

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

By: Carona

S.R. No. 1103

R E S O L U T I O N

1 BE IT RESOLVED by the Senate of the State of Texas, 81st  
2 Legislature, Regular Session, 2009, That Senate Rule 12.03 be  
3 suspended in part as provided by Senate Rule 12.08 to enable the  
4 conference committee appointed to resolve the differences on House  
5 Bill 1831, relating to disaster preparedness and emergency  
6 management and to certain vehicles used in emergencies, to consider  
7 and take action on the following matter:

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

10 (13-a) "Police vehicle" means a vehicle [~~of a~~  
11 ~~governmental entity primarily~~] used by a peace officer, as defined  
12 by Article 2.12, Code of Criminal Procedure, for law enforcement  
13 purposes that:

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

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

18 (C) is:

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

21 (ii) approved for use for law enforcement  
22 purposes by the head of the law enforcement agency that employs the  
23 peace officer, or by that person's designee, provided that use of  
24 the private vehicle must, if applicable, comply with any rule

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

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

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

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

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

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

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

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

27 (2) if the plan applies to a school district,

1 mandatory school drills and exercises to prepare district students  
2 and employees for responding to an emergency;

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

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

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

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

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

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

26 (b) The committee shall:

27 (1) participate on behalf of the district in

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

20                           (A) a juvenile court judge;

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

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

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

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

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

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

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

8 (I) two members of the public.

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

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

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

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

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

25 (2) reviewing elements of each district audit[~~7~~  
26 ~~providing the results of the review to the district,~~] and making  
27 recommendations for improvements in the state based on that review

1 ~~[the audit]~~; and

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

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

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

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

11 (2) school crime data;

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

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

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

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

27 (b) The center shall establish a registry of persons

1 providing school safety or security consulting services in this  
2 state.

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

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

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

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

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

25 Sec. 37.2121. MEMORANDA OF UNDERSTANDING AND MUTUAL AID  
26 AGREEMENTS. (a) The center shall identify and inform school  
27 districts of the types of entities, including local and regional



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

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

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

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

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

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

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

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

1 aid agreement;

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

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

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

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

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

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

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

20 (1) multihazard emergency operations plan  
21 development;

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

24 (3) mutual aid agreements;

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

27 (5) reporting in accordance with 20 U.S.C. Section

1 1092(f) [~~An institution of higher education may use any appropriate~~  
2 ~~model plan developed by the center under Section 37.205(4).~~

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

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

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

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

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

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

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

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

27 (1) elements of each district's multihazard emergency

1 operations plan required by Section 37.108(a);

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

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

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

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

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

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

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

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

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

25 (3) measures to ensure coordination with the  
26 Department of State Health Services, local emergency management  
27 agencies, law enforcement, health departments, and fire

1 departments in the event of an emergency; and

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

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

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

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

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

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

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



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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

25           Sec. 111.126. GIFTS AND GRANTS. The board may solicit,  
26 accept, and administer gifts and grants from any public or private  
27 source and use existing resources for the purposes of the center.



1 State funding is not available unless the legislature makes  
2 specific appropriation for this purpose.

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

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

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

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

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

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

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

25 Explanation: This change is necessary to require public  
26 junior college districts to adopt and implement a multihazard  
27 emergency operation plan, to establish school safety and security

1 committees, and to establish the University of Houston Hurricane  
2 Center for Innovative Technology.

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

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

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