



Chair, Rep. Garnet Coleman

Treasurer, Rep. Elliott Naishtat

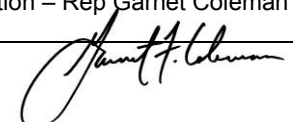
LSG Floor Report for Postponed Business – Tuesday, April 14, 2015

Bill	Caption	Committee	Analysis & Evaluation	Recommendation
HB 1680 Rep. Raymond, et al.	Relating to the continuation and functions of the Texas Health Services Authority as a quasi-governmental entity and the electronic exchange of health care information.	Human Services	<p>The Texas Health Services Authority (THSA) is a public nonprofit corporation created by the legislature in 2007 to promote the use of electronic records and health information exchanges (HIEs). HIEs are the secure method of transferring health records between physicians, hospitals, health care payers, and other health care providers involved in the care of a patient.</p> <p>HB 1680 contains the THSA Sunset recommendations and extends its expiration date to 2021. The bill removes any statutory code that involves THSA, its current expiration date, and any other information related to THSA and its functionality as of September 2015. Additionally, privacy and security standards and certifications will continue beyond the future ending date of THSA and will be adopted by the HHSC, granting authorization to the commission, requiring specified duties to take place. Lastly, the composition of the THSA board will be changed by number and type of members appointed to have broader representation.</p> <p>THSA originated with the intent to be a private sector entity, offering THSA several years more to develop revenue-producing sources to ensure a spot in the private sector.</p>	Favorable Evaluated by: Brittany Reyes 512-763-0031 brittany@texaslsg.org
Amendment To HB 1680	By Rep. Collier	#840672	This amendment requires that one member of the advisory committee must be a Texas resident receiving publicly funded health services from one of the health and human service agencies. Requiring that a member of the committee be a recipient of the services offers a unique perspective of how patients are impacted by the Texas Health Services Authority and provide suggestions that may directly affect this population.	
Amendment To HB 1680	By Rep. Davis, S.	#840671	This amendment requires HHSC to ensure reasonable fees be charged for the certification process specified in the bill. The HHSC is permitted to revoke the designation or authority of a private nonprofit organization or entity to establish the process or offer certifications specified. By requiring certifications and fees, private nonprofits are held to fair standards.	

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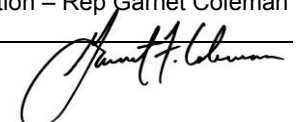
<p>Amendment To HB 1680</p>	<p>By Rep. Raymond</p>	<p>#840668</p>	<p>This amendment changes language in Section 7 of the bill to match SB 219, reading as “the governor shall also appoint at least two ex officio, nonvoting members representing the health and human services agencies as state agency data resources,” excluding the indication of the department.</p>	
<p><u>LSG Floor Report For General State Calendar – Tuesday, April 14, 2015</u></p>				
<p>HB 1945 By Rep. Bonnen, G., et al.</p>	<p>Relating to the provision of direct primary care.</p>	<p>Public Health</p>	<p>HB 1945 would give greater flexibility to primary care physicians by allowing them to accept a fixed monthly fee, a membership fee, or a fixed rate for treatment from patients rather than working through insurance providers, a practice known as direct primary care. The fee would cover a specified set of services, designated by the practice. Paying a fee under this system would constitute a medical service agreement, which would be between physician and patient and prohibit the physician or patient from filing an insurance claim for services already paid for. Services under worker’s compensation insurance do not qualify. This would not cover specialty care or catastrophic events so, per ACA requirements, patients would still be required to carry insurance to cover that. This practice is already widespread in Texas and this bill codifies it and specifies that this is NOT the buying and selling of insurance. It’s more affordable than concierge care, can be as little as \$10 a month, and averages around \$135 per month. It emphasizes the relationship between physician and patient while giving both physicians and patients more options when it comes to primary care. It would also provide options for undocumented immigrants who cannot purchase health insurance.</p>	<p>Favorable Evaluated by: Paige Reitz 512-763-0031 paige@texaslsg.org</p>
<p>HB 1546 By Rep. Allen</p>	<p>Relating to the award of diligent participation credit to defendants confined in a state jail felony facility.</p>	<p>Corrections</p>	<p>Currently, there is a program that allows defendants who participate in an educational, vocational, treatment or work program while confined in a state jail facility, to have the time spend in that program counted as credit against up to 20% of the defendant’s sentence. While, this program incentivizes personal responsibility and rewards positive behavior, many times, the participant does not receive credit for the diligent participation before the end of their sentence. HB 1546 amends current statute to have TDCJ instead of a judge record the time and credit in order to expedite the credit application process.</p> <p>HB 1546 allows the program to function as intended, providing rich incentive to defendants to engage in cognitive and behavioral changes that will facilitate reintegration, reduce recidivism, and save the state an estimated \$81 million.</p>	<p>Favorable Evaluated By: Nakia Winfield 512-763-0031 nakia@texaslsg.org</p>
<p>HB 479 By Rep. Bell, et al.</p>	<p>Relating to transfer of the regional emergency medical dispatch resource centers program to the Commission on State Emergency Communications.</p>	<p>Homeland Security & Public Safety</p>	<p>HB 479 transfers the authority and administration over emergency medical dispatch resource centers from UTMB-Galveston to the Commission on State Emergency Communications. It transfers any funding currently allocated to UTMB for the resource centers to the Commission on State Emergency Communications. The bill authorizes the commission, in agreement with the centers, to accept the transfer of any records, employees, or property of the center relating to the operation of the program.</p>	<p>Favorable Evaluated by: Paige Reitz 512-763-0031 paige@texaslsg.org</p>
<p>HB 2430 By Rep. Kuempel</p>	<p>Relating to food and beverage consumption in certain public swimming pools.</p>	<p>Business & Industry</p>	<p>HB 2430 prohibits the restriction of consuming food and beverage in a public pool that is privately owned and operated. This would allow hotels, spas, and water parks to implement a “no food or drink” rule at the business’s discretion and allow them to legally operate swim-up bars without threat of closure. Said businesses would still be subject to all sanitation and safety standards and laws.</p>	<p>Favorable Evaluated by: Maia McCoy 512-763-0031 maia@texaslsg.org</p>

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<p>By 1454 By Rep. Raney</p>	<p>Relating to notice, reporting, and records requirements for holders of certain personal property that is or may be presumed abandoned.</p>	<p>Investments & Financial Services</p>	<p>HB 1454 allows the owner of shares of a mutual fund, the depositor of an account, or the owner of the contents of a safe deposit box, to designate a representative for the purpose of receiving the notice presuming abandonment of the owner’s property. Many instances have occurred, in which property owners, particularly senior citizens and retirees, have had their property wrongly or accidentally presumed abandoned by the state, because they were unable to be reached.</p> <p>Under current law, financial representatives are not allowed to speak on the client’s behalf when dealing with notice requirements when the state presumes their property abandoned. This bill requires that written notice of presumed abandonment be sent to the designated representative, in addition to the owner, and when the representative knows of the existence of the owner the presumption of abandonment ceases immediately. By allowing the designation of a representative, this bill would help eliminate the wrongful seizure of property, under presumed abandonment.</p>	<p>Favorable Evaluated by: Brittany Reyes 512-763-0031 brittany@texaslsg.org</p>
<p>HB 1219 By Rep. Raymond, et al.</p>	<p>Relating to a provisional license to practice funeral directing or embalming; amending provisions subject to a criminal penalty.</p>	<p>Public Health</p>	<p>HB 1219 amends the requirements for an individual to obtain a provisional license for funeral directing. In addition to being enrolled in or have completed an accredited course of study in mortuary science an individual must be employed by a funeral establishment or commercial embalming facility and work under the direct supervision of a licensed funeral home and director. The holder of the provisional license may hold that license for up to 12 months and must have at least 45 cases, reduced from 60, in order to apply for a license in funeral directing. It may be renewed only one time for an additional 12 months, giving a licensee up to 24 months to create licensure requirements. Funeral directing is a very demanding job and many people who train for it do not pursue it as a career. This would help students of mortuary science learn the workload early and decide whether funeral directing is right for them.</p>	<p>Favorable Evaluated by: Paige Reitz 512-763-0031 paige@texaslsg.org</p>
<p>HB 40 By Rep. Darby, et al.</p>	<p>Relating to the exclusive jurisdiction of this state to regulate oil and gas operations in this state and the express preemption of local regulation of those operations.</p>	<p>Energy Resources</p>	<p>HB 40 moves drilling for oil & gas under the exclusive jurisdiction of the state, preempting the ability of local municipalities to ban, regulate, or limit this activity. The LSG is opposed to local preemption in almost all circumstances, but many members may find that the importance of oil and gas jobs and effect on the state’s economy justifies preemption in this particular circumstance. While the introduced version of the bill is and was unacceptable, the committee substitute now before the house gives municipalities increased authority to regulate above ground activities, largely preserving their sovereignty outside of oil and gas operations deemed commercially reasonable.</p> <p>Many members will not support the ability of municipalities to regulate activities – particularly fracking – which have the potential to impose significant health, safety, and environmental risks to residents and the environment at large. On the other hand, members might feel that, as a state so dependent on oil and gas, it is unfair for certain municipalities to benefit from the substantial funds that oil and gas revenue provides to our state while exempting themselves from allowing those resources to be produced. Oil and gas production in Texas is responsible for almost four million permanent jobs and a gross product economic impact of over \$470 billion.</p> <p>This bill was written in reaction to the recent urban fracking bans in the city of Denton and is intended to preempt any local regulation that would impede the exploitation of mineral resources. And as demonstrated in Arlington over this past weekend, municipalities are justified in their concern. Over 170 homes in Arlington were evacuated because of a fracking fluid leak in the city. Evacuating 170 homes in a densely populated urban area for 24 hours is considerably different than relocating livestock in a rural area, and many smaller municipalities do not have the resources or capability to deal with a safety incident. For instance, if a gas well is located near a jail, and a safety incident occurs, you cannot tell the inmates to call a cab and send them on their way- they require extensive and meticulous evacuation procedures and many municipalities are not equipped to handle these situations so they enact ordinances preventing them from happening. Should the state of Texas provide a competent, capable and responsive, safety team for Texas residents to rely on when oil and gas safety incidents occur, it would go a long way towards setting the minds of Texan community leaders at ease.</p>	<p>Will of the House Evaluated by: Nakia Winfield 512-763-0031 nakia@texaslsg.org</p>

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			<p>Nevertheless, it is undeniable the benefit that oil and gas has had on the state. From helping Texas weather the recession to providing billions of dollars in state revenue (including being the primary source of funding for the Economic Stabilization Fund), to providing millions of Texans with good jobs, it is clear that the state’s marriage with the oil and gas industry is primarily a beneficial one. Members are right to see the concerns with both limiting the ability of cities to regulate a potentially dangerous activity and the suppression of a trade that has been so good for the state.</p>	
<p>HB 910 By Rep. Phillips, et al.</p>	<p>Relating to the authority of a person who is licensed to carry a handgun to openly carry a holstered handgun; creating a criminal offense; providing penalties; amending provisions subject to a criminal penalty.</p>	<p>Homeland Security & Public Safety</p>	<p>The proliferation of handguns and semiautomatic rifles poses a public health and safety risk to the community. There is no evidence that open carry deters crime. There is evidence that open carry creates a landscape of fear and anxiety people are forced to tolerate. While one might desire to carry a weapon for personal protection, there is little to no good reason to display that weapon. It can unnecessarily intimidate and cause fear. In short, this bill creates many problems and solves none.</p> <p>HB 910 permits open carry anywhere concealed carry is currently permitted by CHL holders. The bill adds a provision to protect private property rights and allows individuals to prohibit guns on their private property. This has the unfortunate consequence though of requiring that businesses wishing to prevent guns on their property to post two oversized signs in potentially limited window space.</p> <p>HB 910 does not take into consideration the diversity of Texas. Municipalities in rural areas and the more urban areas are home to different communities that have different needs. Of the five other states that have not enacted open carry, three of them (NY, CA, and IL) are home to the top three largest cities in the country. It’s worth noting that three of the top ten cities in the country are in Texas, and open carry can pose more risks in urban areas than rural due to population density.</p> <p>This bill would allow people from the 44 states Texas has a reciprocal CHL agreement with to open carry in Texas. Some of these states, like Virginia, have much lower requirements for their CHL holders. These out-of-state CHL holders would not meet the requirements for a CHL here in Texas but would still be permitted to carry.</p> <p>Almost 74% of police chiefs in Texas oppose open carry. Since the recent increase of demonstrations of the open carry of long guns by open-carry advocates, Houston has seen an increase of service calls, which takes officers away from more urgent concerns and fosters a culture of fear. HPD believes that this negative trend will continue with passage of HB 910. Open carry would make it more difficult for police to determine assailants from law-abiding citizens when responding to calls for service. APD is concerned for the safety of armed persons who cannot be identified as a non-threat in a chaotic mass shooting situation.</p> <p>Of all CHL holders, only 25% are women and only 15% are minorities, meaning the majority are both male and white. Open carry poses an increased threat to these often disenfranchised groups. Secondly, to openly carry could jeopardize the licensee, because it makes the gun more obvious and accessible to steal from the licensee. Code related to taking service weapons from an armed peace officer was created in 1989 and amended 6 different times, as recently as the 82nd session, which suggests that people taking weapons from peace officers has been a problem. If trained peace officers have this issue, this could be much worse for civilians with minimal training. Open carry is a solution in search of a problem.</p>	<p>Unfavorable Evaluated by: Paige Reitz 512-763-0031 paige@texaslsg.org</p>

<p>HB 796 By Rep. Geren, et al.</p>	<p>Relating to the purchase of certain insurance coverage and the performance of related risk management services for the Texas State University System and the component institutions of that system.</p>	<p>Higher Education</p>	<p>HB 796 would require the Texas State University System or a component institution of the system to perform risk management services related to insurance coverage purchased by the system or component institution without approval of the risk management board. The university system has participated under the State Office Risk Management (SORM) board for many years, but this would permit universities to seek a better price for insurance, giving them the flexibility they need to save money while properly remaining properly covered.</p>	<p>Favorable Evaluated by: Paige Reitz 512-763-0031 paige@texaslsg.org</p>
<p>HB 984 By Rep. Deshotel, et al.</p>	<p>Relating to birth records of adopted persons; authorizing a fee.</p>	<p>Juvenile Justice and Family Issues</p>	<p>HB 984 grants adoptees access to a copy of their noncertified birth certificate, contact preference of their biological parents, and biological medical history without the burden of petitioning the court. This allows adoptees to have access to any biological medical conditions that previously were undisclosed to them, giving them ability to be proactive in their medical care and prevention. In order to obtain a copy of the documents the adoptee must be born in Texas and the adoptee, or authorized party requesting on their behalf, must submit a written request to the state registrar. The requesting party must be 18 years or older, provide proof of identification, and pay a fee, which is equal to any other noncertified birth certificate.</p> <p>This bill also adds two new provisions to adoption proceedings, whereby each biological parent must complete a contact preference form and a supplemental medical history form. The contact form contains three options where the biological parent authorizes the adoptee to (1) allowed contact, (2) no contact, or (3) contact through an intermediary. Allowed contact cannot be retracted once it is authorized; however, no contact can be changed to the other options at any time. These forms must be completed upon the biological parent's notice to terminate parental rights, and a petition for adoption will be delayed if they are not completed; however, the courts have discretion in waiving this requirement based on the best interest of the child.</p>	<p>Favorable Evaluated by: Shaina Pomerantz 512-763-0031 shaina@texaslsg.org</p>

