

Suspending limitations on conference committee
jurisdiction, S.B. No. 1831

By: Carona

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SENATE RESOLUTION

BE IT RESOLVED by the Senate of the State of Texas, 81st Legislature, Regular Session, 2009, That Senate Rule 12.03 be suspended in part as provided by Senate Rule 12.08 to enable the conference committee appointed to resolve the differences on House Bill No. 1831, relating to disaster preparedness and emergency management and to certain vehicles used in emergencies, to consider and take action on the following matter:

(1) Senate Rule 12.03(4) is suspended to permit the committee to add the following text to SECTION 1.20 of the bill:

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

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

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

(C) is:

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

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

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

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

(2) Senate Rule 12.03(4) is suspended to permit the committee to add the following text to ARTICLE 6 of the bill:

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

Sec. 37.108. MULTIHAZARD EMERGENCY OPERATIONS PLAN; SAFETY AND SECURITY AUDIT.

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

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

(1) district employee training in responding to an

emergency;

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

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

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

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

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

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

Sec. 37.109. SCHOOL SAFETY AND SECURITY COMMITTEE.

(a) In accordance with guidelines established by the Texas
School Safety Center, each school district shall establish a
school safety and security committee.

(b) The committee shall:

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

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

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

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

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

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

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

(3) a resource for the prevention of youth violence and the promotion of safety in the state.

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

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

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

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

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

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

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

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

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

(A) a juvenile court judge;

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

(C) an administrator of a public primary school;

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(D) an administrator of a public secondary school;

(E) a member of the state parent-teacher association;

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

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

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

(I) two members of the public.

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

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

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

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

(1) providing each district with guidelines ~~[and a~~

~~training video~~] showing proper audit procedures;

(2) reviewing elements of each district audit~~[, providing the results of the review to the district,]~~ and making recommendations for improvements in the state based on that review ~~[the audit]~~; and

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

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

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

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

(2) school crime data;

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

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

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

Sec. 37.2091. REGISTRY OF PERSONS PROVIDING SCHOOL SAFETY OR SECURITY CONSULTING SERVICES. (a) In this section, "school safety or security consulting services" includes any service provided to a school district, institution of higher

education, district facility, or campus by a person consisting of advice, information, recommendations, data collection, or safety and security audit services relevant to school safety and security, regardless of whether the person is paid for those services.

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

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

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

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

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

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

Sec. 37.2121. MEMORANDA OF UNDERSTANDING AND MUTUAL AID AGREEMENTS. (a) The center shall identify and inform school districts of the types of entities, including local and regional authorities, other school districts, and emergency first responders, with whom school districts should customarily make efforts to enter into memoranda of understanding or mutual aid agreements addressing issues that affect school safety and security.

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

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

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

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

(c) The center shall encourage school districts to enter into memoranda of understanding and mutual aid agreements with

entities identified in accordance with Subsection (a) that comply with the guidelines developed under Subsection (b).

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

(1) the name of each entity with which the school district has entered into a memorandum of understanding or mutual aid agreement;

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

(3) a summary of each memorandum or agreement.

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

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

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

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

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

(1) multihazard emergency operations plan development;

(2) drill and exercise development and implementation;

(3) mutual aid agreements;

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

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

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

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

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

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

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

SECTION 6.12. Subchapter G, Chapter 37, Education Code,

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is amended by adding Section 37.2161 to read as follows:

Sec. 37.2161. SCHOOL SAFETY AND SECURITY PROGRESS REPORT. (a) The center shall periodically provide a school safety and security progress report to the governor, the legislature, the State Board of Education, and the agency that contains current information regarding school safety and security in the school districts and public junior college districts of this state based on:

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

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

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

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

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

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

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

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

(1) employee training in responding to an emergency;

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

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

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

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

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

(e) Except as provided by Subsection (f), any document or information collected, developed, or produced during a safety and security audit conducted under Subsection (c) is not subject

to disclosure under Chapter 552, Government Code.

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

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

(2) verify that the institution's plan was reviewed within the last 12 months and determine the specific review dates;

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

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

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

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

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

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

SUBCHAPTER I. UNIVERSITY OF HOUSTON HURRICANE CENTER FOR
INNOVATIVE TECHNOLOGY

Sec. 111.121. DEFINITIONS. In this subchapter:

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

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

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

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

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

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

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

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

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

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

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

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

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

(5) develop specifications and standards for

products used for protecting against hurricane wind damage;

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

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

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

Sec. 111.126. GIFTS AND GRANTS. The board may solicit, accept, and administer gifts and grants from any public or private source and use existing resources for the purposes of the center. State funding is not available unless the legislature makes specific appropriation for this purpose.

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

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

(10) "Local government entity" means a county, incorporated city, independent school district, public junior college district, emergency services district, other special

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district, joint board, or other entity defined as a political subdivision under the laws of this state that maintains the capability to provide mutual aid.

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

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

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

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

Explanation: This change is necessary to require public junior college districts to adopt and implement a multihazard emergency operation plan, to establish school safety and security committees, and to establish the University of Houston Hurricane Center for Innovative Technology.

(3) Senate Rule 12.03(1) is suspended to permit the committee to change text that is not in disagreement in SECTION 6.16 of the bill so that section reads as follows:

SECTION 6.16. Sections 37.108(c-1) and (c-2), and Sections 51.217(d) and (e), Education Code, as added by this

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article, apply only to a request for documents or information that is received on or after the effective date of this article. A request for documents or information that was received before the effective date of this article is governed by the law in effect on the date the request was received, and the former law is continued in effect for that purpose.

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

President of the Senate

I hereby certify that the
above Resolution was adopted by
the Senate on June 1, 2009.

Secretary of the Senate