



Chair, Rep. Garnet Coleman

Treasurer, Rep. Elliott Naishtat

LSG Floor Report for Postponed Business – Friday, April 17, 2015

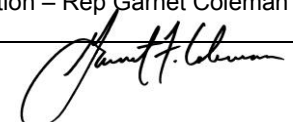
Bill	Caption	Committee	Analysis & Evaluation	Recommendation
HB 1680 Rep. Raymond, et al.	Relating to the continuation and functions of the Texas Health Services Authority as a quasi-governmental entity and the electronic exchange of health care information.	Human Services	<p>The Texas Health Services 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.	
Amendment To HB 1680	By Rep. Raymond	#840668	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.	

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LSG Floor Report For General State Calendar – Friday, April 17, 2015

<p>HB 1076 By Rep. Thompson, S.</p>	<p>Relating to the authority of a magistrate to prohibit certain communications in an order for emergency protection; amending provisions subject to a criminal penalty.</p>	<p>Criminal Jurisprudence</p>	<p>A Magistrate’s Order of Emergency Protection (MOEP) is a temporary order, typically in effect for 61 days, which can be issued to a party arrested for domestic violence, sexual assault, aggravated sexual assault, and/or stalking. Like a protective order, under a MOEP, the arrested party can be prohibited from the following: continuing to abuse or stalk a protected person and their family, from going near their home, work, or school, from possessing a weapon, and from communicating in a threatening manner. HB 1079 expands the authority of a magistrate to issue a “no contact order” as part of a MOEP, which would prohibit the defendant from communicating with the protected person or their family except through an attorney or another court-appointed person.</p> <p>Opponents contend that it is inadvisable to prohibit communication between an arrested party and their children. However, in cases involving protective orders, “no contact orders” are typically only issued when children are not involved; custody agreements prevail in those situations when they are involved. It is important to understand that a MOEP does not directly protect a survivor, but prohibiting communication might deter an abuser from being in the vicinity of the survivor. Adding a “no contact” provision to a MOEP is essential to protecting an abuse survivor and providing peace of mind, as an arrested individual might be angered by police intervention and more likely to retaliate against them afterwards.</p>	<p>Favorable Evaluated by: Maia McCoy 512-763-0031 maia@texaslsg.org</p>
<p>HB 593 By Rep. Collier, et al.</p>	<p>Relating to canine encounter training for peace officers.</p>	<p>Homeland Security & Public Safety</p>	<p>HB 593 provides that all new law enforcement officers, and all current officers seeking promotion, shall complete a one-time four-hour canine training course to prepare officers for a safe and non-confrontational outcome when faced with a dog on duty. The course will be 99% focused on dog interactions and 1% focused on other animals, such as snakes and feral hogs. The reason such a small amount is focused on other animals is because Animal Control is typically called in those cases.</p> <p>The Department of Justice did a study in 2011 finding the number one cause for death of dogs by law enforcement is a lack of training for the officers. One in three calls in Texas involves an interaction with a dog, and in 2014 alone, there were 200 documented incidents of dogs being shot. It is crucial that our officers are trained to protect themselves from being bitten as well as to protect the dogs they interact with and people who may be near a dog when shots are fired. This bill does NOT limit the ability of officers to use deadly force against a dog, nor does it create a new cause of action. It simply provides training so that police officers become better equipped to handle situations that they will inevitably encounter. This will protect Texans, dogs, and officers from unnecessary heartache and protracted legal battles over lost canine family members. We also want the public to have confidence that they can call the police without having to worry about the safety of their pet.</p>	<p>Favorable Evaluated by: Paige Reitz 512-763-0031 paige@texaslsg.org</p>
<p>HB 612 By Rep. Davis, S.</p>	<p>Relating to license plates issued to female veterans with disabilities.</p>	<p>Defense & Veterans’ Affairs</p>	<p>Texas has a long history of women serving bravely in the military. HB 612 seeks to honor women who suffered a service-connected disability by creating a license plate specifically for disabled women veterans. The license plate will be available for distribution by DMV and will include “Woman Disabled Veteran” and “U.S. Armed Forces” in the design. This plate will award the same benefits to disabled women veterans as the current disabled veterans’ plate already in circulation.</p>	<p>Favorable Evaluated by: Cathryn Taub 512-763-0031 cathryn@texaslsg.org</p>
<p>HB 789 By Rep. Miller, R.</p>	<p>Relating to license plates issued to retired members of the military.</p>	<p>Defense & Veterans’ Affairs</p>	<p>Currently, only retired military service members who served 20 or more years of satisfactory federal service can receive specialty license plates for retired veterans. There are, however, many service men and women who are retired from military service but did not serve 20 years. This bill expands the eligibility for the specialty plates to including all retired military service members. By allowing all retired military members access to specialty plates, we recognize the sacrifice all retirees have made.</p>	<p>Favorable Evaluated by: Cathryn Taub 512-763-0031 cathryn@texaslsg.org</p>

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<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 the state’s oil and gas industry and its effect on the state’s economy justifies preemption in this rare instance. While the introduced version of the bill is and was unacceptable, the language 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. As demonstrated in Arlington over the 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 that are beyond the ability of many municipalities. 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>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 has mostly been beneficial. 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><u>Will of the House</u> Evaluated by: Amanda Foster 512-763-0031 amanda@texaslsg.org</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>There is no evidence that open carry deters crime. There is, however, 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 and needlessly escalate what otherwise would be a non-deadly situation. 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><u>Unfavorable</u> Evaluated by: Paige Reitz 512-763-0031 paige@texaslsg.org</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>	
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