

Suspending limitations on conference committee
jurisdiction, H.B. No. 1831 (Corte/Carona)

By: Corte

H.R. No. 3060

R E S O L U T I O N

1 BE IT RESOLVED by the House of Representatives of the State of
2 Texas, 81st Legislature, Regular Session, 2009, That House Rule 13,
3 Section 9(a), be suspended in part as provided by House Rule 13,
4 Section 9(f), to enable the conference committee appointed to
5 resolve the differences on House Bill 1831, relating to disaster
6 preparedness and emergency management and to certain vehicles used
7 in emergencies, to consider and take action on the following
8 matters:

9 (1) House Rule 13, Section 9(a)(4), is suspended to permit
10 the committee to add the following text to SECTION 1.20 of the bill:

11 (13-a) "Police vehicle" means a vehicle [~~of a~~
12 ~~governmental entity primarily~~] used by a peace officer, as defined
13 by Article 2.12, Code of Criminal Procedure, for law enforcement
14 purposes that:

15 (A) is owned or leased by a governmental entity;

16 (B) is owned or leased by the police department
17 of a private institution of higher education that commissions peace
18 officers under Section 51.212, Education Code; or

19 (C) is:

20 (i) a private vehicle owned or leased by the
21 peace officer; and

22 (ii) approved for use for law enforcement
23 purposes by the head of the law enforcement agency that employs the
24 peace officer, or by that person's designee, provided that use of

1 the private vehicle must, if applicable, comply with any rule
2 adopted by the commissioners court of a county under Section
3 170.001, Local Government Code, and that the private vehicle may
4 not be considered an authorized emergency vehicle for exemption
5 purposes under Section 228.054, 284.070, 366.178, or 370.177,
6 Transportation Code, unless the vehicle is marked.

7 Explanation: This change is necessary to ensure that a
8 private vehicle is marked in order to qualify for an exemption as an
9 authorized emergency vehicle.

10 (2) House Rule 13, Section 9(a)(4), is suspended to permit
11 the committee to add the following text to ARTICLE 6 of the bill:

12 SECTION 6.01. The heading to Section 37.108, Education
13 Code, is amended to read as follows:

14 Sec. 37.108. MULTHAZARD EMERGENCY OPERATIONS PLAN; SAFETY
15 AND SECURITY AUDIT.

16 SECTION 6.02. Section 37.108, Education Code, is amended by
17 amending Subsections (a), (b), and (c) and adding Subsections (c-1)
18 and (c-2) to read as follows:

19 (a) Each school district or public junior college district
20 shall adopt and implement a multihazard emergency operations plan
21 for use in the district's facilities [~~district schools~~]. The plan
22 must address mitigation, preparedness, response, and recovery as
23 defined by the commissioner of education or commissioner of higher
24 education in conjunction with the governor's office of homeland
25 security. The plan must provide for:

26 (1) district employee training in responding to an
27 emergency;

1 (2) if the plan applies to a school district,
2 mandatory school drills and exercises to prepare district students
3 and employees for responding to an emergency;

4 (3) measures to ensure coordination with the
5 Department of State Health Services and local emergency management
6 agencies, law enforcement, health departments, and fire
7 departments in the event of an emergency; and

8 (4) the implementation of a safety and security audit
9 as required by Subsection (b).

10 (b) At least once every three years, each [a] school
11 district or public junior college district shall conduct a safety
12 and security audit of the district's facilities. To the extent
13 possible, a district shall follow safety and security audit
14 procedures developed by the Texas School Safety Center or a
15 comparable public or private entity.

16 (c) A school district or public junior college district
17 shall report the results of the safety and security audit conducted
18 under Subsection (b) to the district's board of trustees and, in the
19 manner required by the Texas School Safety Center, to the Texas
20 School Safety Center.

21 SECTION 6.03. Subchapter D, Chapter 37, Education Code, is
22 amended by adding Section 37.109 to read as follows:

23 Sec. 37.109. SCHOOL SAFETY AND SECURITY COMMITTEE. (a) In
24 accordance with guidelines established by the Texas School Safety
25 Center, each school district shall establish a school safety and
26 security committee.

27 (b) The committee shall:

1 (1) participate on behalf of the district in
2 developing and implementing emergency plans consistent with the
3 district multihazard emergency operations plan required by Section
4 37.108(a) to ensure that the plans reflect specific campus,
5 facility, or support services needs;

6 (2) provide the district with any campus, facility, or
7 support services information required in connection with a safety
8 and security audit required by Section 37.108(b), a safety and
9 security audit report required by Section 37.108(c), or another
10 report required to be submitted by the district to the Texas School
11 Safety Center; and

12 (3) review each report required to be submitted by the
13 district to the Texas School Safety Center to ensure that the report
14 contains accurate and complete information regarding each campus,
15 facility, or support service in accordance with criteria
16 established by the center.

17 SECTION 6.04. Section 37.202, Education Code, is amended to
18 read as follows:

19 Sec. 37.202. PURPOSE. The purpose of the center is to serve
20 as:

21 (1) a central location for school safety and security
22 information, including research, training, and technical
23 assistance related to successful school safety and security
24 programs; ~~and~~

25 (2) a central registry of persons providing school
26 safety and security consulting services in the state; and

27 (3) a resource for the prevention of youth violence

1 and the promotion of safety in the state.

2 SECTION 6.05. Section 37.203(a), Education Code, as amended
3 by Chapters 258 (S.B. 11) and 263 (S.B. 103), Acts of the 80th
4 Legislature, Regular Session, 2007, is reenacted to read as
5 follows:

6 (a) The center is advised by a board of directors composed
7 of:

8 (1) the attorney general, or the attorney general's
9 designee;

10 (2) the commissioner, or the commissioner's designee;

11 (3) the executive director of the Texas Juvenile
12 Probation Commission, or the executive director's designee;

13 (4) the executive commissioner of the Texas Youth
14 Commission, or the executive commissioner's designee;

15 (5) the commissioner of the Department of State Health
16 Services, or the commissioner's designee;

17 (6) the commissioner of higher education, or the
18 commissioner's designee; and

19 (7) the following members appointed by the governor
20 with the advice and consent of the senate:

21 (A) a juvenile court judge;

22 (B) a member of a school district's board of
23 trustees;

24 (C) an administrator of a public primary school;

25 (D) an administrator of a public secondary
26 school;

27 (E) a member of the state parent-teacher

1 association;

2 (F) a teacher from a public primary or secondary
3 school;

4 (G) a public school superintendent who is a
5 member of the Texas Association of School Administrators;

6 (H) a school district police officer or a peace
7 officer whose primary duty consists of working in a public school;
8 and

9 (I) two members of the public.

10 SECTION 6.06. Section 37.203(b), Education Code, is amended
11 to read as follows:

12 (b) Members of the board appointed under Subsection (a)(7)
13 [~~(a)(6)~~] serve staggered two-year terms, with the terms of the
14 members described by Subsections (a)(7)(A)-(E) [~~(a)(6)(A)-(E)~~]
15 expiring on February 1 of each odd-numbered year and the terms of
16 the members described by Subsections (a)(7)(F)-(I) [~~(a)(6)(F)-(I)~~]
17 expiring on February 1 of each even-numbered year. A member may
18 serve more than one term.

19 SECTION 6.07. Section 37.207(a), Education Code, is amended
20 to read as follows:

21 (a) The center shall develop a model safety and security
22 audit procedure for use by school districts and public junior
23 college districts that includes:

24 (1) providing each district with guidelines [~~and a~~
25 ~~training video~~] showing proper audit procedures;

26 (2) reviewing elements of each district audit[~~7~~
27 ~~providing the results of the review to the district,~~] and making

1 recommendations for improvements in the state based on that review
2 [~~the audit~~]; and

3 (3) incorporating the findings of district audits in a
4 statewide report on school safety and security made available by
5 the center to the public.

6 SECTION 6.08. Section 37.209, Education Code, is amended to
7 read as follows:

8 Sec. 37.209. CENTER WEBSITE. The center shall develop and
9 maintain an interactive Internet website that includes:

10 (1) quarterly news updates related to school safety
11 and security and violence prevention;

12 (2) school crime data;

13 (3) a schedule of training and special events; and

14 (4) a list of persons who [~~approved by the board to~~]
15 provide school safety or security consulting services in this state
16 and are registered in accordance with Section 37.2091
17 [~~presentations~~].

18 SECTION 6.09. Subchapter G, Chapter 37, Education Code, is
19 amended by adding Sections 37.2091 and 37.2121 to read as follows:

20 Sec. 37.2091. REGISTRY OF PERSONS PROVIDING SCHOOL SAFETY
21 OR SECURITY CONSULTING SERVICES. (a) In this section, "school
22 safety or security consulting services" includes any service
23 provided to a school district, institution of higher education,
24 district facility, or campus by a person consisting of advice,
25 information, recommendations, data collection, or safety and
26 security audit services relevant to school safety and security,
27 regardless of whether the person is paid for those services.

1 (b) The center shall establish a registry of persons
2 providing school safety or security consulting services in this
3 state.

4 (c) Each person providing school safety or security
5 consulting services in this state shall register with the center in
6 accordance with requirements established by the center. The
7 requirements must include provisions requiring a person
8 registering with the center to provide information regarding:

9 (1) the person's background, education, and experience
10 that are relevant to the person's ability to provide knowledgeable
11 and effective school safety or security consulting services; and

12 (2) any complaints or pending litigation relating to
13 the person's provision of school safety or security consulting
14 services.

15 (d) The registry is intended to serve only as an
16 informational resource for school districts and institutions of
17 higher education. The inclusion of a person in the registry is not
18 an indication of the person's qualifications or ability to provide
19 school safety or security consulting services or that the center
20 endorses the person's school safety or security consulting
21 services.

22 (e) The center shall include information regarding the
23 registry, including the number of persons registered and the
24 general degree of school safety or security experience possessed by
25 those persons, in the biennial report required by Section 37.216.

26 Sec. 37.2121. MEMORANDA OF UNDERSTANDING AND MUTUAL AID
27 AGREEMENTS. (a) The center shall identify and inform school

1 districts of the types of entities, including local and regional
2 authorities, other school districts, and emergency first
3 responders, with whom school districts should customarily make
4 efforts to enter into memoranda of understanding or mutual aid
5 agreements addressing issues that affect school safety and
6 security.

7 (b) The center shall develop guidelines regarding memoranda
8 of understanding and mutual aid agreements between school districts
9 and the entities identified in accordance with Subsection (a). The
10 guidelines:

11 (1) must include descriptions of the provisions that
12 should customarily be included in each memorandum or agreement with
13 a particular type of entity;

14 (2) may include sample language for those provisions;
15 and

16 (3) must be consistent with the Texas Statewide Mutual
17 Aid System established under Subchapter E-1, Chapter 418,
18 Government Code.

19 (c) The center shall encourage school districts to enter
20 into memoranda of understanding and mutual aid agreements with
21 entities identified in accordance with Subsection (a) that comply
22 with the guidelines developed under Subsection (b).

23 (d) Each school district that enters into a memorandum of
24 understanding or mutual aid agreement addressing issues that affect
25 school safety and security shall, at the center's request, provide
26 the following information to the center:

27 (1) the name of each entity with which the school

1 district has entered into a memorandum of understanding or mutual
2 aid agreement;

3 (2) the effective date of each memorandum or
4 agreement; and

5 (3) a summary of each memorandum or agreement.

6 (e) The center shall include information regarding the
7 center's efforts under this section in the report required by
8 Section 37.216.

9 SECTION 6.10. Section 37.213, Education Code, is amended to
10 read as follows:

11 Sec. 37.213. PUBLIC JUNIOR COLLEGES [~~INSTITUTIONS OF HIGHER~~
12 ~~EDUCATION~~]. (a) In this section, "public junior college"
13 [~~"institution of higher education"~~] has the meaning assigned by
14 Section 61.003.

15 (b) The center shall research best practices regarding
16 emergency preparedness of public junior colleges and serve as a
17 clearinghouse for that information.

18 (c) The center shall provide public junior colleges with
19 training, technical assistance, and published guidelines or
20 templates, as appropriate, in the following areas:

21 (1) multihazard emergency operations plan
22 development;

23 (2) drill and exercise development and
24 implementation;

25 (3) mutual aid agreements;

26 (4) identification of equipment and funds that may be
27 used by public junior colleges in an emergency; and

1 (5) reporting in accordance with 20 U.S.C. Section
2 1092(f) [~~An institution of higher education may use any appropriate~~
3 ~~model plan developed by the center under Section 37.205(4).~~

4 ~~[(c) The center may provide an institution of higher~~
5 ~~education with on-site technical assistance and safety training.~~

6 ~~[(d) The center may charge a fee to an institution of higher~~
7 ~~education for assistance and training provided under Subsection~~
8 ~~(c)].~~

9 SECTION 6.11. Section 37.216, Education Code, is amended to
10 read as follows:

11 Sec. 37.216. BIENNIAL [~~ANNUAL~~] REPORT. (a) Not later than
12 January [~~September~~] 1 of each odd-numbered year, the board shall
13 provide a report to the governor, the legislature, the State Board
14 of Education, and the agency.

15 (b) The biennial [~~annual~~] report must include any findings
16 made by the center regarding school safety and security and the
17 center's functions, budget information, and strategic planning
18 initiatives of the center.

19 SECTION 6.12. Subchapter G, Chapter 37, Education Code, is
20 amended by adding Section 37.2161 to read as follows:

21 Sec. 37.2161. SCHOOL SAFETY AND SECURITY PROGRESS REPORT.

22 (a) The center shall periodically provide a school safety and
23 security progress report to the governor, the legislature, the
24 State Board of Education, and the agency that contains current
25 information regarding school safety and security in the school
26 districts and public junior college districts of this state based
27 on:

1 (1) elements of each district's multihazard emergency
2 operations plan required by Section 37.108(a);

3 (2) elements of each district's safety and security
4 audit required by Section 37.108(b); and

5 (3) any other report required to be submitted to the
6 center.

7 (b) The center shall establish guidelines regarding the
8 specific information to be included in the report required by this
9 section.

10 (c) The center may provide the report required by this
11 section in conjunction with the report required by Section 37.216.

12 SECTION 6.13. Subchapter E, Chapter 51, Education Code, is
13 amended by adding Section 51.217 to read as follows:

14 Sec. 51.217. MULTHAZARD EMERGENCY OPERATIONS PLAN; SAFETY
15 AND SECURITY AUDIT. (a) In this section, "institution" means a
16 general academic teaching institution, a medical and dental unit,
17 or other agency of higher education, as those terms are defined by
18 Section 61.003.

19 (b) An institution shall adopt and implement a multihazard
20 emergency operations plan for use at the institution. The plan must
21 address mitigation, preparedness, response, and recovery. The plan
22 must provide for:

23 (1) employee training in responding to an emergency;

24 (2) mandatory drills to prepare students, faculty, and
25 employees for responding to an emergency;

26 (3) measures to ensure coordination with the
27 Department of State Health Services, local emergency management

1 agencies, law enforcement, health departments, and fire
2 departments in the event of an emergency; and

3 (4) the implementation of a safety and security audit
4 as required by Subsection (c).

5 (c) At least once every three years, an institution shall
6 conduct a safety and security audit of the institution's
7 facilities. To the extent possible, an institution shall follow
8 safety and security audit procedures developed in consultation with
9 the division of emergency management of the office of the governor.

10 (d) An institution shall report the results of the safety
11 and security audit conducted under Subsection (c) to the
12 institution's board of regents and the division of emergency
13 management of the office of the governor.

14 (e) Except as provided by Subsection (f), any document or
15 information collected, developed, or produced during a safety and
16 security audit conducted under Subsection (c) is not subject to
17 disclosure under Chapter 552, Government Code.

18 (f) A document relating to an institution's multihazard
19 emergency operations plan is subject to disclosure if the document
20 enables a person to:

21 (1) verify that the institution has established a plan
22 and determine the agencies involved in the development of the plan
23 and the agencies coordinating with the institution to respond to an
24 emergency, including the Department of State Health Services, local
25 emergency services agencies, law enforcement agencies, health
26 departments, and fire departments;

27 (2) verify that the institution's plan was reviewed

1 within the last 12 months and determine the specific review dates;

2 (3) verify that the plan addresses the four phases of
3 emergency management under Subsection (b);

4 (4) verify that institution employees have been
5 trained to respond to an emergency and determine the types of
6 training, the number of employees trained, and the person
7 conducting the training;

8 (5) verify that each campus has conducted mandatory
9 emergency drills and exercises in accordance with the plan and
10 determine the frequency of the drills;

11 (6) verify that the institution has completed a safety
12 and security audit under Subsection (c) and determine the date the
13 audit was conducted, the person conducting the audit, and the date
14 the institution presented the results of the audit to the board of
15 regents; and

16 (7) verify that the institution has addressed any
17 recommendations by the board of regents for improvement of the plan
18 and determine the institution's progress within the last 12 months.

19 SECTION 6.13a. Chapter 111, Education Code, is amended by
20 adding Subchapter I to read as follows:

21 SUBCHAPTER I. UNIVERSITY OF HOUSTON HURRICANE CENTER FOR
22 INNOVATIVE TECHNOLOGY

23 Sec. 111.121. DEFINITIONS. In this subchapter:

24 (1) "Board" means the board of regents of the
25 University of Houston System.

26 (2) "Center" means the University of Houston Hurricane
27 Center for Innovative Technology (UHC-IT) established under this

1 subchapter.

2 Sec. 111.122. ESTABLISHMENT. (a) The University of
3 Houston Hurricane Center for Innovative Technology is established
4 at the University of Houston.

5 (b) The organization, control, and management of the center
6 are vested in the board.

7 (c) The center shall be hosted by the university's College
8 of Engineering. Participation in the center's activities shall be
9 open to any faculty member of the university who is an active
10 researcher in the field of materials, nanotechnology, structural
11 engineering, designing of structures, or sensor technology, or in
12 another relevant field as determined by the university.

13 Sec. 111.123. PURPOSE. The center is created to:

14 (1) promote interdisciplinary research, education,
15 and training for the development of state-of-the-art products,
16 materials, systems, and technologies designed to mitigate the wind,
17 and asserted structural damages in the built environment and
18 offshore structures caused by hurricanes in the Gulf Coast region;
19 and

20 (2) develop protocols for the fast and efficient
21 recovery of the public and private sectors, including utilities,
22 hospitals, petrochemical industries, offshore platforms, and
23 municipalities and other local communities following a hurricane.

24 Sec. 111.124. POWERS AND DUTIES. The center shall:

25 (1) collaborate with appropriate federal, state, and
26 local agencies and private business or nonprofit entities as
27 necessary to coordinate efforts after a hurricane in the Gulf Coast

1 region;

2 (2) develop smart materials and devices for use in
3 hurricane protection and mitigation systems for structural
4 monitoring;

5 (3) develop anchor systems for window and door
6 screens, dwellings and other buildings, pipelines, and other
7 onshore and offshore structures to withstand hurricane wind damage;

8 (4) develop test facilities for evaluating the
9 performance of new products, materials, or techniques designed to
10 protect against hurricane wind damage;

11 (5) develop specifications and standards for products
12 used for protecting against hurricane wind damage;

13 (6) design buildings, houses, and other structures to
14 withstand hurricane wind damage; and

15 (7) provide hurricane-related educational programs,
16 seminars, conferences, and workshops to the community designed to
17 ensure safety, minimize loss of life, and mitigate the destruction
18 of property associated with hurricane wind damage.

19 Sec. 111.125. COLLABORATION WITH OTHER ENTITIES. The
20 University of Houston shall encourage public and private entities
21 to participate in or support the operation of the center and may
22 enter into an agreement with any public or private entity for that
23 purpose. An agreement may allow the center to provide information,
24 services, or other assistance to an entity in exchange for the
25 entity's participation or support.

26 Sec. 111.126. GIFTS AND GRANTS. The board may solicit,
27 accept, and administer gifts and grants from any public or private

1 source and use existing resources for the purposes of the center.
2 State funding is not available unless the legislature makes
3 specific appropriation for this purpose.

4 Sec. 111.127. PERSONNEL. The board may employ personnel
5 for the center as necessary.

6 SECTION 6.14. Section 418.004(10), Government Code, is
7 amended to read as follows:

8 (10) "Local government entity" means a county,
9 incorporated city, independent school district, public junior
10 college district, emergency services district, other special
11 district, joint board, or other entity defined as a political
12 subdivision under the laws of this state that maintains the
13 capability to provide mutual aid.

14 SECTION 6.15. Section 37.210, Education Code, is repealed.

15 SECTION 6.17. A person providing school safety or security
16 consulting services in this state shall comply with Section
17 37.2091, Education Code, as added by this article, not later than
18 January 1, 2010.

19 SECTION 6.18. This article does not make an appropriation.
20 A provision in this article that creates a new governmental
21 program, creates a new entitlement, or imposes a new duty on a
22 governmental entity is not mandatory during a fiscal period for
23 which the legislature has not made a specific appropriation to
24 implement the provision.

25 SECTION 6.19. This article takes effect September 1, 2009.

26 Explanation: This change is necessary to require public
27 junior college districts to adopt and implement a multihazard

1 emergency operation plan, to establish school safety and security
2 committees, and to establish the University of Houston Hurricane
3 Center for Innovative Technology.

4 (3) House Rule 13, Section 9(a)(1), is suspended to permit
5 the committee to change text that is not in disagreement in SECTION
6 6.16 of the bill so that section reads as follows:

7 SECTION 6.16. Sections 37.108(c-1) and (c-2), and Sections
8 51.217(d) and (e), Education Code, as added by this article, apply
9 only to a request for documents or information that is received on
10 or after the effective date of this article. A request for
11 documents or information that was received before the effective
12 date of this article is governed by the law in effect on the date the
13 request was received, and the former law is continued in effect for
14 that purpose.

15 Explanation: This change is necessary to add a
16 cross-reference to Sections 51.217(d) and (e), Education Code, to
17 the transition provisions of the bill.