented by Adelaide Balaban who recommends acceptance. Motion passed.

- C. **PICTURE TAKING.** The session recessed at 10:30 a.m. for the purpose of taking photographs in the House Chambers of the total membership, committee membership and elected officers. The Operations Committee was responsible for these arrangements.
- D. **COMMITTEE MEETINGS.** Additional activities for Tuesday September 14 included the meeting of LIC's to consider additional resolutions from 1:00 p.m. until 4:30 p.m. when the buses transported members to the hotel. At 7:00 p.m. the LAC committee met to consider resolutions that were remaining from September 13, new resolutions from the LIC committees and to set the calendar for September 15. The LAC meeting lasted until 11:30 p.m. The Operations Committee worked until 2:30 p.m. the following morning preparing resolutions for floor action on September 15.



Albert B. Campbell, Secretary
September 25, 2004

Third General Session – September 15, 2004

Speaker Chris Kyker called the Silver-Haired Legislature to order at 9:00 a.m. The pledge to the flags of the United States and Texas were led by Jim Brisbin, Concho Valley. The invocation was presented by Harvey Fredriksson, Heart of Texas. The roll was called by Secretary Al Campbell. There were 84 members in attendance. A quorum was declared. Visitors were recognized.

A. SUMMARY OF PASSED RESOLUTIONS:

Resolutions that were considered yesterday are listed with accompanying DR/SR numbers not available at that time:

- DR 1 - T100
- DR 2 - T099
- DR 3 - T045
- SR 1 - T069
- SR 2 - T035
- SR 3 - T077
- SR 4 - T074
- SR 5 - T073 (Amendment required)
- SR 6 - T002
- SR 7 - T042

B. REVISED AGENDA:

The revised agenda for today indicates that we will be in general session until noon and at 1:00 p.m. we will meet in Legislative Issue Committee sessions and at 2:00 p.m. we will return to the House Chambers to consider additional resolutions until 4:00. The Speaker indicated that if there is no objection to that revised schedule the change will take place. There were no objections.

C. CONSIDERATION OF RESOLUTIONS:

- DR 4 Ann Pennington and Betty Struckfuss were the authors. Ann Pennington recommended approval. Motion passed.
- DR 5 David Leopard recommended approval. Several members spoke for and against the resolution. Motion passed
- DR 6 Carlos Higgins, the author, recommended approval. Motion passed
- DR 7 Jetta Roberts, Imelda Rauschuber and Callie Ragon are the authors. Jetta Roberts recommended approval. Motion passed
- DR 8 The authors are Margaret Williamson, Nell Clark, Adalaide Balaban and Arlie Horn. Margaret Williamson recommended acceptance of this resolution. Motion passed.
- DR 9 Brigitte Rogers recommended acceptance of this resolution. Co-authors are Stephen Coycault Sr. and Jay Tarwater. Motion passed
- DR 10 John Leslie, the author, requested that this resolution be withdrawn for later consideration due to several changes recommended by the Retirement and Aging Committee that were not included in this draft.
- SR 5 Sarah Birdsong presented this resolution yesterday and this is a copy of the entire resolution including the amendment. The author recommended approval of this resolution as amended. Motion passed

- SR 8 Carlos Higgins is the author and recommended acceptance of this resolution. Motion passed.
- (SR 9) Albert Campbell is the author of this resolution and he recommended acceptance.
- DR 11 Carlos Higgins moved that SR 9 be amended to a “Direct Resolution” motion seconded. Motion passed. (SR 9 becomes DR 11) Resolution accepted.
- SR 10 The author, Carlos Higgins recommended acceptance of this resolution. Passed.
- SR 11 Carlos Higgins recommended acceptance of this resolution. This resolution changes the way that Texas appoints its national electors. Motion passed.
- SR 12 Lela Foreman and Sara Birdsong are the authors of this resolution. Lela Foreman moved acceptance of the resolution. After a great deal of discussion for and against this resolution, the time for discussion expired. The voice vote was indeterminate. A “division of the house” was called and a standing vote was 52 votes for the resolution and 12 against. Motion carried.
- SR 13 William Bugelholl moved we accept this resolution concerning the franchise tax Law. Motion passed
- SR 17 Jim Caldwell recommended acceptance of this resolution concerning type size in contracts and advertisements. Carlos Higgins moved this resolution be changed to a “DR” Motion seconded. Motion passed. (SR 17 becomes DR 12) Motion passed.
- SR 18 Roberta Sund recommended acceptance of this resolution. Walter Weber suggested that this resolution should apply to all telephone companies. It was moved by Glen Peterson to amend the resolution to remove the words “SBC” Seconded. Amendment passed. SR 18 passed as amended.
- SR 19 The author, Adalaide Balaban recommended the acceptance of this resolution. Passed.
- SR 20 Tom Perkins was recognized as author of this resolution. There were a number of speakers for and against SR 20, which required prisoners to pay the cost of incarceration. The time for debate ran out, but the Speaker extended the time in order for the author to make a closing statement. The author recommended acceptance of this resolution. A division of house was called for by Oscar Garcia. Seconded. A standing vote was held. The motion passed 37 to 31.

A recess was held and the Speaker requested that the members and officers of the Legislative Action Committee meet with her along with the Chairperson of the Operations Committee during this recess. (10:15 am)

The general session was called to order at 10:40 a.m. by Speaker Kyker.

D. CONSIDERATION OF CONSENT RESOLUTIONS:

The speaker summarized the consent resolutions as distributed. She noted that CR-5 had been withdrawn as the Camp Mabry Honor Guard was unable to be with us. It was moved by Oscar Garcia and seconded that the total list of Consent resolutions be voted on as a block. There were no objections and the motion passed. (Attachment A)

- E. ANNOUNCEMENTS: Fred Bell, Chairperson of the Training committee asked that the surveys distributed be returned. The Training committee will meet at 6:00 p.m.

Ivan Arceneaux, the Secretary of the LAC, announced that it was the responsibility of the LAC Secretary to inform the author of any resolution rejected by the LAC as to the reason for the rejection and that they can appeal to the LAC at the next session. He requested the following authors to meet with him: Representatives Sund, Foreman, Ragon, Higgins, Weber, Leopard, Campbell, and Fredriksson.

Speaker Kyker announced a revision of the agenda that the Legislative Issues Committees will convene at 1:00 p.m. and adjourn at the discretion of the chair. We will not return to this chamber for a general session today, as planned. Buses will leave at 4:30 p.m. The meeting was recessed at 11:20 p.m.

Note: The Training and Technology Committees met in joint session at 6:00 p.m. at the Holiday Inn. The LAC met from 7:00 p.m. to 11:30 p.m. and the Operations committee was in session until 2:30 a.m. preparing LAC passed resolutions for September 16 calendar



Albert B. Campbell, Secretary
Sept. 26, 2004

Attachment A – Consent Resolutions

Attachment A

Wednesday, September 15, 2004

CONSENT RESOLUTIONS

CR#	Appreciation
CR-22	Governor Rick Perry Appreciation to Governor Rick Perry for his support of the 9 th TSHL aging issues and his encouragement of the 10 th TSHL in addressing the general session Tuesday, September 14, 2004
CR-4	78th Texas Legislature – support of 9th TSHL resolutions Appreciation to the 78 th Texas Legislature for its confidence in and support of recommendations made by the Texas Silver-Haired Legislature
CR-6	Lu Russell – Parliamentarian Appreciation to Lu Russell and sincere thanks for her invaluable contributions to our organization
CR-7	Representative Peggy Hamric – House Administration Appreciation to Representative Peggy Hamric for her cooperation in scheduling House meeting space with TSHL for its Legislative Session
CR-8	Speaker Tom Craddick, Texas House of Representatives Appreciation for Speaker Craddick for his encouragement and his cooperation in sharing the House Chambers with TSHL for its Legislative Session, September 13-17, 2004
CR-9	Geoffrey Connor, Texas Secretary of State Appreciation to Mr. Connor and gratitude for administering the oath of office on July 12, 2004 and September 13, 2004, for presenting the Commissions and for his words of encouragement to the 10 th TSHL.
CR-10	General Greg Abbott, Texas Attorney General Appreciation to General Abbott for his address during the 10 th TSHL Orientation Session, on July 14, 2004, his words of encouragement and most especially for the high priority he gives to the protection of Texas senior citizens.
CR-11	Capitol Metro Transit Appreciation to Capitol Metro and especially Nancy Crowther and Rachid Breir for their courtesies and for the timely and dependable transportation assistance during the 10 th TSHL Orientation Session.
CR-12	Austin Police Department Appreciation to Austin Police Department for great assistance provided to the 10 th TSHL Orientation Session on July 13, 2004 by Senior Police Officer Tim Atkinson and Officers Wesley Hood, Jimmy Spears, Andrew Wesbrook, Chris Frierson, John Long and Gabe Stephenson.
CR-13	Sergeant at Arms Rod Welch Special recognition to Rod Welch and his staff for outstanding services provided with efficiency and courtesy and to express sincere appreciation for his commitment and dedication to his job, to the State and to the Texas Silver-Haired Legislature.

Fourth General Session – Thursday, September 16, 2004

Speaker Chris Kyker called the Silver-Haired Legislature to order at 9:00 a.m. The pledge to the flags of the United States and Texas was led by Chester Cunningham, Panhandle. The invocation and thought for the day were presented by Alan Abraham, Panhandle. Visitors were recognized

- A. **Roll Call.** The roll was called by Secretary Al Campbell. There were 83 members in Attendance. A quorum was declared.
- B. **Procedure for Resolutions.** The Speaker announced that there are more than 40 resolutions to be considered this morning and she requested the first three authors come to the front mike area and be ready to present as soon as the previous resolution is completed. She also announced that if there were no objections to a resolution, she would call for the vote immediately.
- C. **Address by Speaker Tom Craddick.** Speaker Kyker introduced Speaker of the Texas House of Representatives, Tom Craddick. Speaker Craddick welcomed the TSHL to his wonderful House Chamber. He discussed some of the ways that the Texas House conducts business. He stressed the need for consideration of school finance legislation. During the last legislative session, the House was controlled by Republicans for the first time in 130 years. Thus it was required to change the committee leadership with only 1 out of 40 chairpersons returning. At the beginning of the session Legislators were faced with a shortfall of about 10 billion dollars. He stressed the need for improving the funding to public education and the importance of reducing property taxes as the chief form of funding. Speaker Craddick; indicated that his office is anxious to help the TSHL, and he gave his praise for the things we do. He indicated that we are welcome to visit his apartment, the only Speaker in the Nation that lives in the Capitol. A standing ovation was given by the members of the TSHL.

Speaker Kyker, praised the Speaker for what he does and thanked him for his hospitality. She discussed the fact that many of our priorities were also those of the Texas Legislature in the last session and we will be presenting our resolutions at the end of our session to Speaker Craddick, Governor Perry and to the Texas Legislature.

D. Consideration of Resolutions.

- SR - 21 Adalaide Balaban in the author and recommends acceptance, concerning insurance codes. Passed
- SR - 22 The author making this presentation is Oscar Garcia on judicial review. He moved acceptance of the resolution. Passed
- SR - 23 Ruth Bowling concerning sex offenders. The Author moved acceptance of the resolution. Motion passed
- SR - 24 Oscar Garcia and Imelda Rauschuber are the authors. Oscar Garcia moved that the resolution be accepted. Passed
- SR - 25 The author, Jack Holcomb moved acceptance of this resolution. There was some concern about the "MHMR" designation since MHMR no longer exists as of September 1, 2004. It was removed as an editorial change. Passed

- SR –26 The author Steve Coycault, recommended the acceptance of this resolution concerning automobile insurance. He moved that SR-26 be changed to a DR status. Both motions carried. (SR-26 becomes DR 40).
- SR – 27 Jim Caldwell is the author of this resolution and recommends Its acceptance. This would require side effects to be furnished To patients in larger type. Passed
- SR – 28 Al Campbell and Oscar Garcia are co-authors of this resolution. Oscar Garcia presented the resolution and moved for its adoption. He called for an amendment from “Indian Organizations” as printed to “Indian Nations.” Motion seconded. Amendment passed. There were several speakers for and against the resolution. Resolution passed.
- SR - 29 Naomi Norton presented this resolution which asks for support of the 2-1-1 system. She moved for its acceptance. Motion passed
- SR – 30 This resolution was authored by Carlos Higgins. Public funds for business tax reduction incentives. . He recommended Its adoption. Motion passed.
- DR – 10 Elder abuse is the topic of this resolution. The author, John Leslie, moved its approval. Motion passed
- DR- 13 Carlos Higgins is the author of this resolution on “green burial.” He moved its adoption. Motion passed
- DR – 14 Property appraisal control is the subject of this resolution. Jim Caldwell called for its approval. Motion passed
- DR – 15 Ruth Bowling is the author of the resolution related to Medicare participants being able to get prescriptions at Medicaid prices. There were some questions related to procedures and it was requested that the author do additional research prior to presentation to the State Legislature. Motion passed.
- DR-16 Fred bell asked for adoption of this resolution on grandparent support. Motion passed
- DR-17 This resolution asks for an age deduction in vehicle inspection rates. Steve Coycault recommended its adoption. Passed
- DR-18 Robert Zapeda presented this resolution for author Jetta Roberts. This resolution suggests geriatric training for physicians and other medical professionals. Robert Zapeda moved for its adoption. Motion passed.
- DR-19 Nursing home staffing is the topic of this resolution. Author Imelda Rauschuber moved for its acceptance. Motion passed
- DR-20 Oscar Garcia moved for the adoption of DR 20 which relates to money management and guardianship. Passed
- DR-21 Cost-of-living adjustment for retired public education employees In the subject for

this resolution. Lela Foreman is the author and she moved its adoption. An editorial change was made in the printed copy to eliminate the word "higher" and the word in the next to last sentence "in" changed to "to." Motion carried

- DR-22 Lela Foreman moved to accept DR 22 , Solvency of the Texas Teacher Retirement Fund and health care benefits. Passed.
- DR-23 EMS plans for coastal counties. Ivan Arceneaux moved approval of this resolution. Motion passed
- DR-24 Oscar Garcia presented this resolution for Jetta Roberts, author, and moved its approval on mandatory registration of assisted living facilities. Passed
- DR-25 Right of Self-Determination is the subject of this resolution. Carlos Higgins moved its adoption. Passed
- DR-26 DR 26 was withdrawn by the author
- DR-27 Water heater setting in health care facilities is the topic of this resolution. The author, Betty Lee Streckfuss recommended its adoption. Motion passed
- DR-28 Oscar Garcia, the author recommends adoption of this resolution to require ethics committees in nursing homes. Passed
- DR-29 Remove guardianship duties from Adult Protective Services is the topic of DR 29. Approval is recommended by author, Oscar Garcia. Motion passed.
- DR-30 Regulate business activities of prescription benefit managers. Oscar Garcia recommends adoption of this resolution. Motion passed
- DR-31 Expand Area Agencies on Aging Access System is the resolution. Topic proposed by author Chris Kyker. She recommends its adoption. There were points of information addressed to the author regarding its relationship to the Older Americans Act. Motion passed.
- DR-32 John Leslie is the author of this resolution increase information to Senior women about breast cancer screening. Motion passed.
- DR-33 Medicaid benefit for assisted living is the topic of this resolution. Bette Gunnerson made the presentation and moved for its adoption. Motion passed
- DR-34 Pete Hinojosa made the presentation for author Oscar Soliz. This resolution would allow County Commissioners courts to establish an office of County Senior Advisor, Pete Hinojosa recommends approval. Motion passed
- DR-35 Oscar Garcia moved adoption of DR 35 which would retain the Texas State Unit on Aging as a visible and viable state agency. Motion passed.
- DR-36 Fred Bell, Jake Narramore and Oscar Soliz are the co-authors of this resolution that would require reporting of deaths in nursing homes. Fred bell recommended its acceptance. Passed
- DR-37 This resolution would protect nursing home residents from exploitation and eviction. Tom Perkins represented author Pat Porter. Tom Perkins recommends

adoption. Passed

- DR-38 Oscar Garcia, representing author Jetta Roberts moved for the adoption of DR 38. This resolution provides adequate funding for TDFPS Adult Protective Services. Passed
- DR-39 This resolution institutes home equity and reverse mortgage counseling. Ivan Arceneaux made the motion to accept. Motion passed

At this point a 10-minute recess was called by the Speaker. She asked that the members of the Health and Human Services Committee meet with her during this period.

The meeting reconvened at 11:25 a.m.

- SR-14 Charlotte Parks recommended the adoption of the amendment as distributed. Motion seconded. Motion to adopt the amendment passed. The vote to accept SR 14 as amended was called by the speaker. Passed

E. Address by Comptroller Carole Keeton Strayhorn. Special guest speaker Carole Keeton Strayhorn, the Texas Comptroller, was introduced by Speaker Pro Tem Carlos Higgins. He reviewed her accomplishments including her receiving the highest vote total of any women Republican candidate in the Nation. He indicated that she had a great passion for Education. She was the Mayor of Austin for three consecutive terms and a graduate of the University of Texas. She is a proud grandparent, and is part of an outstanding family devoted to public service. He said "please join me in welcoming one tough grandmother." She received a standing ovation. She thanked us for our outstanding service to the 2,000,000 plus seniors in Texas. After a quick review of aging demographics she rapidly told us of our great challenges to achieve affordable health care for all Americans so that everyone can take advantage of our advances in health care technology. She stressed the tremendous difference that the Silver Haired Legislature can make for older citizens but more important for all of the citizens of Texas. She told us that she learned at a very early age that "if you haven't someone mad at you, you probably haven't done anything."

Comptroller Strayhorn introduced Eddy Solice her special assistant and indicated that her office would be happy to help us with any legislative matter. Texas has the 8th largest economy in the world. We can do better, schools, families, health care - we are not fulfilling our responsibility for education and health care according to the Comptroller. High school dropout rate is the highest in the nation, every high school graduate should be able to go on to higher education so that Texas will have the best educated citizens in the U.S.. She indicated that the Legislature reduced the nursing home allowance from \$60 to \$45 while millions of dollars were laying on the table that could have been used. Our state is dead last in many categories including health care insurance for our children and the working poor. We must do a better job of using our tax dollars and establish new funding including additional cigarette tax which could have restored the health care cuts according to the Comptroller. We have balanced the budget while saying "no" to our school, teachers, working poor and those less fortunate. The people of Texas are strong, and proud and the TSHL are the ones to be leading the way to as we watch out for Texas. She received a standing ovation. Speaker Kyker and Speaker Pro Tem Higgins thanked her for her words and for her energy and for her special newsletter.

F. Continuation of Resolutions.

- SR-15 Charlotte Parks is the author. This resolution requires cell phone providers to Cancel contracts if no local service is provided.
- SR-16 Jim Brisbin which has to with the transportation of water. He recommends changing this resolution to a DR. There was a second. Motion passes. (SR-16 becomes DR 41) Jim Brisbin recommends the adoption of the resolution. Motion passes

DR-42 Robert Zapeda is the author of this resolution which would support an exceptional budget item to support the expansion of statewide assisting living pilots. Motion passed

DR-43 The resolution in opposition to the proposed bed tax on nursing facility residents was presented by Walter Graham. Motion passed.

G. **Announcements.** Announcements were made by Speaker Pro Tem Higgins related to Room Tax Savings for those staying at the Holiday Inn. The Operations Committee will meet in Room E2.1002 to prepare ballots for voting on the top-ten priorities in the afternoon session. The meeting was recessed until 2:30 p.m.

Afternoon Session, Thursday, September 16, 2004

Speaker Kyker reconvened the Legislative Session of the 10th Texas Silver-Haired Legislature at 2:30 p.m. The Roll Call was given by Secretary Al Campbell. There were 76 members in attendance. A quorum was declared.

A. **Consent Resolution.** A Consent Resolution was requested for the contribution to the TSHL made by this morning's speaker Carole Keeton Strayhorn. The consent resolution was accepted.

B. **Comments by Speaker Pro Tem.** Speaker Pro Tem Carlos Higgins discussed the importance of a thoughtful consideration of the prioritizing of the resolutions stressing the importance of the top 10 resolutions in both DR and SR categories.

C. **Appointment of Election Judge.** Speaker Kyker announced that the Election Judge, Narris Braly had provided her a letter verified by five signatures that the two ballots were correct. Members signing the verification were: Election Judge Narris Braly, Elsie Whiteside, Chair, Operations Committee, Jim Caldwell, Chair, Legislative Action Committee and attested by Pat Porter, Secretary, Operations and Albert Campbell, TSHL Secretary.

D. **Voting for Top-Ten DR and SR Priorities.** The Election Judge, Narris Braly distributed the ballots and summary pages of both the DR and SR resolutions. There were 43 DR resolutions and 26 SR resolutions for consideration. The ballots were numbered and distributed by the members of the Operations Committee according the voting rules established and recorded in the Policies and Procedures manual.

E. **Announcements.** Speaker Kyker expressed special thanks to the members of the Operations Committee for their work and dedication all through this Legislative Session. After completing the ballots, the members recessed at 3:30 p.m. to meet with their Administrative Committees. The buses left the Capitol at 4:30 according to schedule.

The Election Judge, and the members of the Operations Committee assigned to counting the ballots and the preparation for the distribution of priority results at the September 17 meeting worked from 7:30 p.m until 3:00 a.m.



Albert B. Campbell, Secretary
September 26, 2004

Closing Session – Friday, September 17, 2004

Speaker Chris Kyker called the meeting to order at 9:00 a.m. David Leopard led the Pledge of Allegiance to the flags of the United States and Texas. Bobby Southwood presented the invocation. Secretary Al Campbell called the roll. There were 60 members present. A quorum was declared.

A. REPORT OF THE EXECUTIVE COMMITTEE MEETING - SEPTEMBER 12, 2004:

Speaker Kyker summarized the actions taken by the Executive Committee:

1. Approved minutes of July 16, 2004
2. Recommended agenda for this session which was adopted on September 13.
3. Recommended rules for the Legislative Session, adopted on September 13.
4. Adopted a system of verification of resolutions including a system for selection of priorities, the results of that balloting will be announced later in this session also requiring verification.
5. Approval of a floor ballot with mail ballot as a option, if necessary.
6. Adopted a calendar for the coming year. Set a tentative date for the next executive committee meeting as January 11, 2005. Also recognized the Senior Day at the Capitol on February 8, 2005 which will be followed by the 1st annual TSHL Banquet sponsored by the TSHL Foundation. Other 2005 meetings will be held in April, July and in September. All will be posted on the website. The Speaker thanked the Executive Committee for its work on Sunday, this was the first time it has been held in preparation for the Legislative Session rather than at the conclusion.
7. Special committees were authorized including:
 - a. Training – Fred Bell
 - b. Technology - Oscar Garcia
 - c. Strategic Planning - Al Campbell
 - d. Internal Audit - Glen Peterson
 - e. Document Review - Narris Braly
 - f. Attorney General Opinion on Prop 13, Tax Freeze – Harold Evetts
8. Memo of agreement with T4A was approved

B. COMMITTEE REPORTS:

1. Fund raising - Charlotte Parks:

Charlotte talked about several fund-raising programs including the memorial, "buck-stops here," and the annual banquet on Feb 8 where she stressed the importance of each AAA area purchasing a table for 10 at \$750.00 the DIRECTORY was discussed and Elsie Whiteside who indicated that over \$7,000 had been collected in ad sales but we need to work harder in selling about \$3,000 in ads per week. She stressed the possibility of selling \$15 ads, which would help a great deal. She asked members to submit ideas as to things to be included in the DIRECTORY

2. **The Training Committee report was given by Fred Bell.** He announced that the Training Committee is distributing a report on the evaluation of the Orientation session in July. He recognized the members of the Training Committee resource members and thanked them for their hard and effective work. He thanked the executive committee for approving the committee charter and for giving the Training Committee two more years. The Training and Technology committee met on Wednesday of this week to plan for the TSHL On-line Training Institute. It is the responsibility of the Training Committee to develop the courses. There were 13 courses proposed and these were prioritized and it is hoped to get one on line by January of 2005. Speaker Kyker indicated that we have some of the very best

talent available to develop these courses and we have the opportunity to lead the nation in these kinds of on-line courses. This is a tremendous opportunity for service not only to our members to senior related professionals and to the general public.

3. The Technology Committee report was given by Oscar Garcia. He stated that the committee is working to add to the website and he expects that the resolutions passed in this session will be added to the website within a week. He discussed the opportunity to work with the Training Committee for the development of the on-line training courses. He asked that members share ideas with the committee. John Leslie addressed the group suggesting that there are many members of the TSHL who have skills in technology. Some have volunteered to assist the Technology committee in developing procedures that would enhance the process of this assembly, including registration, committee action, balloting, tallying, prioritizing and reporting. He suggested that a special committee be appointed to carry out these charges. Oscar Garcia indicated that his committee would consider the recommendations of Mr. Leslie.
4. Harvey Fredriksson reported for the Finance Committee. He reported that the Committee considered its responsibilities for the future including the guidelines presented in the Strategic Plan. He indicated that the committee is working on a procedures manual to pass on to future leaders and members
5. The Elections and Credentials report was given by Narris Braly. The committee reviewed committee responsibilities and we are in accord with the Texas Election code. The oath of office must be administered before an elected official can vote in the affairs of the TSHL.
6. The Communications Committee was given by Harold Evetts. Wanted to go to press today but they are waiting for information from the State officials who spoke to us this week. There were three releases this week and copies were placed in each of the 75 media boxes downstairs. He reported that the minimum time to get a opinion from the Attorney General is about five months. Another way is "letters of opinions" but the current General has not used these alternatives. He recommends that press releases would be most effective if they are personalized. Please do not miss-quote anyone.
7. Elsie Whiteside is Chair of the Operations Committee. She thanked the members of the committee that have done so much to make this a great session. They were recognized and the members of the TSHL gave them an outstanding applause. This Year there were no special guidelines for the committee to follow and many activities had to be re-invented according to the Chairman. She gave special recognition to Pat Porter and Pat Hancock and to the others who spent many hours before the computer and in the operations room making copies and organizing materials sometimes until 3:00 a.m. We appreciate having great places to meet in the Capitol and at the Hotel. We had our own special bus so that Operations and the handicapped were at the Capitol to greet the TSHL members and have materials ready for them. Next time, Operations will have a detailed manual of procedures so that many of the problems associated with this session will be eliminated. She mentioned the next general session of September 2005 and invited members to make proposals as to a location. There is a committee looking into this and all suggestions will be appreciated. The pictures will be in the mail. The price of the picture will be \$10. She finished by saying that "It has been our pleasure in Operations to serve you this session." A standing ovation was given. Speaker Kyker asked for a deadline for suggestions as to the location for the general session. Elsie Whiteside suggested November 30.
8. The Legislative Action Committee report was given by Jim Caldwell. He announced that a video ape of our session was made and a copy could probably be obtained for about

\$12.00. More information on this will be available at a later date. Speaker Kyker mentioned that some of the Capitol personnel had been watching us in action.

C. BUDGET:

Barbara Effenberger and Harvey Fredriksson presented a biennial budget for September 1, 2004 – August 31 2006. As the Comptroller pointed out the budget is based on the actual and adopted budget of FY 03-04 and the estimated income and expenses of 2005-2006. This budget has been approved by both the Finance Committee and the Executive Committee. Harvey Fredriksson indicated that the largest expenditure was from a detailed budget submitted by the Operations Committee. It was moved by Ivan Arceneaux to accept the budget as proposed. Motion passed. (Attachment A)

The Speaker indicated that the officers will sign a letter of transmittal to the TSHL Foundation. The Foundation will be meeting this day at 12:00. It was moved by Ann Pennington to accept the Comptroller's report from the 9th TSHL as presented. Motion passed. (Included in Attachment A)

D. REPORT OF THE ELECTION JUDGE:

Narris Braly was the election judge for balloting to set the top-ten priorities of the 10th TSHL Legislative Session. He thanked the various committees that helped with the resolution election including those who worked into the early morning hours counting the ballots. He announced the results of the voting starting with the DR resolutions followed by SR resolutions. It was moved by Glen Peterson that the report of the Election Judge be accepted. Seconded. Motion passed.

At this time, Charlotte Parks introduced Representative the Honorable Dan Flynn who is her representative. Representative Flynn indicated his appreciation for the work that the TSHL does and thanks for your service and allowing him to be with us.

E. ORDER OF RESOLUTIONS:

The order of resolutions following the top 10 priorities was discussed. It was moved by Glen Peterson and seconded that the resolutions be listed in numerical order after the top 10 listing. Passed. (Please see Attachment B for resolution summaries and top-ten priorities for DR and SR)

F. COMMENTS OF THE SPEAKER PRO TEM:

Carlos Higgins called for the introduction of guests. He stressed the importance of press releases because it puts the TSHL before the public. Speaker Higgins stressed the importance of members running for elected offices and we need to work very hard at identification and training of our officers of the future. He mentioned the Conference on Aging and he stressed the importance of selecting the location of the "Camp Allen" session. He suggested that our schedule is very backward as we schedule the "Camp Allen" orientation session immediately after the election not one year later. He stressed the importance of our recognizing that disagreements are inherent in the process of getting the best solutions. Marketing and persistence is so important in persuading and getting our resolutions adopted. Applause

G. RESOLUTION AS PER REQUEST OF THE RETIREMENT AND AGING COMMITTEE:

Speaker Kyker responded to a request from the Chair of the Retirement and Aging Committee John Leslie. This resolution was passed by the Committee but failed to reach the floor on previous occasions. The author is Albert Campbell and will be considered temporarily as DR 44. The author presented this resolution under the title of "Implementation of Proposition 13 – Freeze and Senior Homestead Taxes." This resolution requests the 79th Texas Legislature to implement the Tax freeze for all taxing entities as directed in Proposition 13, HJR 16 and HB 136 and make it Statewide. He indicated that the vote of the people in Proposition 13 was overwhelming all across the state and when local referendums have been held the vote was

decisive in favor of the tax freeze as much as 5 to 1. He stressed that referendums are costly in human and financial resources and unnecessary based upon the desires of Texas Citizens. He recommended that the resolution be accepted and that is important to do so at this time because of the momentum for its passage and not wait for another two years.

There were several members who spoke in favor of the resolution. Harold Evetts requested that "HJR 16 and HB 136" be added to Proposition 13 and moved that these words be added to the resolution. Motion accepted.

John Leslie suggested that this resolution be named as a "Special Resolution" in order to give it an official status outside of the normal ranking procedures. It was moved by John Leslie and seconded that this resolution be identified as a "Special Resolution." Motion Passed. The Speaker called for a vote on Special Resolution #1. The vote passed unanimously. (Applause.) The Speaker noted that this was the first and only special resolution ever adopted by this body.

A discussion followed considering the number of #1. Oscar Garcia moved that the resolution be titled "Special Resolution in Support of Priority #1" Carlos Higgins suggested that that title is cumbersome. Oscar Garcia withdrew his motion. It will be called "Special Resolution" in the book.

H. **SPECIAL APPRECIATION:**

The Speaker gave a special statement of recognition to Lu Russell for her special service and contribution to the TSHL. Applause. She announced that Bill Cummings finally made Sergeant, being promoted from "Private-at-Arms." Ann Pennington made a statement that as a new member that members of the TSHL are hard to keep up with. "You all have more stamina." Glen Peterson expressed his appreciation for the commodore and leadership of the officers of this past year. He said that he was very upset at the end of the last session, but this session was the very opposite. And he especially expressed appreciation for the hard work of the State Affairs Committee. All of this makes one want to come back again next year he concluded.

Tom Perkins introduced Estella Travino as the only member with us who was a member of the first TSHL. The Speaker announced that this completes the 10th TSHL session and she suggested that we begin the work that brings about the passage of our resolutions in the 79th Legislature. She suggested that if you discover someone who may be a sponsor, but may not be your personal representative, that you inform the LAC. The speaker ended the session with special remarks and a challenge. Ivan Arceneaux presented the benediction.

Speaker Pro Tem Carlos Higgins indicated that he has the great privilege to work with Speaker Kyker. Throughout her term as Speaker of this organization, Speaker Kyker has shown to be a great leader has a wealth of experience, uses outstanding wisdom and nothing but the best interests of the people of this State, especially the seniors, in mind in all that she does for this organization. A standing ovation was given to the Speaker by the Members. The Speaker announced that the next meeting will be held September 12-15 2005, at a place to be selected by the Operations Committee and approved by the Executive Committee in January.

Estella Travino, a Charter member of the TSHL, moved that we adjourn the meeting of the 10th Texas Silver-Haired Legislature this day of September 17, 2004. Seconded. Motion passed.
SINE DIE (11:15 a.m)

Note: The Texas Silver-Haired Foundation met immediately following this meeting from 12:00 p.m. until 2:00 p.m. in the SBC building.



Albert B. Campbell, Secretary
September 30, 2004

Attachments:

- A. 10th TSHL Budget, September 1, 2004- August 31, 2006
- B. 10th TSHL Resolutions and Priorities

Proposed TSHL Biennial Budget: September 1, 2004 - August 31, 2006 Attachment A

	Adpt. Budget	Actual	Proposed	Proposed	
PROJECTED INCOME:	FY 03-04	FY 03-04	FY 2005	FY 2006	TOTAL
1. Carryover Designated Funds			\$ 5,000.00	\$ -	\$ 5,000.00
2. Designated grants		\$ 11,960.00	7,500.00	5,000.00	12,500.00
3. Sale of Directories and ads		25,353.25	15,000.00	11,000.00	26,000.00
4. Program fees		28,742.65	23,000.00	8,000.00	31,000.00
5. Website fees		0	1,000.00	1,500.00	2,500.00
6. TSHL Foundation		28,644.02	10,000.00	10,000.00	20,000.00
7. Fund Raising Activities		3,173.51	20,000.00	20,000.00	40,000.00
8. Memorials, gifts, donations		2,627.82	12,459.00	10,000.00	22,459.00
PROJECTED INCOME TOTAL		\$100,501.25	\$ 93,959.00	\$ 65,500.00	\$159,459.00
PROJECTED EXPENDITURES			2004/2005	2005/2006	TOTAL
Administration General					
9. Executive Committee	\$ 2,000.00	\$ 418.92	\$ 1,000.00	\$ 1,000.00	\$ 2,000.00
10. Speaker	2,025.00	0.00	1,000.00	1,000.00	2,000.00
11. Speaker Pro Tem	2,500.00	0.00	500.00	500.00	1,000.00
14. Deputy Speaker Pro Tem	1,300.00	0.00	750.00	750.00	1,500.00
15. Secretary	1,000.00	0.00	750.00	750.00	1,500.00
16. Comptroller	1,000.00	0.00	750.00	750.00	1,500.00
17. Directory Expense		15,585.44	16,000.00	-	9,500.00

	TOTAL	\$ 9,825.00	\$ 16,004.36	\$ 20,750.00	\$ 4,750.00	\$ 25,500.00
Administration Committees						
18. Finance		\$ 2,080.00	\$ -	\$ 1,050.00	\$ 900.00	\$ 1,950.00
19. Communications		9,400.00	8,747.97	5,000.00	2,000.00	7,000.00
20. Elections & Credentials		1,100.00	0	1,200.00	1,300.00	2,500.00
21. Operations (3 sessions)		35,300.00	54,529.95	33,729.00	58,280.00	92,009.00
22. Legislative Action		9,680.00	15.03	1,400.00	600.00	2,000.00
	TOTAL	\$ 57,560.00	\$ 63,292.95	\$ 42,379.00	\$ 63,080.00	\$105,459.00
Legislative Issue Committees						
23. Health & Human Resources		\$ 2,060.00	\$ -	\$ 500.00	\$ 500.00	\$ 1,000.00
24. Retirement & Aging		4,700.00	0	500.00	500.00	1,000.00
25. Human Services		790.00	0	950.00	500.00	1,450.00
26. Criminal Justice		2,760.00	0	500.00	500.00	1,000.00
27. Utilities & Natural Resources		1,000.00	0	575.00	575.00	1,150.00
28. Education		3,250.00	0	1,500.00	900.00	2,400.00
29. Insurance		1,620.00	0	500.00	500.00	1,000.00
30. General		2,400.00	0	500.00	500.00	1,000.00
31. State Affairs		1,572.00	0	500.00	500.00	1,000.00
	TOTAL	\$ 20,152.00	\$ -	\$ 6,025.00	\$ 4,975.00	\$ 11,000.00
Other Expenses						
32 TSHL Awareness Promotion		\$ 3,200.00	\$ -			
33. Website Expense		3,000.00	5,169.44	\$ 8,900.00	\$ 8,600.00	\$ 17,500.00

	\$	\$	\$	\$	\$
TOTAL	6,200.00	5,169.44	8,900.00	8,600.00	17,500.00
	\$	\$	\$	\$	\$
GRAND TOTAL	93,737.00	84,466.00	78,054.00	76,405.00	\$159,459.00

10th TSHL SUMMARY of DIRECT RESOLUTIONS and TOP-10 PRIORITIES - Attachment B

The 10th TSHL passed a total of **43** DR resolutions during the Legislative Session, conducted in the House Chambers, State Capitol, September 13-17, 2004. The following chart is a listing of the DR resolutions with a direct impact on older Texans, identified by number, title and resolve statement requesting specific action of the 79th Texas Legislature. The top-ten priorities are ranked in first order. The remaining resolutions are listed in chronological order.

Special Resolution		
Implementation of Proposition 13-Freeze Senior Homestead Taxes		
TSHL requests that the 79 th Texas Legislature amend Chapter 11.26, paragraph (a) of the Title 1, Property Tax Code, of the Texas Tax Code to replace the phrase "school district" with a new phrase "all taxing entities" and insert any additional paragraph(s) needed to implement the change as directed in Proposition 13, HJR 16 and HB 136		
DR #	Title and Resolve Statement	Rank
DR7	Personal Needs Allowance. That the 79 th Texas Legislature reinstate the personal needs allowance of \$60.00 (Sixty dollars) and be a budget priority in the 79 th Legislative Session	1
DR18	Geriatric Training for Medical Professionals. That the 79 th Texas Legislature enact a requirement for geriatric training in all medical schools receiving Federal and State funding.	2
DR14	Property Evaluations by Appraisal Districts. That the 79 th Texas Legislature enact Legislation to restrict the 10% allowable of appraisal value be reduced to a 3% cap thus allowing revenue beyond the 3% cap to have approval of local voters and an oversight appraisal board of 5 elected officials to be accountable to taxpayers as approved by local voters.	3
DR43	Bed Tax on Nursing Facility Residents. That the 79 th Texas Legislature oppose a bed tax on nursing facilities residents in Texas	4
DR31	Expand Area Agencies on Aging Access System. That the 79 th Texas Legislature amend HB 2292, 78 th Legislature, to expand the infrastructure of the existing 28 Area Agencies on Aging to be inclusive of persons with disabilities and identify the 28 Area Agencies on Aging of Texas as the access and assistance entry point for long-term care services within the Department of Aging and Disability Services.	5
DR24	Registration of Assisted Living Facilities in Texas. That the 79 th Texas Legislature require all Assisted Living facilities in operation in the State of Texas that accept monetary compensation for food, shelter and assistance with personal care needs for under four (4) residents, unrelated to the proprietor, be required to self-identify as such by registering every two (2) years with the State of Texas for a fee of fifty (\$50.00) dollars, and be subject to inspection and monitoring by the State to protect the rights and safety of the residents. The Department, or any duly appointed board or committee, may establish by rule the administration of the above process, and is to be effective upon becoming law.	6

DR15	Permit Seniors on Medicare to buy 3 Prescriptions per month at Medicaid prices. That the 79 th Texas Legislature enact legislation to permit the seniors on Medicare, without drug coverage, be able to buy three prescriptions per month at the same prices that the state pays for prescriptions on their Medicaid program.	7
DR35	Maintain Identity of the State Unit on Aging. That the 79 th Texas Legislature maintain the identity of the state unit on aging as the viable and visible state advocate for older Texans and preserve the functions within the state unit which have been of vital interest to Texas Legislatures since 1957.	8
DR2	Penalties for Abusing or Neglecting the Elderly. That the 79 th Texas Legislature again attempt similar legislation (passed in the 78 th Legislature), address abuse and neglect penalties in a separate bill which applies only to the elderly, in order to more likely avoid a veto of the bill for flawed language	9
DR9	Reform Homeowners Insurance. That the 79 th Texas Legislature enact legislation to strengthen statutory penalties for insurance companies that overcharge their policyholders; require periodic review of insurance rate to determine if they are unjustified or excessive and if rate reductions are in order; pass an industry-wide cap limiting the effect of credit scoring on homeowners and personal automobile insurance rates at no more than 10%; enact legislation that would prevent stigmatization of real property and individuals when an insurance claim is filed; require disclosure in layman's terms of actual coverage being offered; prohibit carriers from inserting "right-of-rescission" clauses, except for non-payment of premiums.	10

DR1	Ensure Prompt Reporting Nursing Home Injuries and Deaths. That the 79 th Texas Legislature require an additional way for observers to report wrongful or negligent acts causing injuries or death to nursing home residents, and that this means of reporting be well publicized and convenient with an option for a caller to remain anonymous, such as a toll-free number for reports to be routed through an area agency on aging office.
DR3	Penalties for Fraud and Abuse. That the 79 th Texas Legislature enact legislation that increases the penalties for fraud and that those persons or organizations that prey on seniors by means of fraud will be charged double that penalty. If found guilty, perpetrators will not be permitted to retain any state licenses related to the fraud.
DR4	Require Training in Aging Issues for Health Care Professionals. That the 79 th Texas Legislature require as a condition of certification or re-certification of health care professionals, training in issues related to the aging.
DR5	Educating Seniors on Homeland Security Issues. That the 79 th Texas Legislature provide a means to obtain funds to establish programs to educate the 3 million seniors in Texas on Homeland Security issues that affect their well being and in some cases, get them involved in the community.
DR6	Require Home-equity Lenders to Report Adverse Effects on Elderly Homeowners. That the 79 th Texas Legislature authorizes the Attorney General to require home-equity lenders to report instances of adverse effects of such loans upon elderly homeowners.
DR8	Information Guides for Families of the Incarcerated. That the 79 th Texas Legislature enact legislation to require local law enforcement and other appropriate local agencies to make this information available to families of the incarcerated.
DR10	Prevention of Abuse to Elder Texans. That the 79 th Texas Legislature enact legislation requiring elder abuse awareness programs be incorporated into the continuing education programs and training of geriatric professionals and others licenses to provide health care, and that certificates of completion of such training be awarded those who successfully complete such training.
DR11	Establish the Practice of Denturism in Texas. That 79 th Texas Legislature change the Texas Dental Code to allow for the practice of Denturism.

DR12	Larger Type in Contracts and Printed Advertisement. That the 79 th Texas Legislature enact legislation to require that all printed advertisements, displays, publications, mailers, handouts, costs, contracts for items and services for wireless telephones, financial institutions, automotive contracts and warranties, insurance policies, cable and satellite television, and including all contracts and advertisements now issuing illegible print without magnification shall be printed in no smaller than eight point print, Times New Roman or Arial font, or other font that is easily read.
DR13	Natural Burial Cemeteries. That the 79 th Texas Legislature enact laws that allow green cemeteries to be established and maintained by non-profit entities dedicated to the following: 1. Promoting "natural burial" to allow the return of bodies, including cremations, to be earth quickly and naturally; 2. Protecting the environment and preserving natural habitat; and 3. Joint use of cemetery land for nature trails and non-invasive recreation.
DR16	Grandparents Raising Grandchildren. That the 79 th Texas Legislature enact legislation to provide improved carefully tailored financial and social supports for grandparents raising minor children in Texas.
DR17	Vehicle Inspection Stickers. That the 79 th Texas Legislature enact legislation to give relief to Seniors by agreeing that Seniors over 65 years of age pay only 80% of the state-mandated cost for vehicle inspection sticker fees.
DR 19	Nursing Home Staffing. That the 79 th Texas Legislature implement contract provisions for all nursing facilities collecting Medicaid payments in the State of Texas to maintain minimum staffing ratios necessary for adequate care including at least one nurse aid for each eight (8) residents during day and evening shifts, and at least one nurse aid for each twelve (12) residents during the night shift.
DR20	Money Management, an alternative to Guardianship. That the 79 th Texas Legislature expand the existing money management program as an alternative to guardianships; provide additional state funding for existing money management programs; encourage the growth of statewide money management programs with those features and safeguards relating to volunteers, clients, training, oversight, supervision; require an advisory council incorporated as a Texas nonprofit corporation and recognition by the Internal Revenue Service under Section 501 (c)(3) IRS Code.

DR21	Cost of living adjustment for retired public and higher education employees. That the 79 th Texas Legislature contribute eight (8) percent each fiscal year, as passed in 1989, in order to insure that retired public and higher education employees receive a cost of living increase.
DR22	Solvency of Texas Teacher Retirement and Health Care Benefits. That the 79 th Texas Legislature analyze the impact of retirees on the Teacher Retirement System who immediately return to full time employment without further contribution in to the system and adjust state contributory rates in conjunction with the CPI.
DR23	DADS to comment on EMS plans for coastal counties. That the 79 th Texas Legislature authorize the Department of Aging and Disability Services to review and comment on the EMS plans for the coastal counties of the State of Texas to assure that the evacuation plans and procedures and the emergency shelter provisions for the elderly and disabled of such counties are adequate to assure that the health and welfare of these vulnerable populations in the event of any and all natural and man-made disasters be properly protected as well as their life and well-being.
DR25	Safeguard elderly citizen's right of self-determination. That the 79 th Texas Legislature enact appropriate legislation to correct Adult Protective Services deficiencies in responding to abuse and neglect of elderly citizens, but that any such legislation clearly articulate the extreme importance of safeguarding each elderly citizen's right to personal freedom and self-determination, and include the requirement that other selected senior citizens be consulted when assessments of competency are made for elderly citizens suffering from self-neglect.

DR27	Maximum hot water heating settings in health care facilities. That the 79 th Texas Legislature enact legislation that all licensed facilities for the care, housing or treatment of seniors be required to place a monitoring device allowing no higher than 120° F settings on hot water heaters installed in, including but not limited to skilled care, assisted living, rehab facilities, adult day care centers and any other such treatment centers and/or other housing of Texas Seniors. Such facilities found to be in violation of hot water temperature control shall face severe penalties set by Texas State Health and Safety Code.
DR28	Ethics committee in nursing homes. That the 79 th Texas Legislature pass legislation to require all licensed nursing facilities in Texas to have an Ethics Committee comprised of at least five members including a physician, registered nurse, social worker, ethicist and/or minister/priest/rabbi and that this committee's members may be nursing facility staff members or consultants, with at least one member from the community, and several nursing facilities in the same area may develop and share an Ethics Committee and membership for convenience; said committee's purpose being not to make decisions related to individual resident care but to educate and inform residents, significant others, and staff members about biomedical ethical issues so that they can make informed decisions.
DR29	Remove guardianship duties from Adult Protective Services. That the 79 th Texas Legislature remove all guardianship duties and funding including the current APS guardianship program, from TDFPS, and require that the distribution of the guardianship funding and any continued operation of the APS guardianship program under HHSC or under the supervision of another state agency be conducted with the advice of HHSC and the Guardianship Advisory Board in order to better coordinate the State's role in the provision of guardianship services with the services currently provided by local guardianship programs.
DR30	Prescription benefit managers. That the 79 th Texas Legislature adopt legislation which would properly authorize the Texas State Board of Insurance and the Texas State Board of Pharmacy to regulate the PBMs which do business within the State of Texas to ensure transparency and patient choice.
DR32	Breast cancer screening for senior women. That the 79 th Texas Legislature pass a bill urging (1) the National Cancer Institute to adequately design and conduct studies to determine the benefit of screening senior women through mammography and other emerging technologies; (2) further, to request the National Cancer Institute issue a statement of scientific fact on the merits of breast cancer screening for senior women; and (3) lastly, that the National Cancer Institute reissue guidelines for mammography examination of senior women or direct the public consider guidelines issued by other organizations.

DR33	Medicaid benefit for assisted living. That the 79 th Texas Legislature require the appropriate agency to apply for a Medicaid waiver to spend Medicaid dollars for assisted living and not just for nursing homes.
DR34	County senior citizens advisor. That the 79 th Texas Legislature allow the creation of the office of County Senior Citizens Advisor.
DR36	Report deaths to county or local coroner. That the 79 th Texas Legislature enact legislation to require that all nursing home deaths be reported immediately to the appropriate coroner; and that in all cases of death of an individual, who was a resident of a long-term care facility, within five (5) days of entering the hospital, the hospital shall immediately report the death to the appropriate coroner.

DR37	Protect nursing home residents from eviction or exploitation. That the 79 th Texas Legislature pass legislation that will better protect nursing home residents from eviction and other exploitation by their legal representatives.
DR38	Adequate funding for Adult Protective Services. That the 79 th Texas Legislature allocate sufficient budgetary funds to the operation and administration of Texas Adult Protective Services in order for the agency to meet acceptable standards of operation as well as its obligations under the law.
DR39	Home equity lending and reverse mortgage counseling for senior homeowners. That the 79 th Texas Legislature repudiate predatory lending practices and support legislation which can prevent obvious injustice by requiring a pre-lending counseling component by a non-interested third party, such as the benefits counselors currently established by the 28 Area Agencies on Aging of Texas
DR40	High premiums of automobile insurance. That the 79 th Texas Legislature pass insurance reform to bring affordability and reliability back to the Texas Insurance Industry by mandating 100% rate regulation, rate rollbacks to the established benchmark rate, ban credit scoring, implement penalties for late payment of claims and require insurance companies to offer comprehensive policies and grant seniors 60 years and older a 20% discount over and above discounts already offered.
DR41	Restrict transportation of water. That the 79 th Texas Legislature take all necessary measures to control the pumping and transportation of water from wells in the underground Aquifers where the well is located; authorize water districts to establish a permit system to control movement of water across county lines.
DR42	Expansion of Advocacy to residents of assisted living facilities. That the 79 th Texas Legislature provide advocacy to residents in licensed and unlicensed living facilities by supporting an exceptional budget item submitted by the state unit on aging of DADS for the statewide expansion of the assisted living pilots.

10th TSHL SUMMARY of SUPPORT RESOLUTIONS and TOP-10 PRIORITIES

The 10th TSHL passed a total of **26** SR resolutions during the Legislative Session, conducted in the House Chambers, State Capitol, September 13-17, 2004. The following chart is a listing of the SR resolutions with an indirect or support impact on older Texans, identified by number, title and resolve statement requesting specific action of the 79th Texas Legislature. The top-ten priorities are ranked in first order. The remaining resolutions are listed in chronological order.

SR #	Title and Resolve Statement	Rank
SR12	Oppose School Vouchers. That the 79 th Texas Legislature oppose school vouchers.	1
SR5	Cuts in Local Health and Human Services. That the 79 th Texas Legislature question the feasibility of the proposals of Texas Health and Human Services Commission concerning HB 2292 relating to cutting Medicaid dollars to senior citizens receiving mental health and mental retardation services, all community-based assistance, long-term care, and food stamps.	2
SR21	Use of CPT Code. That the 79 th Texas Legislature enact legislation requiring all insurance companies doing business in Texas to include the CPT Code as part of the identification of any claim when corresponding with a client.	3
SR28	Casinos to Operate in Texas. That the 79 th Texas Legislature take all action necessary to permit the establishment and operation of well-regulated casinos in the State of Texas and that all qualified operators be allowed to participate including American Indian Nations.	4
SR25	Maintain the Mental Retardation State Schools. That the 79 th Legislature continue, with permanent legislation, the funding and support of the State Schools, their residents and their parents. The State must accept its responsibility for the care of those who are unable to care for themselves.	5
SR23	Separate Nursing Homes for Sex Offenders. That the 79 th Texas Legislature enact legislation not to allow any registered sex offenders to be housed in Texas nursing homes, and that the state provide a separate and secure facility for the said sex offenders.	6
SR7	Notification of Stalker's Pending Release to Victim. That the 79 th Texas Legislature enact a law requiring mandatory notification of a stalker's pending release to the victim for their safety and welfare.	7
SR11	Appoint Electors to Reflect Majority Vote. That the 79 th Texas Legislature determine by referendum whether Texas citizens prefer the present "winner-take-all" system or one where electoral votes are allocated to the candidate who wins the popular vote in each congressional district, with the overall winner of the state's popular vote also getting the state's two Senatorial votes.	8
SR3	Stop Welfare Privatization. That the 79 th Texas Legislature cause HHSC to review their proposal to privatize and utilize call centers.	9
SR19	Services during HHSC Transition. That the 79 th Texas Legislature assure that money allocated for the development and maintenance of HB 2292 should not come from cuts to client services.	10

SR1	Recycle water from high volume industries. That the 79 th Texas Legislature institute a program to recycle water from high volume industries.
SR2	Reliable electric services. That the 79 th Texas Legislature continue to change, add to, or modify rules so they continue to be results-oriented and easily enforced while change to electric power competition in Texas continues as this will continue to provide reliable electric service for Texans, with adequate transmission line capacity and sufficient power generation at competitive costs to customers in the state of Texas.
SR4	Abusive nature of telemarketing recorded messages. That the 79 th Texas Legislature pass legislation that requires no telemarketers to be able to leave recording on telephone answering machines.

SR6	Incoming cell phone costs. That the 79 th Texas Legislature pass a law that no one be required to pay for incoming calls to a cell phone and that no one be required to pay for not having his/her cell phone number, name, or address listed in the directory without permission.
SR8	Prohibit conversion of public road to toll road. That the 79 th Texas Legislature enact laws which prohibit the conversion of a public road to a toll road in a county until that county's voters have voted to allow the specific conversion.
SR10	Property taxes and road tolls. That the 79 th Texas Legislature establish a date certain, allowing a reasonable transition period, after which property taxes and road tolls may be imposed or increased only by those taxing authorities whose members are elected by the public.
SR13	Franchise tax law. That the 79 th Texas Legislature review the franchise tax law and corrections be made to said law to prevent the loss of this tax revenue.
SR14	Privately owned pay phones costs. That the 79 th Texas Legislature pass legislation that requires privately-owned pay phone providers to post in a prominent place on the phone the charges that a customer may expect to pay, including a way for the customer to determine in advance what charges to expect for long distant charges.
SR15	Selling practices of cell phone companies. That the 79 th Texas Legislature pass legislation that require cell phone service providers to cancel contracts if no local service is available, or cancel contract within 30 days without charge upon request of customer.
SR18	Restore Telecommunications Infrastructure Fund. That the 79 th Texas Legislature restore the Telecommunications Infrastructure Fund (TIF) to its original status as dedicated, separate fund.
SR20	Prisoners to pay costs of incarceration. That the 79 th Texas Legislature pass laws that will charge daily fees to pay for room and board, health care, and education during incarceration; that prisoners be provided with jobs in the prison system or community service or private enterprise when possible to earn their keep; and that all prisoners with less than high school education be required to go to school and be charged for their education.
SR22	State court judicial review of cases involving Medicaid and other public services. That the 79 th Texas Legislature repeal Texas Government Code 2001.223(1) and allow Texas state court judicial review of final administrative decisions concerning the granting, payment, denial or withdrawal of Medicaid, food stamps, and/or Temporary Assistance for Needy Families.
SR24	Texas Guardianship Program. That the 79 th Texas Legislature authorize HHSC to establish a statewide public guardianship program and require each county in Texas that has specifically allocated funds in its budget for guardianship services to contract with local qualified resources, under rules establish by HHSC, to serve as guardians for incapacitated individuals without family support, and to require the HHSC with the advice of the Guardianship Advisory Board to supplement these contracts with State funds and allow Judges with guardianship jurisdiction to participate in the supervision and control of the contracts with State management and oversight to ensure the well-being of the wards.
SR27	Large print of prescription samples. That the 79 th Texas Legislature enact legislation to require all manufacturers issue with all drugs, including samples given patients by doctors or medical personnel, readable side effects and adverse reaction information printed in a minimum of 8 (eight) point, Times New Roman or Arial font, in order for recipients to be able to discuss more knowledgeable side effects with the doctor of issuance.
SR29	Restore support for Texas 2-1-1. That the 79 th Texas Legislature restore the original local/state partnership and financial support to fully implement the technology, training and 24/7 access of the statewide 2-1-1 system by reinstating the 50% state dollars to match 50% raised at the local level and to channel other funds through this Texas based infrastructure to serve as the focal point and prescreening center for all state human services rather than creating another access system through private call centers.

SR30

Business development of Texas smaller towns. That the 79th Texas Legislature establish a date certain after which tax reductions may be offered as inducements to businesses to expand or re-locate only after voters in any jurisdiction exceeding 20,000 population consent to the specific inducement, and inducements by the state involving public funds must be spread equitably among cities and towns of all sizes.