

CONFERENCE COMMITTEE REPORT FORM

Austin, Texas

May 26, 2007


Date

Honorable David Dewhurst
President of the Senate

Honorable Tom Craddick
Speaker of the House of Representatives

Sirs:

We, Your Conference Committee, appointed to adjust the differences between the Senate and the House of Representatives on SB 11 have had the same under consideration, and beg to report it back with the recommendation that it do pass in the form and text hereto attached.



Senator Juan Corona, Chair



Representative Frank Cortez, Chair



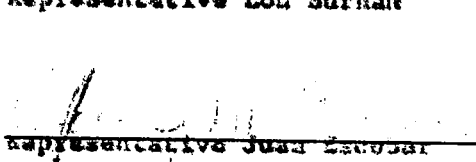
Senator Kim Bricker



Representative Lou Burnam



Senator Juan Carlos



Representative Juan Zaroban




Senator Eddie Lucio



Representative Abel Herrera

On the part of the Senate
Senator Kai Salinger



On the part of the House
Representative Carl Isatt

Note to Conference Committee Clerk:

Please type the names of the members of the Conference Committee under the lines provided for signature. Those members desiring to sign the report should sign each of the six copies. Attach a copy of the Conference Committee Report and a Section by Section side by side comparison to each of the six reporting forms. The original and two copies are filed in house of origin of the bill, and three copies in the other house.

CONFERENCE COMMITTEE REPORT

3rd Printing

S.B. No. 11

A BILL TO BE ENTITLED

AN ACT

relating to homeland security; providing penalties.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

ARTICLE 1. CERTAIN DISASTER RESPONSE PROCEDURES FOR POLITICAL
SUBDIVISIONS

SECTION 1.01. Section 418.004, Government Code, is amended
by adding Subdivisions (10) through (14) to read as follows:

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

(11) "Mutual aid" means a homeland security activity, as defined by Section 421.001, performed under the system or a written mutual aid agreement.

(12) "Requesting local government entity" means a local government entity requesting mutual aid assistance under the system.

(13) "Responding local government entity" means a local government entity providing mutual aid assistance in response to a request under the system.

(14) "System" means the Texas Statewide Mutual Aid System.

SECTION 1.02. Subchapter E, Chapter 418, Government Code,

1 is amended by adding Section 418.1015 to read as follows:

2 Sec. 418.1015. EMERGENCY MANAGEMENT DIRECTORS. (a) The
3 presiding officer of the governing body of an incorporated city or a
4 county or the chief administrative officer of a joint board is
5 designated as the emergency management director for the officer's
6 political subdivision.

7 (b) An emergency management director serves as the
8 governor's designated agent in the administration and supervision
9 of duties under this chapter. An emergency management director may
10 exercise the powers granted to the governor under this chapter on an
11 appropriate local scale.

12 (c) An emergency management director may designate a person
13 to serve as emergency management coordinator. The emergency
14 management coordinator shall serve as an assistant to the emergency
15 management director for emergency management purposes.

16 SECTION 1.03. Subsection (c), Section 418.107, Government
17 Code, is amended to read as follows:

18 (c) A local government entity [~~political subdivision or~~
19 ~~regional planning commission~~] may render mutual aid to other local
20 government entities [~~political subdivisions or regional planning~~
21 ~~commissions~~] under mutual aid agreements or the system.

22 SECTION 1.04. The heading to Section 418.109, Government
23 Code, is amended to read as follows:

24 Sec. 418.109. AUTHORITY TO RENDER MUTUAL AID ASSISTANCE.

25 SECTION 1.05. Subsection (d), Section 418.109, Government
26 Code, is amended to read as follows:

27 (d) A local government entity or [~~municipality, county,~~

1 ~~emergency services district, fire protection agency, regional~~
 2 ~~planning commission,~~ organized volunteer group[, ~~or other~~
 3 ~~emergency services entity~~] may provide mutual aid assistance on
 4 request from another local government entity or [~~municipality,~~
 5 ~~county, emergency services district, fire protection agency,~~
 6 ~~regional planning commission,~~ organized volunteer group[, ~~or~~
 7 ~~other emergency services entity~~]. The chief or highest ranking
 8 officer of the entity from which assistance is requested, with the
 9 approval and consent of the presiding officer of the governing body
 10 of that entity, may provide that assistance while acting in
 11 accordance with the policies, ordinances, and procedures
 12 established by the governing body of that entity [~~and consistent~~
 13 ~~with any mutual aid plans developed by the emergency management~~
 14 ~~council~~].

15 SECTION 1.06. Section 418.110, Government Code, is amended
 16 to read as follows:

17 Sec. 418.110. STATEWIDE MUTUAL AID PROGRAM FOR FIRE
 18 EMERGENCIES. (a) The division, in consultation with state fire
 19 protection agencies and the Texas Commission on Fire Protection,
 20 may [~~shall~~] develop a statewide mutual aid program for fire
 21 emergencies.

22 (b) A program developed under this section:

23 (1) does not alter the legal obligations of a
 24 political subdivision participating in the system; and

25 (2) must be consistent with the state emergency
 26 management plan.

27 SECTION 1.07. Chapter 418, Government Code, is amended by

adding Subchapter E-1 to read as follows:

SUBCHAPTER E-1. TEXAS STATEWIDE MUTUAL AID SYSTEM

Sec. 418.111. CREATION OF THE TEXAS STATEWIDE MUTUAL AID SYSTEM. (a) The Texas Statewide Mutual Aid System is established to provide integrated statewide mutual aid response capability between local government entities without a written mutual aid agreement.

(b) A request for mutual aid assistance between local government entities is considered to be made under the system, unless the requesting and responding entities are parties to a written mutual aid agreement in effect when the request is made.

(c) This subchapter does not affect a written mutual aid agreement between local government entities in effect on or before the effective date of this subchapter or restrict the ability of local government entities to enter into a written mutual aid agreement as otherwise authorized by statute after the effective date of this subchapter. If a request is made between local government entities that are parties to a written mutual aid agreement, the terms of that agreement control the rights and obligations of the parties.

Sec. 418.112. ADMINISTRATION BY DIVISION. The division shall administer the system. In administering the system, the division shall encourage and assist political subdivisions in planning and implementing comprehensive all-hazards emergency management programs, including assisting political subdivisions to ensure that the local emergency management plan of each subdivision adequately provides for the rendering and receipt of mutual aid.

1 Sec. 418.113. DISASTER DISTRICTS. (a) This state is
2 divided into disaster districts to engage in homeland security
3 preparedness and response activities. The boundaries of the
4 disaster districts coincide with the geographic boundaries of the
5 state planning regions established by the governor under Chapter
6 391, Local Government Code.

7 (b) A disaster district committee is established for each
8 disaster district. Each committee is composed of local
9 representatives of the state agencies, boards, and commissions and
10 organized volunteer groups with representation on the emergency
11 management council.

12 (c) Each disaster district committee shall coordinate with
13 political subdivisions located in the disaster district to ensure
14 that state and federal emergency assets are made available as
15 needed to provide the most efficient and effective response
16 possible.

17 (d) The public safety director of the Department of Public
18 Safety of the State of Texas shall appoint a commanding officer from
19 the Texas Highway Patrol to serve as chair of each disaster district
20 committee. The chair shall:

21 (1) inform the state Director of Homeland Security on
22 all matters relating to disasters and emergencies as requested by
23 the state Director of Homeland Security; and

24 (2) inform the public safety director of the
25 Department of Public Safety of the State of Texas on all matters as
26 requested by the public safety director.

27 (e) Representatives of the emergency management council

1 assigned to each district shall assist the chair of their disaster
2 district committee and provide guidance, counsel, and
3 administrative support as required.

4 Sec. 418.114. PROCEDURES FOR MUTUAL AID. (a) The
5 political subdivisions in each state planning region established by
6 the governor under Chapter 391, Local Government Code, shall agree
7 on procedures that specify the manner in which mutual aid will be
8 provided in response to a request from:

9 (1) a political subdivision in the region;

10 (2) a political subdivision in another region; or

11 (3) this state.

12 (b) A copy of the procedures must be provided to the
13 division and the disaster district committee chair.

14 Sec. 418.115. REQUESTING AND PROVIDING MUTUAL AID
15 ASSISTANCE. (a) A request for mutual aid assistance may be
16 submitted verbally or in writing. If a request is submitted
17 verbally, it must be confirmed in writing not later than the 30th
18 day after the date the request was made.

19 (b) If a request for mutual aid assistance is made to a
20 department or agency of a political subdivision, the chief or
21 highest ranking officer of the department or agency, with the
22 approval and consent of the presiding officer of the governing body
23 of the political subdivision or that officer's designee, may
24 provide the requested assistance in accordance with the policies,
25 ordinances, and procedures established by the governing body of the
26 political subdivision.

27 Sec. 418.1151. ASSESSMENT OF ABILITY TO RENDER ASSISTANCE.

1 (a) When contacted with a request for mutual aid assistance, a
2 local government entity shall assess local resources to determine
3 availability of personnel, equipment, and other assistance to
4 respond to the request.

5 (b) A responding local government entity may provide
6 assistance to the extent personnel, equipment, and resources are
7 determined to be available. A local government entity is not
8 required to provide mutual aid assistance unless the entity
9 determines that the entity has sufficient resources to provide
10 assistance, based on current or anticipated events in its
11 jurisdiction.

12 Sec. 418.1152. SUPERVISION AND CONTROL. When providing
13 mutual aid assistance under the system:

14 (1) the response effort must be organized and function
15 in accordance with the National Incident Management System
16 guidelines;

17 (2) the personnel, equipment, and resources of a
18 responding local government entity being used in the response
19 effort are under the operational control of the requesting local
20 government entity unless otherwise agreed;

21 (3) direct supervision and control of personnel,
22 equipment, and resources and personnel accountability remain the
23 responsibility of the designated supervisory personnel of the
24 responding local government entity;

25 (4) unless otherwise agreed in advance, an emergency
26 medical service organization providing assistance under the system
27 shall use the medical protocols authorized by the organization's

1 medical director;

2 (5) the designated supervisory personnel of the
3 responding local government entity shall:

4 (A) maintain daily personnel time records,
5 material records, and a log of equipment hours;

6 (B) be responsible for the operation and
7 maintenance of the equipment and other resources furnished by the
8 responding local government entity; and

9 (C) report work progress to the requesting local
10 government entity; and

11 (6) the responding local government entity's personnel
12 and other resources are subject to recall at any time, subject to
13 reasonable notice to the requesting local government entity.

14 Sec. 418.1153. DURATION OF AID. The provision of mutual aid
15 assistance under the system may continue until:

16 (1) the services of the responding local government
17 entity are no longer required; or

18 (2) the responding local government entity determines
19 that further assistance should not be provided.

20 Sec. 418.116. RIGHTS AND PRIVILEGES. (a) A person
21 assigned, designated, or ordered to perform duties by the governing
22 body of the local government entity employing the person in
23 response to a request under the system is entitled to receive the
24 same wages, salary, pension, and other compensation and benefits,
25 including injury or death benefits, disability payments, and
26 workers' compensation benefits, for the performance of the duties
27 under the system as though the services were rendered for the entity

1 employing the person.

2 (b) The local government entity employing the person is
 3 responsible for the payment of wages, salary, pension, and other
 4 compensation and benefits associated with the performance of duties
 5 under the system.

6 Sec. 418.117. LICENSE PORTABILITY. If the assistance of a
 7 person who holds a license, certificate, permit, or other document
 8 evidencing qualification in a professional, mechanical, or other
 9 skill is requested by a local government entity under the system,
 10 the person is considered licensed, certified, permitted, or
 11 otherwise documented in the political subdivision in which the
 12 service is provided as long as the service is required, subject to
 13 any limitations imposed by the chief executive officer or the
 14 governing body of the requesting local government entity.

15 Sec. 418.118. REIMBURSEMENT OF COSTS: STATE REQUEST OR
 16 FEDERAL DISASTER DECLARATION. (a) The division shall administer
 17 all requests for reimbursement for costs associated with providing
 18 mutual aid assistance in response to a request made by the division
 19 for an incident resulting in the issuance of a disaster declaration
 20 by the president of the United States. A request for reimbursement
 21 made to the division must be made in accordance with procedures
 22 developed by the division.

23 (b) The division may directly request the provision of
 24 mutual aid assistance from any local government entity
 25 participating in the system. If the division requests the
 26 provision of assistance and the local government entity responds,
 27 the state shall reimburse the actual costs of providing assistance,

1 including costs for personnel, operation and maintenance of
2 equipment, damaged equipment, food, lodging, and transportation,
3 incurred by the responding local government entity. The state
4 shall pay reimbursements from available state money. If funds are
5 made available from the disaster contingency fund, the division
6 shall make reimbursement from the disaster contingency fund for
7 eligible expenses to the extent that available state money is
8 inadequate.

9 (c) If federal money is available to pay costs associated
10 with the provision of mutual aid assistance in response to a request
11 made by the division, the division shall make the claim for the
12 eligible costs of the responding local government entity on the
13 division's grant application and shall disburse the federal share
14 of the money to the responding local government entity, with
15 sufficient state funds to cover the actual costs incurred by the
16 responding local government entity in providing the assistance.

17 Sec. 418.1181. REIMBURSEMENT OF COSTS: REQUEST BY LOCAL
18 GOVERNMENT ENTITY. (a) If a local government entity requests
19 mutual aid assistance from another local government entity under
20 the system, the requesting local government entity shall reimburse
21 the actual costs of providing mutual aid assistance to the
22 responding local government entity, including costs for personnel,
23 operation and maintenance of equipment, damaged equipment, food,
24 lodging, and transportation, incurred by the responding local
25 government entity in response to a request for reimbursement.
26 Local government entities with a mutual aid agreement when the
27 request for mutual aid assistance is made are subject to the

1 agreement's terms of reimbursement, as provided by Section 418.111.

2 **(b)** The requesting local government entity shall pay the
3 reimbursement from available funds. If federal money is available
4 to pay costs associated with the provision of mutual aid
5 assistance, the requesting local government entity shall make the
6 claim for the eligible costs of the responding local government
7 entity on the requesting entity's subgrant application and shall
8 disburse the federal share of the money to the responding local
9 government entity, with sufficient local funds to cover the actual
10 costs of the responding local government entity in providing
11 assistance.

12 SECTION 1.08. Subdivision (9), Section 418.004, and
13 Subsections (a), (b), and (c), Section 418.109, Government Code,
14 are repealed.

15 SECTION 1.09. This article takes effect immediately if this
16 Act receives a vote of two-thirds of all the members elected to each
17 house, as provided by Section 39, Article III, Texas Constitution.
18 If this Act does not receive the vote necessary for immediate
19 effect, this article takes effect September 1, 2007.

20 ARTICLE 2. AMATEUR RADIO OPERATORS

21 SECTION 2.01. Subchapter Z, Chapter 661, Government Code,
22 is amended by adding Section 661.919 to read as follows:

23 Sec. 661.919. AMATEUR RADIO OPERATORS. (a) A state
24 employee who holds an amateur radio station license issued by the
25 Federal Communications Commission may be granted leave not to
26 exceed 10 days each fiscal year to participate in specialized
27 disaster relief services without a deduction in salary or loss of

1 vacation time, sick leave, earned overtime credit, or state
2 compensatory time if the leave is taken:

3 (1) with the authorization of the employee's
4 supervisor; and

5 (2) with the approval of the governor.

6 (b) The number of amateur radio operators who are eligible
7 for leave under this section may not exceed 350 state employees at
8 any one time during a state fiscal year. The division of emergency
9 management in the governor's office shall coordinate the
10 establishment and maintenance of the list of eligible employees.

11 SECTION 2.02. Subsection (c), Section 37.082, Education
12 Code, is amended to read as follows:

13 (c) In this section, "paging device" means a
14 telecommunications device that emits an audible signal, vibrates,
15 displays a message, or otherwise summons or delivers a
16 communication to the possessor. The term does not include an
17 amateur radio under the control of an operator who holds an amateur
18 radio station license issued by the Federal Communications
19 Commission.

20 ARTICLE 3. CERTAIN OPEN MEETINGS PROVISIONS RELATED TO SCHOOLS AND
21 GOVERNMENTAL BODIES; TEXAS SCHOOL SAFETY CENTER

22 SECTION 3.01. Subsection (b), Section 12.1051, Education
23 Code, is amended to read as follows:

24 (b) With respect to the operation of an open-enrollment
25 charter school, any requirement in Chapter 551 or 552, Government
26 Code, or another law that concerns open meetings or the
27 availability of information, that applies to a school district, the

1 board of trustees of a school district, or public school students
2 applies to an open-enrollment charter school, the governing body of
3 a charter holder, the governing body of an open-enrollment charter
4 school, or students attending an open-enrollment charter school.

5 SECTION 3.02. Subsection (c), Section 37.108, Education
6 Code, is amended to read as follows:

7 (c) A school district shall report the results of the
8 security audit conducted under Subsection (b) to the district's
9 board of trustees and, in the manner required by the Texas School
10 Safety Center, to the Texas School Safety Center.

11 SECTION 3.03. Subsection (a), Section 37.203, Education
12 Code, is amended to read as follows:

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

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

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

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

20 (4) the executive director of the Texas Youth
21 Commission, or the executive director's designee;

22 (5) the commissioner of the ~~[Texas]~~ Department of
23 State [Mental] Health Services [and Mental Retardation], or the
24 commissioner's designee; ~~[and]~~

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

27 (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;

(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 3.04. Section 37.207, Education Code, is amended to read as follows:

Sec. 37.207. MODEL SAFETY AND SECURITY AUDIT PROCEDURE.

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

(1) providing each district with guidelines and a training video showing proper audit procedures;

(2) reviewing each district audit, providing the results of the review to the district, and making recommendations for improvements based on the audit; and

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

4 (b) Each school district shall report the results of its
5 audits to the center in the manner required by the center.

6 SECTION 3.05. Subchapter G, Chapter 37, Education Code, is
7 amended by adding Section 37.213 to read as follows:

8 Sec. 37.213. INSTITUTIONS OF HIGHER EDUCATION. (a) In
9 this section, "institution of higher education" has the meaning
10 assigned by Section 61.003.

11 (b) An institution of higher education may use any
12 appropriate model plan developed by the center under Section
13 37.205(4).

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

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

19 SECTION 3.06. Section 551.045, Government Code, is amended
20 by adding Subsection (e) to read as follows:

21 (e) For purposes of Subsection (b)(2), the sudden
22 relocation of a large number of residents from the area of a
23 declared disaster to a governmental body's jurisdiction is
24 considered a reasonably unforeseeable situation for a reasonable
25 period immediately following the relocation. Notice of an
26 emergency meeting or supplemental notice of an emergency item added
27 to the agenda of a meeting to address a situation described by this

1 subsection must be given to members of the news media as provided by
2 Section 551.047 not later than one hour before the meeting.

3 SECTION 3.07. Section 551.076, Government Code, is amended
4 to read as follows:

5 Sec. 551.076. DELIBERATION REGARDING SECURITY DEVICES,
6 SECURITY AUDITS, OR EMERGENCY OPERATIONS PLANS; CLOSED MEETING.
7 This chapter does not require a governmental body to conduct an open
8 meeting to deliberate:

9 (1) the deployment, or specific occasions for
10 implementation, of security personnel or devices; or

11 (2) a security audit.

12 ARTICLE 4. PROVISIONS RELATED TO TOLL ROADS

13 SECTION 4.01. Section 228.054(a), Transportation Code, is
14 amended to read as follows:

15 (a) Except as provided by Subsection (e), the operator of a
16 vehicle, other than an authorized emergency vehicle, as defined by
17 Section 541.201, that is driven or towed through a toll collection
18 facility shall pay the proper toll. The exemption from payment of a
19 toll for an authorized emergency vehicle applies regardless of
20 whether the vehicle is:

21 (1) responding to an emergency;

22 (2) displaying a flashing light; or

23 (3) marked as an emergency vehicle.

24 SECTION 4.02. Section 284.070, Transportation Code, is
25 amended by adding Subsection (e) to read as follows:

26 (e) An authorized emergency vehicle, as defined by Section
27 541.201, is exempt from payment of a toll imposed under this chapter

1 regardless of whether the vehicle is:

- 2 (1) responding to an emergency;
3 (2) displaying a flashing light; or
4 (3) marked as an emergency vehicle.

5 SECTION 4.03. Section 366.178(a), Transportation Code, is
6 amended to read as follows:

7 (a) A motor vehicle other than an authorized emergency
8 vehicle, as defined by Section 541.201, [a police or emergency
9 vehicle] that passes through a toll collection facility, whether
10 driven or towed, shall pay the proper toll. The exemption from
11 payment of a toll for an authorized emergency vehicle applies
12 regardless of whether the vehicle is:

- 13 (1) responding to an emergency;
14 (2) displaying a flashing light; or
15 (3) marked as a police or emergency vehicle.

16 SECTION 4.04. Section 370.177(a), Transportation Code, is
17 amended to read as follows:

18 (a) Except as provided by Subsection (a-1), the operator of
19 a vehicle, other than an authorized emergency vehicle as defined by
20 Section 541.201, that is driven or towed through a toll collection
21 facility of a turnpike project shall pay the proper toll. The
22 operator of a vehicle who drives or tows a vehicle through a toll
23 collection facility and does not pay the proper toll commits an
24 offense. An offense under this subsection is a misdemeanor
25 punishable by a fine not to exceed \$250. The exemption from payment
26 of a toll for an authorized emergency vehicle applies regardless of
27 whether the vehicle is:

- (1) responding to an emergency;
- (2) displaying a flashing light; or
- (3) marked as an emergency vehicle.

SECTION 4.05. Subtitle G, Title 6, Transportation Code, is amended by adding Chapter 371 to read as follows:

CHAPTER 371. PROVISIONS APPLICABLE TO MORE THAN ONE TYPE OF TOLL
PROJECT

Sec. 371.001. VEHICLES USED BY NONPROFIT DISASTER RELIEF ORGANIZATIONS. (a) In this section:

(1) "Toll project" means a toll project described by Section 201.001(b), regardless of whether the toll project is:

- (A) a part of the state highway system; or
- (B) subject to the jurisdiction of the department.

(2) "Toll project entity" means an entity authorized by law to acquire, design, construct, finance, operate, and maintain a toll project, including:

- (A) the department under Chapter 227 or 228;
- (B) a regional tollway authority under Chapter 366;
- (C) a regional mobility authority under Chapter 370; or
- (D) a county under Chapter 284.

(b) A toll project entity may not require a vehicle registered under Section 502.203 to pay a toll for the use of a toll project.

SECTION 4.06. Section 541.201, Transportation Code, is

amended by adding Subdivision (13-a) to read as follows:

(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.

SECTION 4.07. Subsection (d), Section 228.058, Transportation Code, is repealed.

ARTICLE 5. OPERATION OF DESIGNATED EMERGENCY VEHICLES

SECTION 5.01. Section 418.013, Government Code, is amended by adding Subsection (c) to read as follows:

(c) The emergency management council shall make recommendations to the Department of Public Safety as to which private emergency organizations, such as the American National Red Cross, the Salvation Army, Radio Amateur Civil Emergency Service, and other similar organizations with the capability to supplement the state's resources in disaster situations, should be authorized to operate certain vehicles as designated emergency vehicles in the case of a disaster.

SECTION 5.02. Subchapter A, Chapter 546, Transportation Code, is amended by adding Section 546.006 to read as follows:

Sec. 546.006. DESIGNATED EMERGENCY VEHICLE DURING DECLARED DISASTERS. (a) From recommendations made under Section 418.013(c), Government Code, the department shall designate which vehicles may be operated by which designated organizations as emergency vehicles during declared disasters.

(b) A vehicle designated under Subsection (a) may be operated by a designated organization as if the vehicle were an

authorized emergency vehicle under this subtitle if:

(1) the governor declares a state of disaster under
Section 418.014, Government Code;

(2) the department requests assistance from the
designated organization; and

(3) the vehicle is operated by the designated
organization or a member of the designated organization in response
to the state of disaster.

(c) The department shall adopt rules as necessary to
implement this section.

ARTICLE 6. INTERCEPTION OF WIRE, ORAL, OR ELECTRONIC
COMMUNICATIONS

~~SECTION 6.01. Subdivision (1), Section 1, Article 18.20, Code of Criminal Procedure, is amended to read as follows:~~

~~(1) "Wire communication" means an aural transfer made in whole or in part through the use of facilities for the transmission of communications by the aid of wire, cable, or other like connection between the point of origin and the point of reception, including the use of such a connection in a switching station, furnished or operated by a person authorized to engage in providing or operating the facilities for the transmission of communications as a communications common carrier. [The term includes the electronic storage of a wire communication.]~~

SECTION 6.02. Article 18.20, Code of Criminal Procedure, is amended by amending Section 4 and adding Section 9A to read as follows:

Sec. 4. OFFENSES FOR WHICH INTERCEPTIONS MAY BE AUTHORIZED.

1 A judge of competent jurisdiction may issue an order authorizing
2 interception of wire, oral, or electronic communications only if
3 the prosecutor applying for the order shows probable cause to
4 believe that the interception will provide evidence of the
5 commission of:

6 (1) a felony under Section 19.02, 19.03, or 43.26,
7 Penal Code;

8 (2) a felony under:

9 (A) Chapter 481, Health and Safety Code, other
10 than felony possession of marihuana;

11 (B) Section 485.033, Health and Safety Code; or

12 (C) Chapter 483, Health and Safety Code; ~~or~~

13 (3) an offense under Section 20.03 or 20.04, Penal
14 Code;

15 (4) an offense under Chapter 20A, Penal Code;

16 (5) an offense under Chapter 34, Penal Code, if the
17 criminal activity giving rise to the proceeds involves the
18 commission of an offense under Title 5, Penal Code, or an offense
19 under federal law or the laws of another state containing elements
20 that are substantially similar to the elements of an offense under
21 Title 5; or

22 (6) an attempt, conspiracy, or solicitation to commit
23 an offense listed in this section.

24 ~~Sec. 9A. INTERCEPTION ORDER FOR COMMUNICATION BY SPECIFIED~~
25 ~~PERSON. (a) Notwithstanding Section 8(a)(2)(B), an application for~~
26 ~~an order authorizing the interception of a wire, oral, or~~
27 ~~electronic communication is not required to contain a particular~~

description of the nature and location of the facilities from which or the place where the communication is to be intercepted if a judge of competent jurisdiction determines the person whose communications are to be intercepted is likely to circumvent the order by changing communication devices repeatedly or there are exigent circumstances requiring that the order

(1) apply to any communication by the person whose communications are to be intercepted; and

(2) not be limited to a specific facility or place.

(b) A judge who makes a determination under Subsection (a) is not required to include in the order a description of the nature or location of the communications facility from which or the place where authority to intercept is granted, as required by Section 9(b)(2). As an alternative to including that description, the judge may authorize the interception of any communication made by a specified person while the person is present in the geographic jurisdiction of the court.

(c) This section does not place any additional legal obligation on a wire or electronic communications provider to identify or locate a person whose communications are to be intercepted.

SECTION 6.03. Subdivision (5), Section 1, Article 18.21, Code of Criminal Procedure, is amended to read as follows:

(5) "Mobile tracking device" means an electronic or mechanical device that permits tracking the movement of a person, vehicle, container, item, or object. [The term does not include a device designed, made, adapted, or capable of

~~[(A) intercepting the content of a communication, or~~

~~[(B) functioning as a pen register, ESN reader, trap and trace device, or similar equipment.]~~

SECTION 6.04. The change in law made by this article to Article 18.20, Code of Criminal Procedure, applies only to an application for an order authorizing the interception of a wire, oral, or electronic communication that is submitted on or after the effective date of this article. An application that was submitted before the effective date of this article is covered by the law in effect on the date the application was submitted, and the former law is continued in effect for that purpose.

SECTION 6.05. The change in law made by this article to Article 18.21, Code of Criminal Procedure, applies only to an application for an order authorizing the installation and use of a mobile tracking device that is submitted on or after the effective date of this article. An application that was submitted before the effective date of this article is covered by the law in effect on the date the application was submitted, and the former law is continued in effect for that purpose.

ARTICLE 7. EMERGENCY ALERT SYSTEM

SECTION 7.01. Subsection (a), Section 418.042, Government Code, is amended to read as follows:

(a) The division shall prepare and keep current a comprehensive state emergency management plan. The plan may include:

(1) provisions for prevention and minimization of

- 1 injury and damage caused by disaster;
- 2 (2) provisions for prompt and effective response to
- 3 disaster;
- 4 (3) provisions for emergency relief;
- 5 (4) provisions for energy emergencies;
- 6 (5) identification of areas particularly vulnerable
- 7 to disasters;
- 8 (6) recommendations for zoning, building
- 9 restrictions, and other land-use controls, safety measures for
- 10 securing mobile homes or other nonpermanent or semipermanent
- 11 structures, and other preventive and preparedness measures
- 12 designed to eliminate or reduce disasters or their impact;
- 13 (7) provisions for assistance to local officials in
- 14 designing local emergency management plans;
- 15 (8) authorization and procedures for the erection or
- 16 other construction of temporary works designed to protect against
- 17 or mitigate danger, damage, or loss from flood, fire, or other
- 18 disaster;
- 19 (9) preparation and distribution to the appropriate
- 20 state and local officials of state catalogs of federal, state, and
- 21 private assistance programs;
- 22 (10) organization of manpower and channels of
- 23 assistance;
- 24 (11) coordination of federal, state, and local
- 25 emergency management activities;
- 26 (12) coordination of the state emergency management
- 27 plan with the emergency management plans of the federal government;

1 (13) coordination of federal and state energy
2 emergency plans; ~~and~~

3 (14) provisions for education and training of local
4 officials on activation of the Emergency Alert System established
5 under 47 C.F.R. Part 11; and

6 (15) other necessary matters relating to disasters.

7 ARTICLE 8. TEMPORARY CARDBOARD TAGS ON VEHICLES

8 SECTION 8.01. Section 503.005, Transportation Code, is
9 amended by adding Subsections (c) and (d) to read as follows:

10 (c) A dealer who submits information to the database under
11 Section 503.0631 satisfies the requirement for the dealer to notify
12 the department of the sale or transfer of a motor vehicle, trailer,
13 or semitrailer under this section.

14 (d) The notice required under this section is in addition to
15 the application for vehicle registration and certificate of title a
16 dealer is required to submit under Section 501.0234.

17 SECTION 8.02. Subsection (d), Section 503.062,
18 Transportation Code, is amended to read as follows:

19 (d) The department may not issue a dealer temporary
20 cardboard tag or contract for the issuance of a dealer temporary
21 cardboard tag but shall prescribe:

22 (1) the specifications, form, and color of a dealer
23 temporary cardboard tag; ~~and~~

24 (2) procedures for a dealer to generate a
25 vehicle-specific number using the database developed under Section
26 503.0626 and assign it to each tag;

27 (3) procedures to clearly display the

1 vehicle-specific number on the tag; and

2 (4) the period for which a tag may be used for or by a
3 charitable organization.

4 SECTION 8.03. Subsection (e), Section 503.0625,
5 Transportation Code, is amended to read as follows:

6 (e) The department may not issue a converter temporary
7 cardboard tag or contract for the issuance of a converter temporary
8 cardboard tag but shall prescribe:

9 (1) the specifications, form, and color of a converter
10 temporary cardboard tag;

11 (2) procedures for a converter to generate a
12 vehicle-specific number using the database developed under Section
13 503.0626 and assign it to each tag; and

14 (3) procedures to clearly display the
15 vehicle-specific number on the tag.

16 SECTION 8.04. Subchapter C, Chapter 503, Transportation
17 Code, is amended by adding Section 503.0626 to read as follows:

18 Sec. 503.0626. DEALER'S AND CONVERTER'S TEMPORARY TAG
19 DATABASE. (a) The department shall develop and maintain a secure,
20 real-time database of information on vehicles to which dealers and
21 converters have affixed temporary cardboard tags. The database
22 shall be managed by the vehicle titles and registration division of
23 the department.

24 (b) The database must allow law enforcement agencies to use
25 the vehicle-specific number assigned to and displayed on the tag as
26 required by Section 503.062(d) or Section 503.0625(e) to obtain
27 information about the dealer or converter that owns the vehicle.

1 (c) Before a dealer's or converter's temporary cardboard tag
2 may be displayed on a vehicle, the dealer or converter must enter
3 into the database through the Internet information on the vehicle
4 and information about the dealer or converter as prescribed by the
5 department. The department may not deny access to the database to
6 any dealer who holds a general distinguishing number issued under
7 this chapter or who is licensed under Chapter 2301, Occupations
8 Code, or to any converter licensed under Chapter 2301, Occupations
9 Code.

10 (d) The department shall adopt rules and prescribe
11 procedures as necessary to implement this section.

12 SECTION 8.05. Section 503.063, Transportation Code, is
13 amended by amending Subsections (a), (e), and (f) and adding
14 Subsections (g) and (h) to read as follows:

15 (a) Except as provided by this section, a dealer shall ~~may~~
16 issue to a person who buys a [an unregistered] vehicle one temporary
17 cardboard buyer's tag for the vehicle.

18 (e) The department may not issue a buyer's tag or contract
19 for the issuance of a buyer's tag but shall prescribe:

20 (1) the specifications, color, and form of a buyer's
21 tag; and

22 (2) procedures for a dealer to:

23 (A) generate a vehicle-specific number using the
24 database developed under Section 503.0631 and assign it to each
25 tag;

26 (B) generate a vehicle-specific number using the
27 database developed under Section 503.0631 for future use for when a

1 dealer is unable to access the Internet at the time of sale; and

2 (C) clearly display the vehicle-specific number
3 on the tag.

4 (f) The department shall ensure that a dealer may generate
5 in advance a sufficient amount of vehicle-specific numbers under
6 Subsection (e)(2)(B) in order to continue selling vehicles for a
7 period of up to one week in which a dealer is unable to access the
8 Internet due to an emergency. The department shall establish an
9 expedited procedure to allow affected dealers to apply for
10 additional vehicle-specific numbers so they may remain in business
11 during an emergency.

12 (g) Using the same vehicle-specific number generated under
13 Subsection (e)(2)(A), a [A] dealer may issue an additional
14 temporary cardboard buyer's tag to a person after the expiration of
15 20 working [21] days after the issue of a temporary cardboard
16 buyer's tag, and the person may operate the vehicle for which the
17 tag was issued on the additional temporary cardboard buyer's tag if
18 the dealer has been unable to obtain on behalf of the vehicle's
19 owner the necessary documents to obtain permanent metal license
20 plates because the documents are in the possession of a lienholder
21 who has not complied with the terms of Section 501.115(a) [of this
22 code]. An additional tag issued under the terms of this subsection
23 is valid for a maximum of 20 working [21] days after the date of
24 issue.

25 (h) For each buyer's temporary cardboard tag other than an
26 additional temporary cardboard buyer's tag under Subsection (g), a
27 dealer shall charge the buyer a registration fee of not more than \$5

1 as prescribed by the department to be sent to the comptroller for
2 deposit to the credit of the state highway fund.

3 SECTION 8.06. Subchapter C, Chapter 503, Transportation
4 Code, is amended by adding Sections 503.0631 and 503.0632 to read as
5 follows:

6 Sec. 503.0631. BUYER'S TEMPORARY TAG DATABASE. (a) The
7 department shall develop and maintain a secure, real-time database
8 of information on persons to whom temporary buyer's tags are issued
9 that may be used by a law enforcement agency in the same manner that
10 the agency uses vehicle registration information. The database
11 shall be managed by the vehicle titles and registration division of
12 the department.

13 (b) The database must allow law enforcement agencies to use
14 a vehicle-specific number assigned to and displayed on the tag as
15 required by Section 503.063(e)(2) to obtain information about the
16 person to whom the tag was issued.

17 (c) Except as provided by Subsection (d), before a buyer's
18 temporary cardboard tag may be displayed on a vehicle, a dealer must
19 enter into the database through the Internet information about the
20 buyer of the vehicle for which the tag was issued as prescribed by
21 the department and generate a vehicle-specific number for the tag
22 as required by Section 503.063(e). The department may not deny
23 access to the database to any dealer who holds a general
24 distinguishing number issued under this chapter or who is licensed
25 under Chapter 2301, Occupations Code.

26 (d) A dealer shall obtain 24-hour Internet access at its
27 place of business, but if the dealer is unable to access the

Internet at the time of the sale of a vehicle, the dealer shall complete and sign a form, as prescribed by the department, that states the dealer has Internet access, but was unable to access the Internet at the time of sale. The buyer shall keep the original copy of the form in the vehicle until the vehicle is registered to the buyer. Not later than the next business day after the time of sale, the dealer shall submit the information required under Subsection (c).

(e) The department shall adopt rules and prescribe procedures as necessary to implement this section.

(f) The dealer may charge a reasonable fee not to exceed \$20 for costs associated with complying with this section.

Sec. 503.0632. NOTICE TO BUYER. (a) Each dealer shall provide a one-page written notice to a buyer that explains:

(1) the requirements of the law regarding a buyer's temporary cardboard tag;

(2) any criminal penalties relating to a buyer's temporary cardboard tag;

(3) any action the buyer is required to take concerning a buyer's temporary cardboard tag; and

(4) any other information related to the process of purchasing and registering a vehicle as prescribed by the department.

(b) The dealer shall require the buyer to sign a statement indicating the buyer received the notice under this section.

(c) The department shall adopt rules to:

(1) prescribe the specifications and form of the

1 written notice and statement used under this section; and

2 (2) establish a procedure to determine dealer
3 compliance with this section.

4 SECTION 8.07. The heading to Section 503.067,
5 Transportation Code, is amended to read as follows:

6 Sec. 503.067. UNAUTHORIZED REPRODUCTION, PURCHASE, USE, OR
7 SALE OF TEMPORARY CARDBOARD TAGS.

8 SECTION 8.08. Section 503.067, Transportation Code, is
9 amended by amending Subsection (a) and adding Subsections (c) and
10 (d) to read as follows:

11 (a) A person [~~other than a dealer~~] may not produce or
12 reproduce a [~~buyer's or dealer's~~] temporary cardboard tag or an item
13 represented to be a temporary cardboard tag for the purpose of
14 distributing the tag to someone other than a dealer or converter.

15 (c) A person other than a dealer or converter may not
16 purchase a temporary cardboard tag.

17 (d) A person may not sell or distribute a temporary
18 cardboard tag or an item represented to be a temporary cardboard tag
19 unless the person is:

20 (1) a dealer issuing the tag in connection with the
21 sale of a vehicle; or

22 (2) a printer or distributor engaged in the business
23 of selling temporary cardboard tags solely for uses authorized
24 under this chapter.

25 SECTION 8.09. Section 503.094, Transportation Code, is
26 amended by amending Subsection (b) and adding Subsection (d) to
27 read as follows:

(b) Except as otherwise provided by this section, an [An]
offense under this section is a misdemeanor punishable by a fine of
not less than \$50 or more than \$5,000.

(d) An offense involving a violation of:

(1) Section 503.067(b) or (c) is a Class C
misdemeanor;

(2) Section 503.067(d) is a Class A misdemeanor;

(3) Section 503.067(a) is a state jail felony; and

(4) Section 503.067(b), (c), or (d) is a state jail
felony if the person who committed the offense criminally conspired
to engage in organized criminal activity.

SECTION 8.10. Subsection (a), Section 2301.651,
Occupations Code, is amended to read as follows:

(a) The board may deny an application for a license, revoke
or suspend a license, place on probation a person whose license has
been suspended, or reprimand a license holder if the applicant or
license holder:

(1) is unfit under standards described in this chapter
or board rules;

(2) makes a material misrepresentation in any
application or other information filed under this chapter or board
rules;

(3) violates this chapter or a board rule or order;

(4) violates any law relating to the sale,
distribution, financing, or insuring of motor vehicles;

(5) fails to maintain the qualifications for a
license;

1 (6) wilfully defrauds a purchaser; ~~[or]~~

2 (7) fails to fulfill a written agreement with a retail
3 purchaser of a motor vehicle; or

4 (8) violates the requirements of Section 503.0631,
5 Transportation Code.

6 SECTION 8.11. (a) As soon as practicable after the
7 effective date of this Act, the Texas Department of Transportation
8 shall adopt rules to implement Sections 503.0626 and 503.0631,
9 Transportation Code, as added by this article.

10 (b) The Texas Department of Transportation may not enforce
11 Section 503.0626 or 503.0631, Transportation Code, as added by this
12 article, until the rules adopted under Subsection (a) of this
13 section take effect and the databases are operational and available
14 to dealers with a general distinguishing number or a converter's
15 license issued under Chapter 2301, Occupations Code.

16 SECTION 8.12. The changes in law made by this article to
17 Sections 503.067 and 503.094, Transportation Code, apply to an
18 offense committed on or after the effective date of this Act. An
19 offense committed before the effective date of this Act is governed
20 by the law in effect when the offense was committed, and the former
21 law is continued in effect for that purpose. For purposes of this
22 section, an offense was committed before the effective date of this
23 Act if any element of the offense was committed before that date.

24 ARTICLE 9. INFORMATION PROVIDED BY CRITICAL INFRASTRUCTURE
25 ENTITIES

26 SECTION 9.01. Subchapter B, Chapter 21, Property Code, is
27 amended by adding Section 21.024 to read as follows:

1 Sec. 21.024. PRODUCTION OF INFORMATION BY CERTAIN ENTITIES
 2 CONSIDERED TO BE CRITICAL INFRASTRUCTURE. (a) A utility, a common
 3 carrier, or a transporter of oil, gas or the products of oil or gas
 4 is considered to be within the definition of critical
 5 infrastructure under Section 421.001, Government Code.
 6 Notwithstanding any other law, an entity which is considered
 7 critical infrastructure and which is authorized by law to take
 8 private property through the use of eminent domain is required to
 9 produce information as provided by this section if the information
 10 is requested by a person who owns property that is the subject of a
 11 proposed or existing eminent domain proceeding, but only if the
 12 information is related to the taking of the person's private
 13 property by the entity through the use of eminent domain.

14 (b) An entity described by Subsection (a) is required under
 15 this section only to produce information relating to the
 16 condemnation of the specific property owned by the requestor as
 17 described in the request. A request under this section must contain
 18 sufficient details to allow the entity to identify the specific
 19 tract of land in relation to which the information is sought.

20 (c) The entity shall respond to a request in accordance with
 21 the Texas Rules of Civil Procedure as if the request was made in a
 22 matter pending before a state district court.

23 (d) Exceptions to disclosure provided by this chapter and
 24 the Texas Rules of Civil Procedure apply to the disclosure of
 25 information under this section.

26 (e) Jurisdiction to enforce the provisions of this section
 27 resides in:

1 (1) the court in which the condemnation was initiated;
2 or

3 (2) if the condemnation proceeding has not been
4 initiated:

5 (A) a court that would have jurisdiction over a
6 proceeding to condemn the requestor's property; or

7 (B) a court in the county in which the entity has
8 its principal place of business that has jurisdiction over
9 condemnation proceedings under this chapter.

10 (f) If the entity refuses to produce information requested
11 in accordance with this section and the court determines the
12 refusal violates this section, the court may award the requestor's
13 reasonable attorney's fees incurred to compel the production of the
14 information.

15 (g) If an entity that received a request in accordance with
16 this section does not produce the requested information on or
17 before the 30th day after the request is made, the attorney general
18 may file an action in a court described by Subsection (e) to enforce
19 this section on the request of the person who made the request for
20 the information. If the court determines that the failure to
21 produce the information is a violation of this section, the court
22 may award the attorney general's reasonable expenses incurred to
23 compel the production of the information.

24 (h) If the attorney general files an action under Subsection
25 (g), the person who requested that the attorney general file the
26 action may not file a private action to enforce this section with
27 respect to the same request for information.

1 (i) Section 552.0037, Government Code, does not apply in
2 relation to those entities described in Subsection (a).

3 ARTICLE 10. LEAVE OF ABSENCE FOR URBAN SEARCH AND RESCUE TEAMS

4 SECTION 10.01. Section 431.005, Government Code, is amended
5 to read as follows:

6 Sec. 431.005. LEAVE OF ABSENCE FOR PUBLIC OFFICERS AND
7 EMPLOYEES. (a) Except as provided by Subsection (b), a person who
8 is an officer or employee of the state, a municipality, a county, or
9 another political subdivision of the state and who is a member of
10 the state military forces, ~~[or]~~ a reserve component of the armed
11 forces, or a member of a state or federally authorized Urban Search
12 and Rescue Team is entitled to a paid leave of absence from the
13 person's duties on a day on which the person is engaged in
14 authorized training or duty ordered or authorized by proper
15 authority for not more than 15 workdays in a federal fiscal year.
16 During a leave of absence the person may not be subjected to loss of
17 time, efficiency rating, personal time, sick leave, or vacation
18 time.

19 (b) A member of the legislature is entitled to pay for all
20 days that the member is absent from a session of the legislature and
21 engaged in training and duty as provided by Subsection (a).

22 (c) A state employee who is a member of the state military
23 forces, ~~[or]~~ a reserve component of the armed forces, or a member of
24 a state or federally authorized Urban Search and Rescue Team and who
25 is ordered to duty by proper authority is entitled, when relieved
26 from duty, to be restored to the position that the employee held
27 when ordered to duty.

ARTICLE 11. LICENSE PLATES FOR THE MILITARY

SECTION 11.01. Subchapter D, Chapter 504, Transportation Code, is amended by adding Section 504.3011 to read as follows:

Sec. 504.3011. DESIGN OF CERTAIN LICENSE PLATES FOR THE MILITARY. (a) License plates issued under Section 504.303 must at a minimum bear a color depiction of the emblem of the appropriate branch of the United States armed forces.

(b) License plates issued under Section 504.308(a) or 504.315(e), (f), or (g) must at a minimum bear a color depiction of the appropriate medal.

(c) The department shall design license plates to which this section applies in consultation with veterans organizations.

ARTICLE 12. IMMUNIZATION RECORDS OF FIRST RESPONDERS AND RECORDS OBTAINED DURING CERTAIN DISASTERS

SECTION 12.01. Section 161.0001, Health and Safety Code, is amended by amending Subdivision (1) and adding Subdivisions (1-a) and (1-b) to read as follows:

(1) "Data elements" means the information:

(A) a health care provider who administers a vaccine is required to record in a medical record under 42 U.S.C. Section 300aa-25, as amended, including:

(i) [~~(A)~~] the date the vaccine is administered;

(ii) [~~(B)~~] the vaccine manufacturer and lot number of the vaccine;

(iii) any adverse or unexpected events for a vaccine; and

1 (iv) [~~C~~] the name, the address, and if
2 appropriate, the title of the health care provider administering
3 the vaccine; and

4 (B) specified in rules adopted to implement
5 Section 161.00705.

6 (1-a) "First responder" has the meaning assigned by
7 Section 421.095, Government Code.

8 (1-b) "Immediate family member" means the parent,
9 spouse, child, or sibling of a person who resides in the same
10 household as the person.

11 SECTION 12.02. Subchapter A, Chapter 161, Health and Safety
12 Code, is amended by adding Sections 161.00705, 161.00706, and
13 161.00707 to read as follows:

14 Sec. 161.00705. RECORDING ADMINISTRATION OF IMMUNIZATION
15 AND MEDICATION FOR DISASTERS AND EMERGENCIES. (a) The department
16 shall maintain a registry of persons who receive an immunization,
17 antiviral, and other medication administered to prepare for a
18 potential disaster, public health emergency, terrorist attack,
19 hostile military or paramilitary action, extraordinary law
20 enforcement emergency or in response to a declared disaster, public
21 health emergency, terrorist attack, hostile military or
22 paramilitary action, or extraordinary law enforcement emergency. A
23 health care provider who administers an immunization, antiviral, or
24 other medication shall provide the data elements to the department.

25 (b) The department shall maintain the registry as part of
26 the immunization registry required by Section 161.007.

27 (c) The department shall track adverse reactions to an

1 immunization, antiviral, and other medication administered to
2 prepare for a potential disaster, public health emergency,
3 terrorist attack, hostile military or paramilitary action,
4 extraordinary law enforcement emergency or in response to a
5 declared disaster, public health emergency, terrorist attack,
6 hostile military or paramilitary action, or extraordinary law
7 enforcement emergency. A health care provider who administers an
8 immunization, antiviral, or other medication may provide data
9 related to adverse reactions to the department.

10 (d) Sections 161.007, 161.0071, 161.0072, and 161.0074
11 apply to the data elements submitted to the department under this
12 section, unless a provision in those sections conflicts with a
13 requirement in this section.

14 (e) The executive commissioner of the Health and Human
15 Services Commission by rule shall determine the period during which
16 the information collected under this section must remain in the
17 immunization registry following the end of the disaster, public
18 health emergency, terrorist attack, hostile military or
19 paramilitary action, or extraordinary law enforcement emergency.

20 (f) Unless an individual or, if a child, the child's parent,
21 managing conservator, or guardian consents in writing to continued
22 inclusion of the child's or other individual's information in the
23 registry, the department shall remove the immunization records
24 collected under this section from the registry on expiration of the
25 period prescribed under Subsection (e).

26 (g) The immunization information of a child or other
27 individual received by the department under this section, including

1 individually identifiable information, may be released only:

2 (1) on consent of the individual or, if a child, the
3 child's parent, managing conservator, or guardian; or

4 (2) to a state agency or health care provider
5 consistent with the purposes of this subchapter or the purposes of
6 aiding or coordinating communicable disease prevention and control
7 efforts during a declared disaster, public health emergency,
8 terrorist attack, hostile military or paramilitary action, or
9 extraordinary law enforcement emergency.

10 (h) The report required under Section 161.0074 must also
11 include the number of complaints received by the department related
12 to the department's failure to remove information from the registry
13 as required by Subsection (f).

14 (i) The executive commissioner of the Health and Human
15 Services Commission shall adopt rules necessary to implement this
16 section.

17 Sec. 161.00706. FIRST RESPONDER IMMUNIZATION INFORMATION.

18 (a) A person 18 years of age or older who is a first responder or an
19 immediate family member of a first responder may:

20 (1) request that a health care provider who
21 administers an immunization to the person provide data elements
22 regarding the immunization to the department for inclusion in the
23 immunization registry; or

24 (2) provide the person's immunization history directly
25 to the department for inclusion in the immunization registry.

26 (b) A health care provider, on receipt of a request under
27 Subsection (a)(1), shall submit the data elements to the department

1 in a format prescribed by the department. The department shall
2 verify the person's request before including the information in the
3 immunization registry.

4 (c) The executive commissioner of the Health and Human
5 Services Commission shall:

6 (1) develop rules to ensure that immunization history
7 submitted under Subsection (a)(2) is medically verified
8 immunization information;

9 (2) develop guidelines for use by the department in
10 informing first responders about the registry; and

11 (3) adopt rules necessary for the implementation of
12 this section.

13 (d) A person's immunization history or data received by the
14 department under this section may be released only on consent of the
15 person or to any health care provider licensed or otherwise
16 authorized to administer vaccines.

17 (e) A person whose immunization records are included in the
18 immunization registry as authorized by this section may request in
19 writing that the department remove that information from the
20 registry. Not later than the 10th day after receiving a request
21 under this subsection, the department shall remove the person's
22 immunization records from the registry.

23 (f) The report required under Section 161.0074 must also
24 include the number of complaints received by the department related
25 to the department's failure to comply with requests for removal of
26 information from the registry under Subsection (e).

27 Sec. 161.00707. INFORMATION AND EDUCATION FOR FIRST

1 RESPONDERS. The department shall develop a program for informing
2 first responders about the immunization registry and educating
3 first responders about the benefits of being included in the
4 immunization registry, including:

5 (1) ensuring that first responders receive necessary
6 immunizations to prevent the spread of communicable diseases to
7 which a first responder may be exposed during a public health
8 emergency, declared disaster, terrorist attack, hostile military
9 or paramilitary action, or extraordinary law enforcement
10 emergency; and

11 (2) preventing duplication of vaccinations.

12 SECTION 12.03. Section 161.007, Health and Safety Code, is
13 amended by amending Subsections (a), (b), and (j) and adding
14 Subsection (b-1) to read as follows:

15 (a) The department, for the primary purpose [~~purposes~~] of
16 establishing and maintaining a single repository of accurate,
17 complete, and current immunization records to be used in aiding,
18 coordinating, and promoting efficient and cost-effective childhood
19 communicable disease prevention and control efforts, shall
20 establish and maintain an [~~a childhood~~] immunization registry. The
21 department by rule shall develop guidelines to:

22 (1) protect the confidentiality of patients in
23 accordance with Section 159.002, Occupations Code;

24 (2) inform a parent, managing conservator, or guardian
25 of each patient younger than 18 years of age about the registry;

26 (3) require the written consent of a parent, managing
27 conservator, or guardian of a patient younger than 18 years of age

1 before any information relating to the patient is included in the
2 registry; ~~and~~

3 (4) permit a parent, managing conservator, or guardian
4 of a patient younger than 18 years of age to withdraw consent for
5 the patient to be included in the registry; and

6 (5) determine the process by which consent is
7 verified, including affirmation by a health care provider, birth
8 registrar, regional health information exchange, or local
9 immunization registry that consent has been obtained.

10 (b) The ~~childhood~~ immunization registry must contain
11 information on the immunization history that is obtained by the
12 department under:

13 (1) this section of each person who is younger than 18
14 years of age and for whom consent has been obtained in accordance
15 with guidelines adopted under Subsection (a);

16 (2) Section 161.00705 of persons immunized to prepare
17 for or in response to a declared disaster, public health emergency,
18 terrorist attack, hostile military or paramilitary action, or
19 extraordinary law enforcement emergency; and

20 (3) Section 161.00706 of first responders or their
21 immediate family members.

22 (b-1) The department shall remove from the registry
23 information for any person for whom consent has been withdrawn. The
24 department may not retain individually identifiable information
25 about any person:

26 (1) for whom consent has been withdrawn;

27 (2) for whom a consent for continued inclusion in the

1 registry following the end of the declared disaster, public health
2 emergency, terrorist attack, hostile military or paramilitary
3 action, or extraordinary law enforcement emergency has not been
4 received under Section 161.00705(f); or

5 (3) for whom a request to be removed from the registry
6 has been received under Section 161.00706(e).

7 (j) Except as provided by Sections 161.00705, 161.00706,
8 and [Section] 161.008, information obtained by the department for
9 the immunization registry is confidential and may be disclosed only
10 with the written consent of the individual or, if a child, the
11 child's parent, managing conservator, or guardian.

12 SECTION 12.04. Subsections (a) and (c), Section 161.0073,
13 Health and Safety Code, are amended to read as follows:

14 (a) Except as provided by Section 161.00705, [The]
15 information that individually identifies a child or other
16 individual that is received by the department for the immunization
17 registry is confidential and may be used by the department for
18 registry purposes only.

19 (c) A person required to report information to the
20 department for registry purposes or authorized to receive
21 information from the registry may not disclose the individually
22 identifiable information of a child or other individual to any
23 other person without written consent of the individual or, if a
24 child, the parent, managing conservator, or guardian of the child,
25 except as provided by Chapter 159, Occupations Code, or Section
26 602.053, Insurance Code.

27 SECTION 12.05. Section 161.0075, Health and Safety Code, is

1 amended to read as follows:

2 Sec. 161.0075. IMMUNITY FROM LIABILITY. Except as provided
3 by Section 161.009, the following persons subject to this
4 subchapter that act in compliance with Sections 161.007, 161.00705,
5 161.00706, 161.0071, 161.0073, 161.0074, and 161.008 are not
6 civilly or criminally liable for furnishing the information
7 required under this subchapter:

8 (1) a payor;

9 (2) a health care provider who administers
10 immunizations; and

11 (3) an employee of the department.

12 SECTION 12.06. Subsection (a), Section 161.009, Health and
13 Safety Code, is amended to read as follows:

14 (a) A person commits an offense if the person:

15 (1) negligently releases or discloses immunization
16 registry information in violation of Section 161.007, 161.0071,
17 161.0073, or 161.008;

18 (2) fails to exclude a child's immunization
19 information in violation of Section 161.0071; ~~[or]~~

20 (3) fails to remove a person's immunization
21 information in violation of Section 161.00705 or 161.00706; or

22 (4) negligently uses information in the immunization
23 registry to solicit new patients or clients or for other purposes
24 that are not associated with immunization or quality-of-care
25 purposes, unless authorized under this section.

26 SECTION 12.07. Subchapter A, Chapter 161, Health and Safety
27 Code, is amended by adding Section 161.0102 to read as follows:

1 Sec. 161.0102. DISASTER PREPARATION. The department shall
2 consult with public health departments and appropriate health care
3 providers to identify adult immunizations that may be necessary to
4 respond to or prepare for a disaster or public health emergency,
5 terrorist attack, hostile military or paramilitary action, or
6 extraordinary law enforcement emergency.

7 SECTION 12.08. Subsection (a), Section 161.0105, Health and
8 Safety Code, is amended to read as follows:

9 (a) A health care provider who acts in compliance with
10 Sections 161.007, 161.00705, 161.00706, and 161.008 and any rules
11 adopted under those sections is not civilly or criminally liable
12 for furnishing the information required under those sections. This
13 subsection does not apply to criminal liability established under
14 Section 161.009.

15 SECTION 12.09. As soon as practicable after the effective
16 date of this Act, the executive commissioner of the Health and Human
17 Services Commission shall adopt the rules required under Sections
18 161.00705 and 161.00706, Health and Safety Code, as added by this
19 article.

20 SECTION 12.10. The change in law made by this article to
21 Section 161.009, Health and Safety Code, applies only to an offense
22 committed on or after the effective date of this Act. An offense
23 committed before the effective date of this Act is covered by the
24 law in effect when the offense was committed, and the former law is
25 continued in effect for that purpose. For the purposes of this
26 section, an offense was committed before the effective date of this
27 Act if any element of the offense was committed before that date.

ARTICLE 13. HIGH PRIORITY ACTIVITY FUNDS

SECTION 13.01. Section 644.102, Transportation Code, is amended by amending Subsection (b) and adding Subsection (b-1) to read as follows:

(b) A municipality or county that engages in enforcement under this chapter:

(1) shall pay all costs relating to the municipality's or county's enforcement;

(2) may not be considered, in the context of a federal grant related to this chapter:

(A) a party to a federal grant agreement, except as provided by Subsection (b-1); or

(B) a grantee under a federal grant to the department; and

(3) must comply with the standards established under Subsection (a).

(b-1) Subsection (b) does not prohibit a municipality or county from receiving High Priority Activity Funds provided under the federal Motor Carrier Safety Assistance Program.

ARTICLE 14. DISEASE MANAGEMENT

SECTION 14.01. Section 81.082, Health and Safety Code, is amended by adding Subsection (c-1) to read as follows:

(c-1) A health authority may designate health care facilities within the health authority's jurisdiction that are capable of providing services for the examination, observation, quarantine, isolation, treatment, or imposition of control measures during a public health disaster or during an area

1 quarantine under Section 81.085. A health authority may not
2 designate a nursing home or other institution licensed under
3 Chapter 242.

4 SECTION 14.02. Section 81.083, Health and Safety Code, is
5 amended by adding Subsections (k) and (l) to read as follows:

6 (k) If the department or a health authority has reasonable
7 cause to believe that a group of five or more individuals has been
8 exposed to or infected with a communicable disease, the department
9 or health authority may order the members of the group to implement
10 control measures that are reasonable and necessary to prevent the
11 introduction, transmission, and spread of the disease in this
12 state. If the department or health authority adopts control
13 measures under this subsection, each member of the group is subject
14 to the requirements of this section.

15 (l) An order under Subsection (k) must be in writing and be
16 delivered personally or by registered or certified mail to each
17 member of the group, or the member's parent, legal guardian, or
18 managing conservator if the member is a minor. If the name,
19 address, and county of residence of any member of the group is
20 unknown at the time the order is issued, the department or health
21 authority must publish notice in a newspaper of general circulation
22 in the county that includes the area of the suspected exposure and
23 any other county in which the department or health authority
24 suspects a member of the group resides. The notice must contain the
25 following information:

26 (1) that the department or health authority has
27 reasonable cause to believe that a group of individuals is ill with,

1 has been exposed to, or is the carrier of a communicable disease;

2 (2) the suspected time and place of exposure to the
3 disease;

4 (3) a copy of any orders under Subsection (k);

5 (4) instructions to an individual to provide the
6 individual's name, address, and county of residence to the
7 department or health authority if the individual knows or
8 reasonably suspects that the individual was at the place of the
9 suspected exposure at the time of the suspected exposure;

10 (5) that the department or health authority may
11 request that an application for court orders under Subchapter G be
12 filed for the group, if applicable; and

13 (6) that a criminal penalty applies to an individual
14 who:

15 (A) is a member of the group; and

16 (B) knowingly refuses to perform or allow the
17 performance of the control measures in the order.

18 SECTION 14.03. Section 81.151, Health and Safety Code, is
19 amended by adding Subsection (e) to read as follows:

20 (e) A single application may be filed for a group if:

21 (1) the department or health authority reasonably
22 suspects that a group of five or more persons has been exposed to or
23 infected with a communicable disease; and

24 (2) each person in the group meets the criteria of this
25 chapter for court orders for the management of a person with a
26 communicable disease.

27 SECTION 14.04. Subchapter G, Chapter 81, Health and Safety

Code, is amended by adding Section 81.1511 to read as follows:

Sec. 81.1511. APPLICABILITY OF SUBCHAPTER TO GROUP. To the extent possible, and except as otherwise provided, if a group application is filed under Section 81.151(e), the provisions of this subchapter apply to the group in the same manner as they apply to an individual, except that:

(1) except as provided by Subdivision (2), any statement or determination regarding the conduct or status of a person must be made in regard to the majority of the members of the group;

(2) any finding or statement related to compliance with orders under Section 81.083 must be made for the entire group;

(3) any notice required to be provided to a person must:

(A) in addition to being sent to each individual in the group for whom the department or health authority has an address, be published in a newspaper of general circulation in the county that includes the area of the suspected contamination and any other county in which the department or health authority suspects a member of the group resides;

(B) state that the group is appointed an attorney but that a member of the group is entitled to the member's own attorney on request; and

(C) include instructions for any person who reasonably suspects that the person was at the place of the suspected exposure at the time of the suspected exposure to provide the person's name, address, and county of residence to the

1 department or health authority; and

2 (4) an affidavit of medical evaluation for the group
3 may be based on evaluation of one or more members of the group if the
4 physician reasonably believes that the condition of the individual
5 or individuals represents the condition of the majority of the
6 members of the group.

7 SECTION 14.05. Section 81.152, Health and Safety Code, is
8 amended by adding Subsection (d) to read as follows:

9 (d) A group application must contain the following
10 information according to the applicant's information and belief:

11 (1) a description of the group and the location where
12 the members of the group may be found;

13 (2) a narrative of how the group has been exposed or
14 infected;

15 (3) an estimate of how many persons are included in the
16 group;

17 (4) to the extent known, a list containing the name,
18 address, and county of residence in this state of each member of the
19 group;

20 (5) if the applicant is unable to obtain the name and
21 address of each member of the group:

22 (A) a statement that the applicant has sought
23 each of the unknown names and addresses; and

24 (B) the reason that the names and addresses are
25 unavailable; and

26 (6) a statement, to be included only in an application
27 for inpatient treatment, that the members of the group fail or

1 refuse to comply with written orders of the department or health
2 authority under Section 81.083, if applicable.

3 SECTION 14.06. Subchapter G, Chapter 81, Health and Safety
4 Code, is amended by adding Section 81.1531 to read as follows:

5 Sec. 81.1531. APPOINTMENT OF ATTORNEY FOR GROUP. (a) A
6 judge shall appoint an attorney to represent a group identified in a
7 group application under Section 81.151(e) and shall appoint an
8 attorney for each person who is listed in the application if
9 requested by a person in the group who does not have an attorney.

10 (b) To the extent possible, the provisions of this chapter
11 that apply to an individual's attorney apply to a group's attorney.

12 SECTION 14.07. Subsection (a), Section 81.159, Health and
13 Safety Code, is amended to read as follows:

14 (a) The commissioner shall designate health care facilities
15 throughout the state that are capable of providing services for the
16 examination, observation, isolation, or treatment of persons
17 having or suspected of having a communicable disease. However, the
18 commissioner may not designate:

19 (1) a nursing home or custodial care home required to
20 be licensed under Chapter 242; or

21 (2) an intermediate care facility for the mentally
22 retarded required to be licensed under Chapter 252.

23 SECTION 14.08. Section 81.162, Health and Safety Code, is
24 amended by adding Subsections (f) and (g) to read as follows:

25 (f) Notwithstanding Section 81.161 or Subsection (c), a
26 judge or magistrate may issue a temporary protective custody order
27 before the filing of an application for a court order for the

1 management of a person with a communicable disease under Section
2 81.151 if:

3 (1) the judge or magistrate takes testimony that an
4 application under Section 81.151, together with a motion for
5 protective custody under Section 81.161, will be filed with the
6 court on the next business day; and

7 (2) the judge or magistrate determines based on
8 evidence taken under Subsection (d) that there is probable cause to
9 believe that the person presents a substantial risk of serious harm
10 to himself or others to the extent that the person cannot be at
11 liberty pending the filing of the application and motion.

12 (g) A temporary protective custody order issued under
13 Subsection (f) may continue only until 4 p.m. on the first business
14 day after the date the order is issued unless the application for a
15 court order for the management of a person with a communicable
16 disease and a motion for protective custody, as described by
17 Subsection (f)(1), are filed at or before that time. If the
18 application and motion are filed at or before 4 p.m. on the first
19 business day after the date the order is issued, the temporary
20 protective custody order may continue for the period reasonably
21 necessary for the court to rule on the motion for protective
22 custody.

23 SECTION 14.09. Subsections (b) and (d), Section 81.165,
24 Health and Safety Code, are amended to read as follows:

25 (b) The hearing must be held not later than 72 hours after
26 the time that the person was detained under the protective custody
27 order. If the period ends on a Saturday, Sunday, or legal holiday,

1 the hearing must be held on the next day that is not a Saturday,
 2 Sunday, or legal holiday. The judge or magistrate may postpone the
 3 hearing for an additional 24 hours if the judge or magistrate
 4 declares that an extreme emergency exists because of extremely
 5 hazardous weather conditions that threaten the safety of the person
 6 or another essential party to the hearing. If the area in which the
 7 person is found, or the area where the hearing will be held, is
 8 under a public health disaster, the judge or magistrate may
 9 postpone the hearing until the period of disaster is ended.

10 (d) The person and his attorney shall have an opportunity at
 11 the hearing to appear and present evidence to challenge the
 12 allegation that the person presents a substantial risk of serious
 13 harm to himself or others. If the health authority advises the
 14 court that the person must remain in isolation or quarantine and
 15 that exposure to the judge, jurors, or the public would jeopardize
 16 the health and safety of those persons and the public health, a
 17 magistrate or a master may order that a person entitled to a hearing
 18 for a protective custody order may not appear in person and may
 19 appear only by teleconference or another means the magistrate or
 20 master finds appropriate to allow the person to speak, to interact
 21 with witnesses, and to confer with the person's attorney.

22 SECTION 14.10. Subsections (b) and (c), Section 81.167,
 23 Health and Safety Code, are amended to read as follows:

24 (b) A person under a protective custody order shall be
 25 detained in an appropriate inpatient health facility that has been
 26 designated by the commissioner or by a health authority and
 27 selected by the health authority under Section 81.159.

1 (c) A person under a protective custody order may be
2 detained in a nonmedical facility used to detain persons who are
3 charged with or convicted of a crime only with the consent of the
4 medical director of the facility and only if the facility has
5 respiratory isolation capability for airborne communicable
6 diseases. The person may not be detained in a nonmedical facility
7 under this subsection for longer than 72 hours, excluding
8 Saturdays, Sundays, legal holidays, ~~and~~ the period prescribed by
9 Section 81.165(b) for an extreme weather emergency, and the
10 duration of a public health disaster. The person must be isolated
11 from any person who is charged with or convicted of a crime.

12 SECTION 14.11. Subsection (c), Section 81.168, Health and
13 Safety Code, is amended to read as follows:

14 (c) The head of a facility shall discharge a person held
15 under a protective custody order if:

16 (1) the head of the facility does not receive notice
17 within 72 hours after detention begins, excluding Saturdays,
18 Sundays, legal holidays, ~~and~~ the period prescribed by Section
19 81.165(b) for an extreme weather emergency, and the duration of a
20 public health disaster, that a probable cause hearing was held and
21 the person's continued detention was authorized;

22 (2) a final court order for the management of a person
23 with a communicable disease has not been entered within the time
24 prescribed by Section 81.154; or

25 (3) the health authority or commissioner determines
26 that the person no longer meets the criteria for protective custody
27 prescribed by Section 81.162.

1 SECTION 14.12. Section 81.169, Health and Safety Code, is
2 amended by adding Subsection (i) to read as follows:

3 (i) Notwithstanding Subsection (d), if the health authority
4 advises the court that the person must remain in isolation or
5 quarantine and that exposure to the judge, jurors, or the public
6 would jeopardize the health and safety of those persons and the
7 public health, a judge may order that a person entitled to a hearing
8 may not appear in person and may appear only by teleconference or
9 another means that the judge finds appropriate to allow the person
10 to speak, to interact with witnesses, and to confer with the
11 person's attorney.

12 SECTION 14.13. Section 81.176, Health and Safety Code, is
13 amended to read as follows:

14 Sec. 81.176. DESIGNATION OF FACILITY. In a court order for
15 the temporary or extended management of a person with a
16 communicable disease specifying inpatient care, the court shall
17 commit the person to a health care facility designated by the
18 commissioner or a health authority in accordance with Section
19 81.159.

20 SECTION 14.14. Section 81.177, Health and Safety Code, is
21 amended to read as follows:

22 Sec. 81.177. COMMITMENT TO PRIVATE FACILITY. (a) The
23 court may order a person committed to a private health care facility
24 at no expense to the state if the court receives:

25 (1) an application signed by the person or the person's
26 guardian or next friend requesting that the person be placed in a
27 designated private health care facility at the person's or

1 applicant's expense; and

2 (2) a written agreement from the head of the private
3 health care facility to admit the person and to accept
4 responsibility for the person in accordance with this chapter.

5 (b) Consistent with Subsection (a), the court may order a
6 person committed to a private health care facility at no expense to
7 the state, a county, a municipality, or a hospital district if:

8 (1) a state of disaster or a public health disaster has
9 been declared or an area quarantine is imposed under Section
10 81.085;

11 (2) the health care facility is located within the
12 disaster area or area quarantine, as applicable; and

13 (3) the judge determines that there is no public
14 health care facility within the disaster area or area quarantine,
15 as applicable, that has appropriate facilities and the capacity
16 available to receive and treat the person.

17 (c) Nothing in this section prevents a health care facility
18 that accepts a person under this section from pursuing
19 reimbursement from any appropriate source, such as a third-party
20 public or private payor or disaster relief fund.

21 ARTICLE 15. CERTAIN MUTUAL ASSISTANCE AGREEMENTS

22 SECTION 15.01. Section 51.212, Education Code, is amended
23 to read as follows:

24 Sec. 51.212. PEACE [~~SECURITY~~] OFFICERS AT PRIVATE
25 INSTITUTIONS. (a) The governing boards of private institutions of
26 higher education, including private junior colleges, are
27 authorized to employ and commission peace officers [~~campus security~~]

1 ~~personnel~~] for the purpose of enforcing:

2 (1) state law [~~the law of this state~~] on the campuses
3 of private institutions of higher education; and

4 (2) state and local law, including applicable
5 municipal ordinances, at other locations, as permitted by
6 Subsection (b) or Section 51.2125.

7 (b) Any officer commissioned under the provisions of this
8 section is vested with all the powers, privileges, and immunities
9 of peace officers if the officer:

10 (1) is [~~while~~] on the property under the control and
11 jurisdiction of the respective private institution of higher
12 education or is otherwise performing [~~in the performance of his~~
13 ~~assigned~~] duties assigned to the officer by the institution,
14 regardless of whether the officer is on property under the control
15 and jurisdiction of the institution; or

16 (2) to the extent authorized by Section 51.2125, is:

17 (A) requested by another law enforcement agency
18 to provide assistance in enforcing state or local law, including a
19 municipal ordinance, and is acting in response to that request; or

20 (B) otherwise assisting another law enforcement
21 agency in enforcing a law described by Paragraph (A).

22 (c) Any officer assigned to duty and commissioned shall take
23 and file the oath required of peace officers, and shall execute and
24 file a good and sufficient bond in the sum of \$1,000, payable to the
25 governor, with two or more good and sufficient sureties,
26 conditioned that the officer [~~he~~] will fairly, impartially, and
27 faithfully perform the duties as may be required of the officer

[him] by law. The bond may be sued on from time to time in the name of the person injured until the whole amount is recovered.

(d) ~~[(b)]~~ The governing boards of private institutions of higher education are authorized to hire and pay on a regular basis peace ~~[law-enforcement]~~ officers commissioned by an incorporated city. The officers shall be under the supervision of the hiring institution, but shall be subject to dismissal and disciplinary action by the city. An incorporated city is authorized to contract with a private institution of higher education for the use and employment of its commissioned officers in any manner agreed to, provided that there is no expense incurred by the city.

(e) ~~[(e)]~~ In this section, "private institution of higher education" means a private or independent institution of higher education as defined ~~[has the meaning assigned]~~ by Section 61.003 ~~[61.003(15) of this code]~~.

SECTION 15.02. Subchapter E, Chapter 51, Education Code, is amended by adding Sections 51.2125 and 51.2126 to read as follows:

Sec. 51.2125. PRIVATE INSTITUTIONS: AUTHORITY TO ENTER INTO MUTUAL ASSISTANCE AGREEMENT. (a) This section applies only to a private institution of higher education that has a fall head count enrollment of more than 10,000 students and that has under its control and jurisdiction property that is contiguous to, or located in any part within the boundaries of, a municipality with a population of more than one million. For purposes of this section, a private institution of higher education is a private or independent institution of higher education as defined by Section 61.003.

1 (b) In addition to exercising the authority provided under
2 Section 51.212(d), the governing board of a private institution of
3 higher education to which this section applies and the governing
4 body of each municipality, regardless of the municipality's
5 population, that is contiguous to, or the boundaries of which
6 contain any part of, property under the control and jurisdiction of
7 the private institution of higher education may enter into a
8 written mutual assistance agreement in which peace officers
9 commissioned by the institution or the applicable municipality
10 serve the public interest by assisting, without any form of
11 additional compensation or other financial benefit, the peace
12 officers of the other party to the agreement in enforcing state or
13 local law, including applicable municipal ordinances. The
14 agreement must be reviewed at least annually by the institution and
15 the municipality and may be modified at that time by a written
16 agreement signed by each party. The agreement may be terminated at
17 any time by a party to the agreement on the provision of reasonable
18 notice to the other party to the agreement.

19 (c) A mutual assistance agreement authorized by this
20 section may designate the geographic area in which the campus peace
21 officers are authorized to provide assistance to the peace officers
22 of the municipality, except that if the agreement is entered into
23 with a municipality with a population of more than one million, the
24 designated geographic area consists of each of the election
25 districts of the municipality's governing body that contains any
26 part of the campus of the institution and each of the election
27 districts of the governing body that is contiguous to another

1 municipality that contains any part of the campus of the
2 institution.

3 (d) This section does not affect a municipality's duty to
4 provide law enforcement services to any location within the
5 boundaries of the municipality.

6 (e) A peace officer providing assistance under a mutual
7 assistance agreement authorized by this section may make arrests
8 and exercise all other authority given to peace officers under
9 other state law. The municipal law enforcement agency has
10 exclusive authority to supervise any campus peace officer operating
11 under the agreement to assist the peace officers of the
12 municipality. A municipal peace officer operating under the
13 agreement to assist the campus peace officers remains under the
14 supervision of the municipal law enforcement agency.

15 (f) In the same manner and to the same extent as a
16 municipality is liable for an act or omission of a peace officer
17 employed by the municipality, a private institution of higher
18 education is liable for an act or omission of a campus peace officer
19 operating under a mutual assistance agreement authorized by this
20 section at a location other than property under the control and
21 jurisdiction of the institution.

22 (g) This section does not limit the authority of a campus
23 peace officer to make a warrantless arrest outside the officer's
24 jurisdiction as described by Article 14.03(d), Code of Criminal
25 Procedure.

26 Sec. 51.2126. APPEAL BY CAMPUS PEACE OFFICER OF
27 DISCIPLINARY ACTION OR PROMOTIONAL BYPASS RELATED TO PROVISION OF

1 ASSISTANCE UNDER MUTUAL ASSISTANCE AGREEMENT. (a) A campus peace
 2 officer acting under a mutual assistance agreement authorized by
 3 Section 51.2125 who is demoted, suspended, or terminated by the
 4 applicable private institution of higher education or who
 5 experiences a promotional bypass by the institution may elect to
 6 appeal the institution's action to an independent third party
 7 hearing examiner under this section.

8 (b) To elect to appeal to an independent third party hearing
 9 examiner under this section, the campus peace officer must submit
 10 to the head of the institution's law enforcement agency not later
 11 than the 30th day after the date of the action being appealed a
 12 written request stating the officer's decision to appeal to such a
 13 hearing examiner.

14 (c) The hearing examiner's decision is final and binding on
 15 all parties. If a campus peace officer elects to appeal the
 16 institution's action to an independent third party hearing examiner
 17 under this section, the officer or institution may appeal the
 18 examiner's decision to a district court only as provided by
 19 Subsection (j).

20 (d) If a campus peace officer elects to appeal to a hearing
 21 examiner, the officer and the head of the institution's law
 22 enforcement agency or their designees shall attempt to agree on the
 23 selection of an impartial hearing examiner. If the parties do not
 24 agree on the selection of a hearing examiner before the 10th day
 25 after the date the appeal is filed, the parties immediately shall
 26 request a list of seven qualified neutral arbitrators from the
 27 American Arbitration Association or the Federal Mediation and

1 Conciliation Service, or their successors in function. The officer
2 and the agency head or their designees may agree on one of the seven
3 neutral arbitrators on the list. If the parties do not agree before
4 the fifth business day after the date the parties receive the list,
5 the parties or their designees shall alternate striking a name from
6 the list, and the single name remaining after all other names have
7 been struck is selected as the hearing examiner. The parties or
8 their designees shall agree on a date for the hearing.

9 (e) The appeal hearing must begin as soon as an appearance
10 by the hearing examiner can be scheduled. If the hearing examiner
11 cannot begin the hearing before the 45th day after the date of
12 selection, the campus peace officer may, within 48 hours after
13 learning of that fact, call for the selection of a new hearing
14 examiner using the procedure prescribed by Subsection (d).

15 (f) In a hearing conducted under this section, the hearing
16 examiner has the same duties and powers that a civil service
17 commission has in conducting a hearing or hearing an appeal under
18 Chapter 143, Local Government Code, including the right to issue
19 subpoenas. The hearing examiner may:

20 (1) order that the campus peace officer be reinstated
21 to the same position or status in which the officer was employed
22 immediately before the demotion, suspension, or termination or, in
23 the case of a promotional bypass, to the position or status with
24 respect to which the officer experienced the bypass; and

25 (2) award the officer lost wages and any other
26 compensation lost as a result of the disciplinary action or
27 promotional bypass, as applicable.

1 (g) In a hearing conducted under this section, the parties
2 may agree to an expedited hearing procedure. Unless otherwise
3 agreed by the parties, in an expedited procedure the hearing
4 examiner shall issue a decision on the appeal not later than the
5 10th day after the date the hearing is completed.

6 (h) In an appeal that does not involve an expedited hearing
7 procedure, the hearing examiner shall make a reasonable effort to
8 issue a decision on the appeal not later than the 30th day after the
9 later of the date the hearing is completed or the briefs are filed.
10 The hearing examiner's inability to meet the time requirements
11 imposed by this section does not affect the hearing examiner's
12 jurisdiction, the validity of the disciplinary action or
13 promotional bypass, or the hearing examiner's final decision.

14 (i) The hearing examiner's fees and expenses shall be paid
15 in equal amounts by the parties. The costs of a witness shall be
16 paid by the party who calls the witness.

17 (j) A district court may hear an appeal of a hearing
18 examiner's decision only on the grounds that the hearing examiner
19 was without jurisdiction or exceeded the examiner's jurisdiction or
20 that the decision was procured by fraud, collusion, or other
21 unlawful means. An appeal must be brought in the district court
22 having jurisdiction in the municipality in which the institution is
23 located.

24 ARTICLE 16. TRAFFICKING OF PERSONS

25 SECTION 16.01. Section 20A.01, Penal Code, is amended to
26 read as follows:

27 Sec. 20A.01. DEFINITIONS. In this chapter:

1 (1) "Forced labor or services" means labor or
2 services, including employment for legal labor or services and
3 conduct that constitutes an offense under Chapter 43 or Section
4 48.02, that are performed or provided by another person and
5 obtained or maintained through an actor's:

6 (A) using force against the person or another
7 person, threatening to cause bodily injury to the person or another
8 person, or otherwise causing the person performing or providing
9 labor or services to believe that the person or another person will
10 suffer bodily injury;

11 (B) restraining the person or another person
12 [another] in a manner described by Section 20.01(1) or causing the
13 person performing or providing labor or services to believe that
14 the person or another person will be restrained; [or]

15 (C) destroying or withholding from another the
16 person's:

17 (i) actual or purported government records;
18 (ii) actual or purported identifying
19 information; or

20 (iii) personal property;

21 (D) threatening the person with abuse of the law
22 or the legal process in relation to the person or another person;

23 (E) threatening to report the person or another
24 person to immigration officials or other law enforcement officials
25 or otherwise blackmailing or extorting the person or another
26 person;

27 (F) exerting financial control over the person or

1 another person; or

2 (G) using any scheme, plan, or pattern intended
3 to cause the person to believe that the person or another person
4 will be subjected to serious harm or restraint if the person does
5 not perform or provide the labor or services.

6 (2) "Traffic" means to transport, ~~[another person or~~
7 ~~te]~~ entice, solicit, recruit, harbor, provide, or otherwise obtain
8 another person by any means ~~[for transport by deception, coercion,~~
9 ~~or force]~~.

10 SECTION 16.02. Sections 20A.02(a) and (b), Penal Code, are
11 amended to read as follows:

12 (a) A person commits an offense if the person:

13 (1) knowingly traffics another person with the intent
14 or knowledge that the trafficked person will engage in[+

15 [+]] forced labor or services; or

16 (2) intentionally or knowingly benefits from
17 participating in a venture that involves an activity described by
18 Subdivision (1), including by receiving labor or services that the
19 actor knows are forced labor or services ~~[conduct that constitutes~~
20 ~~an offense under Chapter 43]~~.

21 (b) Except as otherwise provided by this subsection, an
22 offense under this section is a felony of the second degree. An
23 offense under this section is a felony of the first degree if:

24 (1) the applicable conduct constitutes an offense
25 under Chapter 43 ~~[offense is committed under Subsection (a)(2)]~~ and
26 the person who is trafficked is younger than 14 years of age at the
27 time of the offense; or

1 (2) the commission of the offense results in the death
2 of the person who is trafficked.

3 SECTION 16.03. The changes in law made by this article to
4 Sections 20A.01 and 20A.02, Penal Code, apply only to an offense
5 committed on or after September 1, 2007. An offense committed
6 before September 1, 2007, is governed by the law in effect when the
7 offense was committed, and the former law is continued in effect for
8 that purpose. For purposes of this section, an offense is committed
9 before September 1, 2007, if any element of the offense occurs
10 before that date.

11 ARTICLE 17. REGULATION OF FIREWORKS IN DISASTER DECLARATION

12 SECTION 17.01. Section 418.108, Government Code, is amended
13 to read as follows:

14 Sec. 418.108. DECLARATION OF LOCAL DISASTER. (a) Except
15 as provided by Subsection (e), the presiding officer of the
16 governing body of a political subdivision may declare a local state
17 of disaster.

18 (b) A declaration of local disaster may not be continued or
19 renewed for a period of more than seven days except with the consent
20 of the governing body of the political subdivision or the joint
21 board as provided by Subsection (e), as applicable.

22 (c) An order or proclamation declaring, continuing, or
23 terminating a local state of disaster shall be given prompt and
24 general publicity and shall be filed promptly with the city
25 secretary, the county clerk, or the joint board's official records,
26 as applicable.

27 (d) A declaration of local disaster activates the recovery

1 and rehabilitation aspects of all applicable local or
2 interjurisdictional emergency management plans and authorizes the
3 furnishing of aid and assistance under the declaration. The
4 preparedness and response aspects of the plans are activated as
5 provided in the plans and take effect immediately after the local
6 state of disaster is declared.

7 (e) The chief administrative officer of a joint board has
8 exclusive authority to declare that a local state of disaster
9 exists within the boundaries of an airport operated or controlled
10 by the joint board, regardless of whether the airport is located in
11 or outside the boundaries of a political subdivision.

12 (f) The county judge or the mayor of a municipality may
13 order the evacuation of all or part of the population from a
14 stricken or threatened area under the jurisdiction and authority of
15 the county judge or mayor if the county judge or mayor considers the
16 action necessary for the preservation of life or other disaster
17 mitigation, response, or recovery.

18 (g) The county judge or the mayor of a municipality may
19 control ingress to and egress from a disaster area under the
20 jurisdiction and authority of the county judge or mayor and control
21 the movement of persons and the occupancy of premises in that area.

22 (h) For purposes of Subsections (f) and (g):

23 (1) the jurisdiction and authority of the county judge
24 includes the incorporated and unincorporated areas of the county;
25 and

26 (2) to the extent of a conflict between decisions of
27 the county judge and the mayor, the decision of the county judge

prevails.

(i) A declaration under this section may include any restriction authorized by Section 352.051, Local Government Code, but may not exceed the scope of such a restriction.

ARTICLE 18. MISCELLANEOUS PROVISIONS RELATING TO HOMELAND SECURITY
AND BORDER SECURITY

SECTION 18.01. Subchapter A, Chapter 421, Government Code, is amended by adding Section 421.0025 to read as follows:

Sec. 421.0025. BORDER SECURITY COUNCIL. (a) The Border Security Council consists of members appointed by the governor.

(a-1) At least one-third of the members appointed under Subsection (a) must be residents of the Texas-Mexico border region, as defined by Section 2056.002.

(b) The Border Security Council shall develop and recommend to the office of the governor performance standards, reporting requirements, audit methods, and other procedures to ensure that funds allocated by the office of the governor for purposes related to security at or near this state's international border are used properly and that the recipients of the funds are accountable for the proper use of the funds.

(c) The Border Security Council shall advise the office of the governor regarding the allocation of funds by the office for purposes related to security at or near this state's international border. Recommendations relating to the allocation of those funds must be made by a majority of the members of the council.

(d) The governor shall designate one member of the Border Security Council as the chair. The chair shall arrange meetings of

1 the Border Security Council at times determined by the members of
2 the council.

3 (e) The meetings of the Border Security Council are subject
4 to the requirements of Chapter 551 to the same extent as similar
5 meetings of the Public Safety Commission. The plans and
6 recommendations of the Border Security Council are subject to the
7 requirements of Chapter 552 to the same extent as similar plans and
8 recommendations of the Department of Public Safety of the State of
9 Texas.

10 (f) Service on the Border Security Council by a state
11 officer or employee or by an officer or employee of a local
12 government is an additional duty of the member's office or
13 employment.

14 SECTION 18.02. The heading to Subchapter E, Chapter 421,
15 Government Code, is amended to read as follows:

16 SUBCHAPTER E. TEXAS FUSION [~~INFRASTRUCTURE PROTECTION~~
17 ~~COMMUNICATIONS~~] CENTER

18 SECTION 18.03. Section 421.081, Government Code, is amended
19 to read as follows:

20 Sec. 421.081. FACILITIES AND ADMINISTRATIVE SUPPORT. The
21 Department of Public Safety of the State of Texas ~~at the request of~~
22 ~~the governor~~ shall provide facilities and administrative support
23 for the Texas Fusion [~~Infrastructure Protection Communications~~]
24 Center.

25 SECTION 18.04. Subchapter H, Chapter 2155, Government Code,
26 is amended by adding Section 2155.452 to read as follows:

27 Sec. 2155.452. CERTAIN CONTRACTS FOR HOMELAND SECURITY OR

1 LAW ENFORCEMENT TECHNOLOGY. A state governmental entity that
2 issues a request for proposals for technological products or
3 services for homeland security or law enforcement purposes must
4 allow a business entity to substitute the qualifications of its
5 executive officers or managers for the qualifications required of
6 the business entity in the request for proposals.

7 SECTION 18.05. Article 61.02(c), Code of Criminal
8 Procedure, is amended to read as follows:

9 (c) Criminal information collected under this chapter
10 relating to a criminal street gang must:

11 (1) be relevant to the identification of an
12 organization that is reasonably suspected of involvement in
13 criminal activity; and

14 (2) consist of:

15 (A) a judgment under any law that includes, as a
16 finding or as an element of a criminal offense, participation in a
17 criminal street gang;

18 (B) a self-admission by the individual of
19 criminal street gang membership that is made during a judicial
20 proceeding; or

21 (C) any two of the following:

22 (i) [~~(A)~~] a self-admission by the
23 individual of criminal street gang membership that is not made
24 during a judicial proceeding;

25 (ii) [~~(B)~~] an identification of the
26 individual as a criminal street gang member by a reliable informant
27 or other individual;

1 (iii) [~~C~~] a corroborated identification
2 of the individual as a criminal street gang member by an informant
3 or other individual of unknown reliability;

4 (iv) [~~D~~] evidence that the individual
5 frequents a documented area of a criminal street gang and [~~r~~]
6 associates with known criminal street gang members;

7 (v) evidence that the individual [~~r~~, ~~and~~]
8 uses, in more than an incidental manner, criminal street gang
9 dress, hand signals, tattoos, or symbols, including expressions of
10 letters, numbers, words, or marks, regardless of the format or
11 medium in which the symbols are displayed, that are associated with
12 a criminal street gang that operates in an area frequented by the
13 individual and described by Subparagraph (iv); or

14 (vi) [~~E~~] evidence that the individual has
15 been arrested or taken into custody with known criminal street gang
16 members for an offense or conduct consistent with criminal street
17 gang activity.

18 SECTION 18.06. Article 61.06(c), Code of Criminal
19 Procedure, is amended to read as follows:

20 (c) In determining whether information is required to be
21 removed from an intelligence database under Subsection (b), the
22 three-year period does not include any period during which the
23 individual who is the subject of the information is:

24 (1) confined in a correctional facility operated by or
25 under contract with the [~~institutional division or the state jail~~
26 ~~division of the~~] Texas Department of Criminal Justice;

27 (2) committed to a secure correctional facility

1 operated by or under contract with the Texas Youth Commission, as
2 defined by Section 51.02, Family Code; or

3 (3) confined in a county jail or a facility operated by
4 a juvenile board in lieu of being confined in a correctional
5 facility operated by or under contract with the Texas Department of
6 Criminal Justice or being committed to a secure correctional
7 facility operated by or under contract with the Texas Youth
8 Commission.

9 SECTION 18.07. Chapter 61, Code of Criminal Procedure, is
10 amended by adding Article 61.075 to read as follows:

11 Art. 61.075. RIGHT TO REQUEST EXISTENCE OF CRIMINAL
12 INFORMATION. (a) A person or the parent or guardian of a child may
13 request a law enforcement agency to determine whether the agency
14 has collected or is maintaining, under criteria established under
15 Article 61.02(c), criminal information relating solely to the
16 person or child. The law enforcement agency shall respond to the
17 request not later than the 10th business day after the date the
18 agency receives the request.

19 (b) Before responding to a request under Subsection (a), a
20 law enforcement agency may require reasonable written verification
21 of the identity of the person making the request and the
22 relationship between the parent or guardian and the child, if
23 applicable, including written verification of an address, date of
24 birth, driver's license number, state identification card number,
25 or social security number.

26 ARTICLE 19. PUBLIC SAFETY AGENCIES

27 SECTION 19.01. Sections 411.003(b), (c), and (d),

Government Code, are amended to read as follows:

(b) The commission is composed of five ~~[three]~~ citizens of this state appointed by the governor with the advice and consent of the senate. Members must be selected because of their peculiar qualifications for the position and must reflect the diverse geographic regions and population groups of this state. Appointments to the commission shall be made without regard to race, color, disability, sex, religion, age, or national origin. In making an appointment the governor shall consider, among other things, the person's knowledge of laws, experience in the enforcement of law, honesty, integrity, education, training, and executive ability.

(c) Members serve staggered six-year terms with the terms ~~[term]~~ of either one or two members ~~[member]~~ expiring January 1 of each even-numbered year.

(d) The governor shall designate one member of the commission as chairman of the commission to serve in that capacity at the pleasure of the governor. The commission shall meet at the times and places specified by commission rule or at the call of the chairman ~~[or any two members]~~. The chairman shall oversee the preparation of an agenda for each meeting and ensure that a copy is provided to each member at least seven days before the meeting.

SECTION 19.02. Promptly after this article takes effect, the governor shall appoint two additional members to the Public Safety Commission. Of those members, the governor shall designate one to serve a term expiring January 1, 2010, and one to serve a term expiring January 1, 2012.

1 ARTICLE 20. EFFECTIVE DATE

2 SECTION 20.01. Except as otherwise provided by this Act,
3 this Act takes effect September 1, 2007.

ARTICLE 19. EMERGENCY MANAGEMENT TRAINING

SECTION 19.01. Subchapter A, Chapter 418, Government Code, is amended by adding Section 418.005 to read as follows:

Sec. 418.005. EMERGENCY MANAGEMENT TRAINING. (a) This section applies only to:

(1) an elected public officer; and

(2) an appointed public officer:

(A) whose position description, job duties, or assignment includes emergency management responsibilities; or

(B) who plays a role in emergency preparedness, response, or recovery.

(b) Each person described by Subsection (a) shall complete a course of training provided or approved by the division of not less than three hours regarding the responsibilities of state and local governments under this chapter not later than the 180th day after the date the person:

(1) takes the oath of office, if the person is required to take an oath of office to assume the person's duties as an elected or appointed public officer; or

(2) otherwise assumes responsibilities as an elected or appointed public officer, if the person is not required to take an oath of office to assume the person's duties.

(c) The division shall develop and provide a training course related to the emergency management responsibilities of

state-level officers and a training course related to the emergency management responsibilities of officers of political subdivisions. The division shall ensure that the training courses satisfy the requirements of Subsection (b).

(d) The division may provide the training and may also approve any acceptable course of training offered by a governmental body or other entity. The division shall ensure that at least one course of training approved or provided by the division is available on videotape or a functionally similar and widely available medium at no cost.

(e) The division or other entity providing the training shall provide a certificate of course completion to public officers who complete the training required by this section. A public officer who completes the training required by this section shall maintain and make available for public inspection the record of the public officer's completion of the training.

(f) The failure of one or more public officers of the state or a political subdivision to complete the training required by this section does not affect the validity of an action taken by the state or the political subdivision.

(g) The hours spent in a training course required by Subsection (b) may be applied toward the continuing education requirements for county commissioners under Section 81.0025, Local Government Code.

SECTION 19.02. Not later than January 1, 2009, each public officer who has taken the oath of office for a state or local government office before January 1, 2008, and who is required to complete a course of training under Section 418.005, Government Code, as added by this article, must complete the training.

Senate Bill 11
Conference Committee Report
Section-by-Section Analysis

SENATE VERSION	HOUSE VERSION	CONFERENCE
ARTICLE 1. CERTAIN DISASTER RESPONSE PROCEDURES FOR POLITICAL SUBDIVISIONS	Same as Senate version.	Same as Senate version.
SECTION 1.01. Section 418.004, Government Code, relating to definitions, is amended by adding Subdivisions (10) through (14).	Same as Senate version except also adds Subdivision (15) to define "public facility" to have the meaning assigned by the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. Section 5121 et seq.).	Same as Senate version.
No equivalent provision.	SECTION 1.____. Subchapter A, Chapter 418, Government Code, is amended by adding Section 418.005 as follows: Sec. 418.005. EMERGENCY MANAGEMENT TRAINING. (a) Provides that this section applies only to: (1) an elected public officer; and (2) an appointed public officer whose position description, job duties, or assignment includes emergency management responsibilities, or who plays a role in emergency preparedness, response, or recovery. (b) Requires each person described by Subsection (a) to complete a certain course of training provided or approved by the division of emergency management in the office of the governor within a specified time period. (c) Requires the division to develop and provide a training course related to the emergency management responsibilities of state-level officers and a training course related to the emergency management responsibilities of officers of political subdivisions. The	Same as House version.

Senate Bill 11
Conference Committee Report
Section-by-Section Analysis

SENATE VERSION

HOUSE VERSION

CONFERENCE

division shall ensure that the training courses satisfy the requirements of Subsection (b).

(d) Authorizes the division to provide the training and also to approve any acceptable course of training offered by a governmental body or other entity, and requires the division to ensure that at least one course of training approved or provided by the division is available on videotape or a functionally similar and widely available medium at no cost.

(e) Requires the division or other entity providing the training to provide a certificate of course completion to public officers who complete the training required by this section, and requires a public officer who completes the training required by this section to maintain and make available for public inspection the record of the public officer's completion of the training.

(f) Provides that the failure of one or more public officers of the state or a political subdivision to complete the training required by this section does not affect the validity of an action taken by the state or the political subdivision.

(g) Provides that the hours spent in a training course required by Subsection (b) may be applied toward the continuing education requirements for county commissioners under Section 81.0025, Local Government Code.

No equivalent provision.

SECTION 1.____. Provides that not later than January 1, 2009, each public officer who has taken the oath of

Same as House version except refers to Section 418.005, Government Code, added by this article.

Senate Bill 11
Conference Committee Report
Section-by-Section Analysis

SENATE VERSION

HOUSE VERSION

CONFERENCE

office for a state or local government office before January 1, 2008, and who is required to complete a course of training under Section 418.005, Government Code, as added by this Act, must complete the training.

No equivalent provision.

SECTION 1. __. Section 418.020, Government Code, newly titled Temporary Housing And Emergency Shelter, is amended as follows:

(a)-(d) Make changes conforming to the addition of Subsection (e).

(e) Requires a political subdivision that is the locus of temporary housing or emergency shelters for persons moved or evacuated by recommendation or order of the governor to be assisted by any resource available to the state to ensure the political subdivision receives an advance or reimbursement for certain expenses.

Same as Senate version.

SECTIONS 1.02-1.03.

Same as Senate version.

Same as ~~Senate~~ ^{House} version.

No equivalent provision.

SECTION __. Section 418.108, Government Code, relating to declaration of local disaster, as follows:

(a)-(c) Maintains current law.

(d) Makes a change conforming to the addition of Subsection (j).

(e)-(h) Maintains current law.

(i) Provides that a declaration under this section may include any restriction authorized by Section 352.051, Local Government Code, but may not exceed the scope of such a restriction.

Same as ~~Senate~~ ^{House} version.

Senate Bill 11
Conference Committee Report
Section-by-Section Analysis

SENATE VERSION

HOUSE VERSION

CONFERENCE

SECTIONS 1.04-1.06.

Same as Senate version.

Same as Senate version.

SECTION 1.07. Chapter 418, Government Code, is amended by adding Subchapter E-1, Texas Statewide Mutual Aid System, to add, among other provisions, Section 418.114, relating to procedures for mutual aid, to require the political subdivisions in each state planning region to agree on procedures that specify the manner in which mutual aid will be provided in response to a request from a political subdivision in the *district* or another *district* or from this state.

Substantially the same as Senate version except, in added Section 418.114, refers to a *region*.

Same as Senate version.

SECTIONS 1.08-1.09.

Same as Senate version.

Same as Senate version.

ARTICLE 2. PREPAID MOBILE TELEPHONES

No equivalent provision.

~~Same as Senate version.~~
House

SECTION 2.01. Title 4, Business & Commerce Code, is amended by adding Chapter 51 as follows:

CHAPTER 51. SALE OF MOBILE TELEPHONES

Sec. 51.01. DEFINITIONS. In this chapter:

Defines "activation," "business establishment," "mobile telephone," "prepaid mobile telephone," and "valid identifying information."

Sec. 51.02. RESTRICTION ON SALE OF PREPAID MOBILE TELEPHONE. Prohibits a business establishment from selling a person more than five prepaid mobile telephones from the establishment during

No equivalent provision.

~~Same as Senate version.~~
House

Senate Bill 11
Conference Committee Report
Section-by-Section Analysis

SENATE VERSION

HOUSE VERSION

CONFERENCE

a single transaction, unless certain conditions are met.

Sec. 51.03. CERTAIN INFORMATION REQUIRED; OFFENSE. (a) Requires a purchaser of a prepaid mobile telephone to provide the wireless service provider or other business establishment activating the prepaid mobile telephone with certain information.

(b) Sets out provisions relating to making it Class A misdemeanor for a purchaser to provide false or misleading information.

(c) Provides that a wireless service provider or other business establishment is not liable for the validity or authenticity of the information collected under this section.

Sec. 51.04. PREREQUISITES TO ACTIVATION OF PREPAID MOBILE TELEPHONE. Before completing an activation of a prepaid mobile telephone, requires the entity that provides wireless service to the mobile telephone to make a record of the activation, including certain information.

Sec. 51.05. MAINTENANCE OF RECORDS. Sets out provisions relating to maintaining certain records until at least the first anniversary of the date the record is made or the date the information is received.

Sec. 51.06. CIVIL PENALTY. Provides that a business establishment or wireless service provider that violates this chapter is subject to a civil penalty of \$1,000 for each violation and authorizes the attorney general to bring suit to recover a civil penalty under this chapter.

Senate Bill 11
Conference Committee Report
Section-by-Section Analysis

SENATE VERSION	HOUSE VERSION	CONFERENCE
ARTICLE 3. AMATEUR RADIO OPERATORS	ARTICLE 2. Same as Senate version.	Same as Senate version.
SECTIONS 3.01-3.02.	SECTIONS 2.01-2.02. Same as Senate version.	Same as Senate version.
ARTICLE 4. CERTAIN OPEN MEETINGS PROVISIONS RELATED TO SCHOOLS AND GOVERNMENTAL BODIES; TEXAS SCHOOL SAFETY CENTER	ARTICLE 3. Same as Senate version.	Same as Senate version.
SECTIONS 4.01-4.05.	SECTIONS 3.01-3.05. Same as Senate version.	Same as Senate version.
No equivalent provision.	SECTION 3.06. Section 551.045, Government Code, is amended by adding Subsection (e) to provide that, for purposes of Subsection (b)(2), the sudden relocation of a large number of residents from the area of a declared disaster to a governmental body's jurisdiction is considered a reasonably unforeseeable situation for a reasonable period immediately following the relocation. Provides that notice of an emergency meeting or supplemental notice of an emergency item added to the agenda of a meeting to address a situation described by this subsection must be given to members of the news media as provided by Section 551.047 not later than one hour before the meeting.	Same as Senate ^{House} version.
SECTION 4.06. Section 551.076, Government Code, relating to closed meeting deliberations on security devices, security audits, or emergency operations plans, is amended to add a security audit and an emergency	SECTION 3.07. Same as Senate version except omits deliberations on an emergency operations plan from the list.	Same as House version.

Senate Bill 11
Conference Committee Report
Section-by-Section Analysis

SENATE VERSION	HOUSE VERSION	CONFERENCE
operations plan to the list of subjects, the deliberations of which do not require a governmental body to conduct an open meeting.		
ARTICLE 5. PROVISIONS RELATED TO TOLL ROADS	ARTICLE 4. Same as Senate version.	Same as Senate version.
No equivalent provision.	SECTION 4.___. Section 228.054(a), Transportation Code, is amended to provide that the exemption from payment of a toll for an authorized emergency vehicle applies regardless of whether the vehicle is responding to an emergency, displaying a flashing light, or marked as an emergency vehicle and specifies that the referenced emergency vehicle is defined by Section 541.201.	Same as House version.
No equivalent provision.	SECTION 4.___. Section 284.070, Transportation Code, is amended by adding Subsection (e) to provide that an authorized emergency vehicle, as defined by Section 541.201, is exempt from payment of a toll imposed under this chapter regardless of whether the vehicle is responding to an emergency, displaying a flashing light, marked as an emergency vehicle.	Same as House version.
No equivalent provision.	SECTION 4.___. Section 366.178(a), Transportation Code, is amended to provide that an authorized emergency vehicle, as defined by Section 541.201, is exempt from the toll and that the exemption applies regardless of whether the vehicle is responding to an emergency, displaying a flashing light, marked as a	Same as House version.

Senate Bill 11
Conference Committee Report
Section-by-Section Analysis

SENATE VERSION

HOUSE VERSION

CONFERENCE

No equivalent provision.

police or emergency vehicle.

SECTION 4.__. Section 370.177(a), Transportation Code, is amended to provide that the exemption from payment of a toll for an authorized emergency vehicle applies regardless of whether the vehicle is responding to an emergency, displaying a flashing light, marked as an emergency vehicle.

~~House~~
Same as ~~Senate~~ version.

SECTION 5.01. Subtitle G, Title 6, Transportation Code, is amended.

SECTION 4.01. Same as Senate version.

Same as Senate version.

SECTION 5.02. Subsection (d), Section 228.058, Transportation Code, is repealed.

SECTION 4.02. Section 228.058(d), Transportation Code, is amended to add offenses under Section 20.03 or 20.04, Penal Code, to the list of offenses, the prosecution for which evidence obtained from technology approved by the department under Subsection (a) may not be used

Same as Senate version.

No equivalent provision.

SECTION 4.__. Section 541.201, Transportation Code, is amended by adding Subdivision (13-a) to define "police vehicle" to mean 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.

Same as House version.

ARTICLE 6. OPERATION OF DESIGNATED EMERGENCY VEHICLES

ARTICLE 5. Same as Senate version.

Same as Senate version.

SECTIONS 6.01-6.02.

SECTIONS 5.01-5.02. Same as Senate version.

Same as Senate version.

Senate Bill 11
Conference Committee Report
Section-by-Section Analysis

SENATE VERSION

ARTICLE 7. INTERCEPTION OF WIRE, ORAL, OR
ELECTRONIC COMMUNICATIONS

~~SECTION 7.01. Subdivision (1), Section 1, Article 18.20, Code of Criminal Procedure, is amended to redefine "wire communication" to delete language that provided that the term includes the electronic storage of a wire communication.~~

SECTION 7.02. Article 18.20, Code of Criminal Procedure, is amended by amending Section 4 and adding Section 9A as follows:

Sec. 4. OFFENSES FOR WHICH INTERCEPTIONS MAY BE AUTHORIZED. Adds a felony offense under Chapter 20, 20A, or 34, Penal Code to the list of offenses for which a judge of competent jurisdiction may issue an order authorizing interception of wire, oral, or electronic communications under certain circumstances.

~~Sec. 9A. INTERCEPTION ORDER FOR COMMUNICATION BY SPECIFIED PERSON. (a) Provides that, notwithstanding Section 8(a)(2)(B), an application for an order authorizing the interception of a wire, oral, or electronic communication is not required to contain a particular description of the nature and location of the facilities from which or the place where the communication is to be intercepted if a judge of competent jurisdiction determines the person whose communications are to be intercepted is likely to circumvent the order by changing communication~~

HOUSE VERSION

No equivalent provision.

No equivalent provision.

No equivalent provision.

CONFERENCE

Same as Senate version.

•
~~House~~
Same as ~~Senate~~ version.

Same as Senate version except as follows:

Sec. 4. adds felonies to the list as follows:

- (3) an offense under Section 20.03 or 20.04, Penal Code;
- (4) an offense under Chapter 20A, Penal Code;
- (5) an offense under Chapter 34, Penal Code, if the criminal activity giving rise to the proceeds involves the commission of an offense under Title 5, Penal Code, or an offense under federal law or the laws of another state containing elements that are substantially similar to the elements of an offense under Title 5.

Senate Bill 11
Conference Committee Report
Section-by-Section Analysis

SENATE VERSION

HOUSE VERSION

CONFERENCE

devices repeatedly or there are exigent circumstances requiring that the order:

- (1) apply to any communication by the person whose communications are to be intercepted; and
 - (2) not be limited to a specific facility or place.
- (b) Provides that a judge who makes a determination under Subsection (a) is not required to include in the order a description of the nature or location of the communications facility from which or the place where authority to intercept is granted, as required by Section 9(b)(2). As an alternative to including that description, the judge may authorize the interception of any communication made by a specified person while the person is present in the geographic jurisdiction of the court.
- (c) Provides that this section does not place any additional legal obligation on a wire or electronic communications provider to identify or locate a person whose communications are to be intercepted.

SECTION 7.03 Subdivision (5), Section 1, Article 18.21, Code of Criminal Procedure, is amended to redefine "mobile tracking device" to delete language that provided that the term does not include a device designed, made, adapted, or capable of intercepting the content of a communication, or functioning as a pen register, ESM reader, trap and trace device, or similar equipment.

No equivalent provision.

House
Same as Senate version.

Senate Bill 11
Conference Committee Report
Section-by-Section Analysis

SENATE VERSION	HOUSE VERSION	CONFERENCE
SECTION 7.04. Saving provision relating to Article 18.20, Code of Criminal Procedure	No equivalent provision.	House Same as Senate version.
SECTION 7.05. Saving provision relating to Article 18.21, Code of Criminal Procedure	No equivalent provision.	House Same as Senate version.
ARTICLE 8. EMERGENCY ALERT SYSTEM	ARTICLE 7. Same as Senate version.	Same as Senate version.
SECTION 8.01. Subsection (a), Section 418.042, Government Code, is amended.	SECTION 7.01. Same as Senate version.	Same as Senate version.
ARTICLE 9. TEMPORARY CARDBOARD TAGS ON VEHICLES	ARTICLE 8. Same as Senate version.	Same as Senate version.
SECTIONS 9.01-9.05.	SECTIONS 8.01-8.05. Same as Senate version.	Same as Senate version.
SECTION 9.06. Subchapter C, Chapter 503, Transportation Code, is amended by adding Section 503.0631, relating to buyer's temporary tag database, and Section 503.0632, relating to notice to buyer.	SECTION 8.06. Same as Senate version except, in Section 503.0631, also adds Subsection (f) to authorize a dealer to charge a reasonable fee not to exceed \$20 for costs associated with complying with this section.	Same as Senate version.
SECTIONS 9.07-9.12.	SECTIONS 8.07-9.12. Same as Senate version.	Same as Senate version.
No equivalent provision.	No equivalent provision.	ARTICLE 9. CERTAIN MUTUAL ASSISTANCE AGREEMENTS
No equivalent provision.	SECTION __. Section 51.212, Education Code, is amended as follows:	Same as House version.

Senate Bill 11
Conference Committee Report
Section-by-Section Analysis

SENATE VERSION

HOUSE VERSION

CONFERENCE

Sec. 51.212. PEACE [~~SECURITY~~] OFFICERS AT PRIVATE INSTITUTIONS. (a) Makes conforming changes, including changes conforming to the expansion of authority of peace officers employed by the governing boards of private institutions of higher education made in Subsection (b) as amended by this Act.

(b) Stipulates that any officer commissioned under the provisions of this section is vested with all the powers, privileges, and immunities of peace officers, not only in the performance of duty on the institution's property, but also if the officer is performing duties assigned to the officer by the institution, regardless of whether the officer is on property under the control and jurisdiction of the institution; or

(2) to the extent authorized by Section 51.2125, is:

(A) requested by another law enforcement agency to provide assistance in enforcing state or local law, including a municipal ordinance, and is acting in response to that request; or

(B) otherwise assisting another law enforcement agency in enforcing a law described by Paragraph (A).

(c)-(d) Makes a conforming and nonsubstantive changes.

(e) Redefines "private institution of higher education" to mean, in this section, a private or independent institution of higher education as defined by Section 61.003 and deletes language referring to the definition in 61.003(15) of this code.

Senate Bill 11
Conference Committee Report
Section-by-Section Analysis

SENATE VERSION

No equivalent provision.

HOUSE VERSION

SECTION __. Subchapter E, Chapter 51, Education Code, is amended by adding Sections 51.2125 and 51.2126 as follows:

Sec. 51.2125. PRIVATE INSTITUTIONS: AUTHORITY TO ENTER INTO MUTUAL ASSISTANCE AGREEMENT. (a) This section applies only to a private institution of higher education, as defined by Section 61.003, with a fall head count enrollment of more than 10,000 students.

(b) If the institution has under its control and jurisdiction property that is contiguous to, or located in any part within the boundaries of, a municipality with a population of more than one million, in addition to exercising the authority provided under Section 51.212(d), the governing board of a private institution of higher education to which this section applies and the governing body of each municipality, regardless of the municipality's population, that is contiguous to, or the boundaries of which contain any part of, property under the control and jurisdiction of the private institution of higher education may enter into a written mutual assistance agreement in which peace officers commissioned by the institution or the applicable

CONFERENCE

SECTION 9.02. Subchapter E, Chapter 51, Education Code, is amended by adding Sections 51.2125 and 51.2126 as follows:

Sec. 51.2125. PRIVATE INSTITUTIONS: AUTHORITY TO ENTER INTO MUTUAL ASSISTANCE AGREEMENT. (a) This section applies only to a private institution of higher education that has a fall head count enrollment of more than 10,000 students and that has under its control and jurisdiction property that is contiguous to, or located in any part within the boundaries of, a municipality with a population of more than one million. For purposes of this section, a private institution of higher education is a private or independent institution of higher education as defined by Section 61.003.

(b) In addition to exercising the authority provided under Section 51.212(d), the governing board of a private institution of higher education to which this section applies and the governing body of each municipality, regardless of the municipality's population, that is contiguous to, or the boundaries of which contain any part of, property under the control and jurisdiction of the private institution of higher education may enter into a written mutual assistance agreement in which peace officers commissioned by the institution or the applicable municipality serve the public interest by assisting, without any form of additional compensation or other financial benefit, the peace officers of the other party to the agreement in enforcing state or local law,

Senate Bill 11
Conference Committee Report
Section-by-Section Analysis

SENATE VERSION

HOUSE VERSION

municipality serve the public interest by assisting, without any form of additional compensation or other financial benefit, the peace officers of the other party to the agreement in enforcing state or local law, including applicable municipal ordinances. The agreement must be reviewed at least annually by the institution and the municipality and may be modified at that time by a written agreement signed by each party. The agreement may be terminated at any time by a party to the agreement on the provision of reasonable notice to the other party to the agreement.

(c) A mutual assistance agreement authorized by this section may designate the geographic area in which the campus peace officers are authorized to provide assistance to the peace officers of the municipality.

(d) This section does not affect a municipality's duty to provide law enforcement services to any location within the boundaries of the municipality.

(e) A peace officer providing assistance under a mutual assistance agreement authorized by this section may make arrests and exercise all other authority given to

CONFERENCE

including applicable municipal ordinances. The agreement must be reviewed at least annually by the institution and the municipality and may be modified at that time by a written agreement signed by each party. The agreement may be terminated at any time by a party to the agreement on the provision of reasonable notice to the other party to the agreement.

(c) A mutual assistance agreement authorized by this section may designate the geographic area in which the campus peace officers are authorized to provide assistance to the peace officers of the municipality, except that if the agreement is entered into with a municipality with a population of more than one million, the designated geographic area consists of each of the election districts of the municipality's governing body that contains any part of the campus of the institution and each of the election districts of the governing body that is contiguous to another municipality that contains any part of the campus of the institution.

(d) This section does not affect a municipality's duty to provide law enforcement services to any location within the boundaries of the municipality.

(e) A peace officer providing assistance under a mutual assistance agreement authorized by this section may make arrests and exercise all other authority given to

Senate Bill 11
Conference Committee Report
Section-by-Section Analysis

SENATE VERSION

HOUSE VERSION

CONFERENCE

peace officers under other state law. The municipal law enforcement agency has exclusive authority to supervise any campus peace officer operating under the agreement to assist the peace officers of the municipality. A municipal peace officer operating under the agreement to assist the campus peace officers remains under the supervision of the municipal law enforcement agency.

(f) In the same manner and to the same extent as a municipality is liable for an act or omission of a peace officer employed by the municipality, a private institution of higher education is liable for an act or omission of a campus peace officer operating under a mutual assistance agreement authorized by this section at a location other than property under the control and jurisdiction of the institution.

(g) This section does not limit the authority of a campus peace officer to make a warrantless arrest outside the officer's jurisdiction as described by Article 14.03(d), Code of Criminal Procedure.

Sec. 51.2126. APPEAL BY CAMPUS PEACE OFFICER OF DISCIPLINARY ACTION OR PROMOTIONAL BYPASS RELATED TO PROVISION OF ASSISTANCE UNDER MUTUAL ASSISTANCE AGREEMENT. (a)-(j).

peace officers under other state law. The municipal law enforcement agency has exclusive authority to supervise any campus peace officer operating under the agreement to assist the peace officers of the municipality. A municipal peace officer operating under the agreement to assist the campus peace officers remains under the supervision of the municipal law enforcement agency.

(f) In the same manner and to the same extent as a municipality is liable for an act or omission of a peace officer employed by the municipality, a private institution of higher education is liable for an act or omission of a campus peace officer operating under a mutual assistance agreement authorized by this section at a location other than property under the control and jurisdiction of the institution.

(g) This section does not limit the authority of a campus peace officer to make a warrantless arrest outside the officer's jurisdiction as described by Article 14.03(d), Code of Criminal Procedure.

Sec. 51.2126. APPEAL BY CAMPUS PEACE OFFICER OF DISCIPLINARY ACTION OR PROMOTIONAL BYPASS RELATED TO PROVISION OF ASSISTANCE UNDER MUTUAL ASSISTANCE AGREEMENT. (a) -(j)

No equivalent provision.

ARTICLE __ INFORMATION PROVIDED BY
CRITICAL INFRASTRUCTURE ENTITIES

ARTICLE 10. Same as House version.

Senate Bill 11
Conference Committee Report
Section-by-Section Analysis

SENATE VERSION

No equivalent provision.

HOUSE VERSION

SECTION __.01. Subchapter B, Chapter 21, Property Code, is amended by adding Section 21.024 as follows:

Sec. 21.024. PRODUCTION OF INFORMATION BY CERTAIN ENTITIES CONSIDERED TO BE CRITICAL INFRASTRUCTURE. (a) A utility, a common carrier or a transporter of oil, gas or the products of oil or gas is considered to be within the definition of critical infrastructure under Government Code Section 421.001. Notwithstanding any other law, an entity which is considered critical infrastructure and which is authorized by law to take private property through the use of eminent domain is required to produce information as provided by this section if the information is requested by a person who owns property that is the subject of a proposed or existing eminent domain proceeding, but only if the information is related to the taking of the person's private property by the entity through the use of eminent domain.

(b) An entity described by Subsection (a) is required under this section only to produce information relating to the condemnation of the specific property owned by the requestor as described in the request. A request under this section must contain sufficient details to allow the entity to identify the specific tract of land in relation to which the information is sought.

(c) The entity shall respond to a request in accordance with the Texas Rules of Civil Procedure as if the request was made in a matter pending before a state district court.

CONFERENCE

ARTICLE 10.01. Same as House version.

Senate Bill 11
Conference Committee Report
Section-by-Section Analysis

SENATE VERSION

HOUSE VERSION

CONFERENCE

(d) Exceptions to disclosure provided by this chapter and the Texas Rules of Civil Procedure apply to the disclosure of information under this section.

(e) Jurisdiction to enforce the provisions of this section resides in:

(1) the court in which the condemnation was initiated;
or

(2) if the condemnation proceeding has not been initiated:

(A) a court that would have jurisdiction over a proceeding to condemn the requestor's property; or

(B) a court in the county in which the entity has its principal place of business that has jurisdiction over condemnation proceedings under this chapter.

(f) If the entity refuses to produce information requested in accordance with this section and the court determines the refusal violates this section, the court may award the requestor's reasonable attorney's fees incurred to compel the production of the information.

(g) If an entity that received a request in accordance with this section does not produce the requested information on or before the 30th day after the request is made, the attorney general may file an action in a court described by Subsection (e) to enforce this section on the request of the person who made the request for the information. If the court determines that the failure to produce the information is a violation of this section, the court may award the attorney general's reasonable expenses incurred to compel the production of the

Senate Bill 11
Conference Committee Report
Section-by-Section Analysis

SENATE VERSION

HOUSE VERSION

CONFERENCE

information.

(h) If the attorney general files an action under subsection (g), the person who requested that the attorney general file the action may not file a private action to enforce this section with respect to the same request for information.

Section 552.0037, Government Code, is repealed as to those entities described in Subsection (a).

No equivalent provision.

No equivalent provision.

ARTICLE 11. LEAVE OF ABSENCE FOR URBAN
SEARCH AND RESCUE TEAMS

No equivalent provision.

SECTION __. Section 431.005, Government Code, , to add a member of a state or federally authorized Urban Search and Rescue Team to the list of persons entitled to a paid leave of absence on a day on which the person is engaged in authorized training or duty and to the list of state employees who are entitled, under the same circumstances, to be restored to the position that the employee held when ordered to duty.

Same as House version.

No equivalent provision.

No equivalent provision.

ARTICLE 13. IMMUNIZATION RECORDS OF FIRST
RESPONDERS AND RECORDS OBTAINED
DURING CERTAIN DISASTERS.

No equivalent provision.

SECTION __. Section 161.0001, Health and Safety Code, , is amended by amending Subdivision (1) and adding Subdivisions (1-a) and (1-b) as follows:
(1) Redefines "data elements" to mean, among other

Same as House version.

Senate Bill 11
Conference Committee Report
Section-by-Section Analysis

SENATE VERSION

HOUSE VERSION

CONFERENCE

things, information provided by a certain health care provider, including any adverse or unexpected events for a vaccine and information specified in rules adopted to implement Section 161.00705.

(1-a) Provides that "first responder" has the meaning assigned by Section 421.095, Government Code.

(1-b) Defines "immediate family member" to mean the parent, spouse, child, or sibling of a person who resides in the same household as the person.

No equivalent provision.

SECTION __. Subchapter A, Chapter 161, Health and Safety Code, is amended by adding Sections 161.00705, 161.00706, and 161.00707 as follows:

Sec. 161.00705. RECORDING ADMINISTRATION OF IMMUNIZATION AND MEDICATION FOR DISASTERS AND EMERGENCIES. (a) Requires the department of state health services to maintain a registry of persons who receive an immunization, antiviral, and other medication administered to prepare for a potential disaster, public health emergency, terrorist attack, hostile military or paramilitary action, extraordinary law enforcement emergency or in response to a declared disaster, public health emergency, terrorist attack, hostile military or paramilitary action, or extraordinary law enforcement emergency and requires a health care provider who administers an immunization, antiviral, or other medication shall provide the data elements to the department.

(b) Requires the department to maintain the registry as

Same as House version.

Senate Bill 11
Conference Committee Report
Section-by-Section Analysis

SENATE VERSION

HOUSE VERSION

CONFERENCE

part of the immunization registry required by Section 161.007.

(c) Requires the department to track adverse reactions to an immunization, antiviral, and other medication administered to prepare for a potential disaster, public health emergency, terrorist attack, hostile military or paramilitary action, extraordinary law enforcement emergency or in response to a declared disaster, public health emergency, terrorist attack, hostile military or paramilitary action, or extraordinary law enforcement emergency. A health care provider who administers an immunization, antiviral, or other medication may provide data related to adverse reactions to the department.

(d) Provides that Sections 161.007, 161.0071, 161.0072, and 161.0074 apply to the data elements submitted to the department under this section, unless a provision in those sections conflicts with a requirement in this section.

(e) Requires the executive commissioner of the Health and Human Services Commission by rule to determine the period during which the information collected under this section must remain in the immunization registry following the end of the disaster, public health emergency, terrorist attack, hostile military or paramilitary action, or extraordinary law enforcement emergency.

(f) Provides that, unless an individual or, if a child, the child's parent, managing conservator, or guardian consents in writing to continued inclusion of the child's or other individual's information in the registry, the

Senate Bill 11
Conference Committee Report
Section-by-Section Analysis

SENATE VERSION

HOUSE VERSION

CONFERENCE

department shall remove the immunization records collected under this section from the registry on expiration of the period prescribed under Subsection (e).

(g) Sets out parameters on the release of immunization information.

(h) Requires the report required under Section 161.0074 to include certain additional information. \

(i) Requires the executive commissioner of the Health and Human Services Commission to adopt rules necessary to implement this section.

Sec. 161.00706. FIRST RESPONDER IMMUNIZATION INFORMATION. (a) Authorizes a

person 18 years of age or older who is a first responder or an immediate family member of a first responder to:

(1) request that a health care provider who administers an immunization to the person provide data elements regarding the immunization to the department for inclusion in the immunization registry; or

(2) provide the person's immunization history directly to the department for inclusion in the immunization registry.

(b) Requires a health care provider, on receipt of a request under Subsection (a)(1), to submit the data elements to the department in a format prescribed by the department. The department shall verify the person's request before including the information in the immunization registry.

(c) Requires the executive commissioner of the Health and Human Services Commission develop and adopt

Senate Bill 11
Conference Committee Report
Section-by-Section Analysis

SENATE VERSION

HOUSE VERSION

CONFERENCE

certain rules and to develop certain guidelines.

(d) Provides that a person's immunization history or data received by the department under this section may be released only on consent of the person or to any health care provider licensed or otherwise authorized to administer vaccines.

(e) Provides that a person whose immunization records are included in the immunization registry may request in writing that the department remove that information from the registry and that, not later than the 10th day after receiving a request under this subsection, the department shall remove the person's immunization records from the registry.

(f) Requires the report required under Section 161.0074 to include certain additional information.

Sec. 161.00707. INFORMATION AND EDUCATION FOR FIRST RESPONDERS. Requires the department to develop a program for informing first responders about the immunization registry and educating first responders about the benefits of being included in the immunization registry, including certain information.

No equivalent provision.

SECTION __. Section 161.007, Health and Safety Code,, is amended by amending Subsections (a), (b), and (j) and adding Subsections (b-1) and (b-2) to read as follows:

(a) Specifies that the registry's primary purpose is aiding, coordinating, and promoting efficient and cost-effective childhood communicable disease prevention

Same as House version ~~except omits Subsection (b-2).~~

Senate Bill 11
Conference Committee Report
Section-by-Section Analysis

SENATE VERSION

HOUSE VERSION

CONFERENCE

and control efforts; expands the registry base to include all immunizations, rather than only childhood immunizations; makes conforming changes to provisions related to the requirement that the department by rule develop guidelines on consent and the use of confidential information, including guidelines to determine the process by which consent is verified, including affirmation by a health care provider, birth registrar, regional health information exchange, or local immunization registry that consent has been obtained.

(b) Makes conforming changes and provides that immunization registry must contain information on the immunization history that is obtained by the department under, among other provisions, Section 161.00705 of persons immunized to prepare for or in response to a declared disaster, public health emergency, terrorist attack, hostile military or paramilitary action, or extraordinary law enforcement emergency, and Section 161.00706 of first responders or their immediate family members.

(b-1) Makes conforming changes related to retention of individually identifiable information.

(b-2) Provides that except as otherwise provided by this subchapter, the department shall retain the information in the registry until the person's death. Not later than the 180th day after the date a person whose immunization information is included in the registry turns 18 years of age, the department shall notify the person that the information will remain in the registry unless the person

Senate Bill 11
Conference Committee Report
Section-by-Section Analysis

SENATE VERSION

HOUSE VERSION

CONFERENCE

	withdraws consent to be included in the registry. (j) Makes conforming changes.	
No equivalent provision.	SECTION __. Subsections (a) and (c), Section 161.0073, Health and Safety Code, are amended to makes conforming changes.	Same as House version.
No equivalent provision.	SECTION __. Section 161.0075, Health and Safety Code,, is amended to make conforming changes.	Same as House version.
No equivalent provision.	SECTION __. Subsection (a), Section 161.009, Health and Safety Code, is amended to make conforming changes	Same as House version.
No equivalent provision.	SECTION __. Subchapter A, Chapter 161, Health and Safety Code, is amended by adding Section 161.0102 as follows: Sec. 161.0102. DISASTER PREPARATION. Requires the department to consult with public health departments and appropriate health care providers to identify adult immunizations that may be necessary to respond to or prepare for a disaster or public health emergency, terrorist attack, hostile military or paramilitary action, or extraordinary law enforcement emergency.	Same as House version.
No equivalent provision.	SECTION __. Subsection (a), Section 161.0105, Health and Safety Code, is amended make conforming changes.	Same as House version.
No equivalent provision.	SECTION __. Transition provision related to requiring	Same as House version except refers to the section as

Senate Bill 11
Conference Committee Report
Section-by-Section Analysis

SENATE VERSION

HOUSE VERSION

CONFERENCE

the executive commissioner of the Health and Human Services Commission to adopt the rules required under Sections 161.00705 and 161.00706, Health and Safety Code, as added by this Act.

added by this article.

SECTION __. Saving provision relation to he change in law made by this Act to Section 161.009, Health and Safety Code.

Same as House version except refers to the section as added by this article.

No equivalent provision.

ARTICLE 16. TRAFFICKING PERSONS

SECTION __. Section 20A.01, Penal Code, related to definition, is amended as follows:
Sec. 20A.01. DEFINITIONS. In this chapter:
(1) Redefines "forced labor or services" to mean labor or services, including employment for legal labor or services and conduct that constitutes an offense under Chapter 43 or Section 48.02, that are performed or provided by another person and obtained or maintained through an actor's:
(A) using force against the person or another person, threatening to cause bodily injury to the person or another person, or otherwise causing the person performing or providing labor or services to believe that the person or another person will suffer bodily injury;
(B) restraining the person or another person [in a manner described by Section 20.01(1) or causing the person performing or providing labor or services to believe that the person or another person will be restrained;

Same as House version.

Senate Bill 11
Conference Committee Report
Section-by-Section Analysis

SENATE VERSION

HOUSE VERSION

CONFERENCE

(C) destroying or withholding from another the person's:
(i) actual or purported government records;
(ii) actual or purported identifying information; or
(iii) personal property;
(D) threatening the person with abuse of the law or the legal process in relation to the person or another person;
(E) threatening to report the person or another person to immigration officials or other law enforcement officials or otherwise blackmailing or extorting the person or another person;
(F) exerting financial control over the person or another person; or
(G) using any scheme, plan, or pattern intended to cause the person to believe that the person or another person will be subjected to serious harm or restraint if the person does not perform or provide the labor or services.
(2) Redefines "traffic" to mean to transport, entice, solicit, recruit, harbor, provide, or otherwise obtain another person by any means.

No equivalent provision.

SECTION __. Sections 20A.02(a) and (b), Penal Code, are amended to add to the factors upon which the offense of trafficking of persons is based, to include, among others, knowingly trafficking another person with the knowledge that that trafficked person will engaged in forced labor or services and knowingly trafficking another person with the intent or knowledge that the trafficked person will engage in forced labor or service intentionally or knowingly benefits from participating in

Same as House version.

Senate Bill 11
Conference Committee Report
Section-by-Section Analysis

SENATE VERSION

HOUSE VERSION

CONFERENCE

a venture that involves an activity described by Subdivision (1), including by receiving labor or services that the actor knows are forced labor or services. Deletes language that made knowingly trafficking another person with the intent that the trafficked person engage in conduct that constitutes an offense under Chapter 43.

(b) Raises the age of the victim, from 14 years of age to 18 years of age, that triggers an enhancement of the offense from a second degree felony to a first degree of felony and makes conforming changes.

No equivalent provision.

SECTION __. Saving provision related to the changes in law made by this Act to Sections 20A.01 and 20A.02, Penal Code.

Same as House version except refers to the section as added by this article.

No equivalent provision.

SECTION __. Chapter 42, Penal Code, is amended by adding Section 42.063 as follows:

Sec. 42.063. UNAUTHORIZED USE OF EMERGENCY COMMUNICATIONS DEVICE. (a) In this section:

Defines "emergency," "emergency communications device," and "first responder."

(b)-(d) Makes it Class A misdemeanor to intentionally, knowingly, or recklessly, without authorization: (1) use an emergency communications device; (2) transmit a communication by using an emergency communications device; or (3) transmit over a radio frequency routinely used by first responders to transmit or receive communications through emergency communications

Same as Senate version.

Senate Bill 11
Conference Committee Report
Section-by-Section Analysis

SENATE VERSION

HOUSE VERSION

CONFERENCE

devices. Enhances the offense to a felony of the third degree if, during the commission of the offense, the actor: (1) interferes with the ability of a first responder to respond to an emergency; or (2) diverts a first responder from a location with the intent to facilitate the commission of another criminal offense by any person.
(e) Provides that if conduct constituting an offense under this section also constitutes an offense under another section of this code, the actor may be prosecuted under either section or both sections.

No equivalent provision.

No equivalent provision.

No equivalent provision.

SECTION __. Section 644.102, Transportation Code, is amended by amending Subsection (b) and adding Subsection (b-1) as follows:

(b) Makes changes conforming to the addition of (b-1).

(b-1) Provides that Subsection (b) does not prohibit a municipality or county from receiving High Priority Activity Funds provided under the federal Motor Carrier Safety Assistance Program.

No equivalent provision.

ARTICLE __. PUBLIC SAFETY AGENCIES

No equivalent provision.

SECTION __. Section 411.003(b), (c), and (d), Government Code, are amended as follows:

(b) Increases commission membership from three to five and, among other provisions, requires that membership to reflect the diverse geographic regions and population

ARTICLE 14. HIGH PRIORITY ACTIVITY FUNDS

Same as House version.

~~House~~
Senate
Same as Senate version.

~~Senate~~
House
Same as House version.

Senate Bill 11
Conference Committee Report
Section-by-Section Analysis

SENATE VERSION

HOUSE VERSION

CONFERENCE

groups of this state.

(c) Modifies members' terms to provide that members serve staggered six-year terms with the terms of either one or two members expiring January 1 of each even-numbered year.

(d) Among other provisions, limits the right to call a meeting to the chairman, deletes the right of a meeting to be called at the behest of any two members, and requires the chairman to oversee the preparation of an agenda for each meeting and ensure that a copy is provided to each member at least seven days before the meeting.

No equivalent provision.

SECTION __. Transition provision relating to commission appointments.

Same as Senate version.

No equivalent provision.

ARTICLE __. DISEASE MANAGEMENT

Same as House version.

No equivalent provision.

SECTION __.01. Section 81.082, Health and Safety Code, is amended by adding Subsection (c-1) to authorize a health authority to designate health care facilities within the health authority's jurisdiction that are capable of providing services for the examination, observation, quarantine, isolation, treatment, or imposition of control measures during a public health disaster or during an area quarantine under Section 81.085 and to prohibit a health authority from designating a nursing home or other institution licensed under Chapter 242.

Same as House version.

Senate Bill 11
Conference Committee Report
Section-by-Section Analysis

SENATE VERSION

No equivalent provision.

HOUSE VERSION

SECTION __.02. Section 81.083, Health and Safety Code, is amended by adding Subsections (k) and (l) as follows:

(k) Provides that if the Texas Department of Health or a health authority has reasonable cause to believe that a group of five or more individuals has been exposed to or infected with a communicable disease, the department or health authority may order the members of the group to implement control measures that are reasonable and necessary to prevent the introduction, transmission, and spread of the disease in this state and that if the department or health authority adopts control measures under this subsection, each member of the group is subject to the requirements of this section.

(l) Sets out requirements of the notice that is to be provided to each member of the group, or the member's parent, legal guardian, or managing conservator if the member is a minor.

No equivalent provision.

SECTION __.03. Section 81.151, Health and Safety Code, is amended by adding Subsection (e) to provide that a single application may be filed for a group if:

- (1) the department or health authority reasonably suspects that a group of five or more persons has been exposed to or infected with a communicable disease; and
- (2) each person in the group meets the criteria of this chapter for court orders for the management of a person with a communicable disease.

CONFERENCE

Same as House version.

Same as House version.

Senate Bill 11
Conference Committee Report
Section-by-Section Analysis

SENATE VERSION	HOUSE VERSION	CONFERENCE
No equivalent provision.	SECTION __.04. Subchapter G, Chapter 81, Health and Safety Code, is amended by adding Section 81.1511 as follows: Sec. 81.1511. APPLICABILITY OF SUBCHAPTER TO GROUP. Stipulates that to the extent possible, and except as otherwise provided, if a group application is filed under Section 81.151(e), the provisions of this subchapter apply to the group in the same manner as they apply to an individual, except under certain circumstances.	Same as House version.
No equivalent provision.	SECTION __.05. Section 81.152, Health and Safety Code, is amended by adding Subsection (d) to require a group application to contain certain information according to the applicant's information and belief.	Same as House version.
No equivalent provision.	SECTION __.06. Subchapter G, Chapter 81, Health and Safety Code, is amended by adding Section 81.1531 as follows: Sec. 81.1531. APPOINTMENT OF ATTORNEY FOR GROUP. (a) Requires a judge to appoint an attorney to represent a group identified in a group application under Section 81.151(e) and to appoint an attorney for each person who is listed in the application if requested by a person in the group who does not have an attorney. (b) Provides that, to the extent possible, the provisions of this chapter that apply to an individual's attorney apply to a group's attorney.	Same as House version.

Senate Bill 11
Conference Committee Report
Section-by-Section Analysis

SENATE VERSION

HOUSE VERSION

CONFERENCE

No equivalent provision.

SECTION __.07. Subsection (a), Section 81.159, Health and Safety Code, is amended to add to the list of entities the commissioner may not designate as a health care facility capable of providing services for the examination, observation, isolation, or treatment of persons having or suspected of having a communicable disease.

Same as House version.

No equivalent provision.

SECTION __.08. Section 81.162, Health and Safety Code, is amended by adding Subsections (f) and (g) as follows:

Same as House version.

(f) Authorizes a judge or magistrate, notwithstanding Section 81.161 or Subsection (c), to issue a temporary protective custody order before the filing of an application for a court order for the management of a person with a communicable disease under Section 81.151, under certain circumstances.

(g) Sets out provisions relating to the length of time a temporary protective custody order issued under Subsection (f) may be continued.

No equivalent provision.

SECTION __.09. Subsections (b) and (d), Section 81.165, Health and Safety Code, are amended as follows:

Same as House version.

(b) Sets out provisions relating to the timeframe for holding a hearing and adds that if the hearing will be held, is under a public health disaster, the judge or magistrate may postpone the hearing until the period of disaster is ended.

(d) Sets out rights of the person and his attorney at the

Senate Bill 11
Conference Committee Report
Section-by-Section Analysis

SENATE VERSION

HOUSE VERSION

CONFERENCE

hearing and adds that if the health authority advises the court that the person must remain in isolation or quarantine and that exposure to the judge, jurors, or the public would jeopardize the health and safety of those persons and the public health, a magistrate or a master may order that a person entitled to a hearing for a protective custody order may not appear in person and may appear only by teleconference or another means the magistrate or master finds appropriate to allow the person to speak, to interact with witnesses, and to confer with the person's attorney.

No equivalent provision.

SECTION __.10. Subsections (b) and (c), Section 81.167, Health and Safety Code, among other provision, to make conforming changes and prohibit a person under a protective custody order from being detained in a nonmedical facility under this subsection for longer and the duration of a public health disaster.

Same as House version.

No equivalent provision.

SECTION __.11. Subsection (c), Section 81.168, Health and Safety Code, to make conforming changes.

Same as House version.

No equivalent provision.

SECTION __.12. Section 81.169, Health and Safety Code, is amended by adding Subsection (i) to provide that, notwithstanding Subsection (d), if the health authority advises the court that the person must remain in isolation or quarantine and that exposure to the judge, jurors, or the public would jeopardize the health and safety of those persons and the public health, a judge

Same as House version.

Senate Bill 11
Conference Committee Report
Section-by-Section Analysis

SENATE VERSION

HOUSE VERSION

CONFERENCE

may order that a person entitled to a hearing may not appear in person and may appear only by teleconference or another means that the judge finds appropriate to allow the person to speak, to interact with witnesses, and to confer with the person's attorney.

No equivalent provision.

SECTION __.13. Section 81.176, Health and Safety Code, to make a conforming change.

Same as House version.

No equivalent provision.

SECTION __.14. Section 81.177, Health and Safety Code, is amended as follows:

Same as House version.

(a) Creates Subsection (a) from current law.

(b) Authorizes the court, consistent with Subsection (a), to order a person committed to a private health care facility at no expense to the state, a county, a municipality, or a hospital district if: (1) a state of disaster or a public health disaster has been declared or an area quarantine is imposed under Section 81.085; (2) the health care facility is located within the disaster area or area quarantine, as applicable; and (3) the judge determines that there is no public health care facility within the disaster area or area quarantine, as applicable, that has appropriate facilities and the capacity available to receive and treat the person.

(c) Provides that nothing in this section prevents a health care facility that accepts a person under this section from pursuing reimbursement from any appropriate source, such as a third-party public or private payor or disaster relief fund.

Senate Bill 11
Conference Committee Report
Section-by-Section Analysis

SENATE VERSION	HOUSE VERSION	CONFERENCE
No equivalent provision.	ARTICLE __. LICENSE PLATES FOR THE MILITARY	Same as House version.
No equivalent provision.	SECTION __. Subchapter D, Chapter 504, Transportation Code, is amended by adding Section 504.3011 as follows: Sec. 504.3011. DESIGN OF CERTAIN LICENSE PLATES FOR THE MILITARY. (a) Provides that a license plate issued under Section 504.303 must at a minimum bear a color depiction of the emblem of the appropriate branch of the United States armed forces. (b) Provides that license plates issued under Section 504.308(a) or 504.315(e), (f), or (g) must at a minimum bear a color depiction of the appropriate medal. (c) Requires the Texas Department of Transportation to design license plates to which this section applies in consultation with veterans organizations.	Same as House version.
No equivalent provision.	ARTICLE __. ENHANCED DRIVER'S LICENSE OR PERSONAL IDENTIFICATION CERTIFICATE	House Same as Senate version.
No equivalent provision.	SECTION __.01. Subchapter B, Chapter 521, Transportation Code, is amended by adding Section 521.032 as follows: Sec. 521.032. ENHANCED DRIVER'S LICENSE OR PERSONAL IDENTIFICATION CERTIFICATE. (a) Authorizes the department to issue an enhanced driver's license or personal identification certificate for the purposes of crossing the border between this state and	House Same as Senate version.

Senate Bill 11
Conference Committee Report
Section-by-Section Analysis

SENATE VERSION

HOUSE VERSION

CONFERENCE

Mexico to an applicant who provides the department with proof of United States citizenship, identity, and state residence. Requires the department, if the department issues an enhanced driver's license or personal identification certificate, to continue to issue a standard driver's license and personal identification certificate and offer each applicant the option of receiving the standard or enhanced driver's license or personal identification certificate.

(b)-(f) Set out provisions relating to implementation of the program for issuing an enhanced driver's license or personal identification certificate,

(g) Prohibits a person from selling or otherwise disclosing biometric information accessed from an enhanced driver's license or any information from an enhanced driver's license radio frequency identification chip or similar technology to another person or an affiliate of the person. Makes this subsection inapplicable to a financial institution described by Section 521.126(e).

No equivalent provision.

No equivalent provision.

ARTICLE 19. MISCELLANEOUS PROVISIONS
RELATING TO HOMELAND SECURITY AND
BORDER SECURITY
SECTION 19.01. Subchapter A, Chapter 421,
Government Code, is amended by adding Section
421.0025 to read as follows:
Sec. 421.0025. BORDER SECURITY COUNCIL. (a)
The Border Security Council consists of members

Senate Bill 11
Conference Committee Report
Section-by-Section Analysis

SENATE VERSION

HOUSE VERSION

CONFERENCE

appointed by the governor.

(a-1) At least one-third of the members appointed under Subsection (a) must be residents of the Texas-Mexico border region, as defined by Section 2056.002.

(b) The Border Security Council shall develop and recommend to the office of the governor performance standards, reporting requirements, audit methods, and other procedures to ensure that funds allocated by the office of the governor for purposes related to security at or near this state's international border are used properly and that the recipients of the funds are accountable for the proper use of the funds.

(c) The Border Security Council shall advise the office of the governor regarding the allocation of funds by the office for purposes related to security at or near this state's international border. Recommendations relating to the allocation of those funds must be made by a majority of the members of the council.

(d) The governor shall designate one member of the Border Security Council as the chair. The chair shall arrange meetings of the Border Security Council at times determined by the members of the council.

(e) The meetings of the Border Security Council are subject to the requirements of Chapter 551 to the same extent as similar meetings of the Public Safety Commission. The plans and recommendations of the Border Security Council are subject to the requirements of Chapter 552 to the same extent as similar plans and recommendations of the Department of Public Safety of

Senate Bill 11
Conference Committee Report
Section-by-Section Analysis

SENATE VERSION

HOUSE VERSION

CONFERENCE

the State of Texas.

(f) Service on the Border Security Council by a state officer or employee or by an officer or employee of a local government is an additional duty of the member's office or employment.

SECTION 19.02. The heading to Subchapter E, Chapter 421, Government Code, is amended to read as follows:

SUBCHAPTER E. TEXAS FUSION

~~[INFRASTRUCTURE PROTECTION COMMUNICATIONS]~~ CENTER

SECTION 19.03. Section 421.081, Government Code, is amended to read as follows:

Sec. 421.081. FACILITIES AND ADMINISTRATIVE SUPPORT. The Department of Public Safety of the State of Texas shall provide facilities and administrative support for the Texas Fusion ~~[Infrastructure Protection Communications]~~ Center.

SECTION 19.04. Subchapter H, Chapter 2155, Government Code, is amended by adding Section 2155.452 to read as follows:

Sec. 2155.452. CERTAIN CONTRACTS FOR HOMELAND SECURITY OR LAW ENFORCEMENT TECHNOLOGY. A state governmental entity that issues a request for proposals for technological products or services for homeland security or law enforcement purposes must allow a business entity to substitute the qualifications of its executive officers or managers for the qualifications required of the business entity in the request for proposals.

Senate Bill 11
Conference Committee Report
Section-by-Section Analysis

SENATE VERSION

HOUSE VERSION

CONFERENCE

SECTION 19.05. Article 61.02(c), Code of Criminal Procedure, is amended to read as follows:

(c) Criminal information collected under this chapter relating to a criminal street gang must:

(1) be relevant to the identification of an organization that is reasonably suspected of involvement in criminal activity; and

(2) consist of:

(A) a judgment under any law that includes, as a finding or as an element of a criminal offense, participation in a criminal street gang;

(B) a self-admission by the individual of criminal street gang membership that is made during a judicial proceeding; or

(C) any two of the following:

(i) ~~[(A)]~~ a self-admission by the individual of criminal street gang membership that is not made during a judicial proceeding;

(ii) ~~[(B)]~~ an identification of the individual as a criminal street gang member by a reliable informant or other individual;

(iii) ~~[(C)]~~ a corroborated identification of the individual as a criminal street gang member by an informant or other individual of unknown reliability;

(iv) ~~[(D)]~~ evidence that the individual frequents a documented area of a criminal street gang and;

associates with known criminal street gang members;

(v) evidence that the individual~~[-and]~~ uses, in more than an incidental manner, criminal street gang dress, hand

Senate Bill 11
Conference Committee Report
Section-by-Section Analysis

SENATE VERSION

HOUSE VERSION

CONFERENCE

signals, tattoos, or symbols, including expressions of letters, numbers, words, or marks, regardless of the format or medium in which the symbols are displayed, that are associated with a criminal street gang that operates in an area frequented by the individual and described by Subparagraph (iv); or
(vi) [(E)] evidence that the individual has been arrested or taken into custody with known criminal street gang members for an offense or conduct consistent with criminal street gang activity.

SECTION 19.06. Article 61.06(c), Code of Criminal Procedure, is amended to read as follows:

(c) In determining whether information is required to be removed from an intelligence database under Subsection (b), the three-year period does not include any period during which the individual who is the subject of the information is:

(1) confined in a correctional facility operated by or under contract with the [institutional division or the state jail division of the] Texas Department of Criminal Justice;

(2) committed to a secure correctional facility operated by or under contract with the Texas Youth Commission, as defined by Section 51.02, Family Code; or

(3) confined in a county jail or a facility operated by a juvenile board in lieu of being confined in a correctional facility operated by or under contract with the Texas Department of Criminal Justice or being committed to a secure correctional facility operated by or under contract

Senate Bill 11
Conference Committee Report
Section-by-Section Analysis

SENATE VERSION

HOUSE VERSION

CONFERENCE

with the Texas Youth Commission.

SECTION 19.07. Chapter 61, Code of Criminal Procedure, is amended by adding Article 61.075 to read as follows:

Art. 61.075. RIGHT TO REQUEST EXISTENCE OF CRIMINAL INFORMATION. (a) A person or the parent or guardian of a child may request a law enforcement agency to determine whether the agency has collected or is maintaining, under criteria established under Article 61.02(c), criminal information relating solely to the person or child. The law enforcement agency shall respond to the request not later than the 10th business day after the date the agency receives the request.

(b) Before responding to a request under Subsection (a), a law enforcement agency may require reasonable written verification of the identity of the person making the request and the relationship between the parent or guardian and the child, if applicable, including written verification of an address, date of birth, driver's license number, state identification card number, or social security number.

ARTICLE 20. PUBLIC SAFETY AGENCIES

SECTION 20.01. Sections 411.003(b), (c), and (d), Government Code are amended to read as follows:

(b) The commission is composed of five ~~three~~ citizens of this state appointed by the governor with the advice and consent of the senate. Members must be selected because of their peculiar qualifications for the

Senate Bill 11
Conference Committee Report
Section-by-Section Analysis

SENATE VERSION

HOUSE VERSION

CONFERENCE

position[?] and must reflect the diverse geographic regions and population groups of this state.
Appointments to the commission shall be made without regard to race, color, disability, sex, religion, age, or national origin. In making an appointment the governor shall consider, among other things, the person's knowledge of laws, experience in the enforcement of law, honesty, integrity, education, training, and executive ability.

(c) Members serve staggered six-year terms with the terms [term] of either one or two members [member] expiring January 1 of each even-numbered year.

(d) The governor shall designate one member of the commission as chairman of the commission to serve in that capacity at the pleasure of the governor. The commission shall meet at the times and places specified by commission rule or at the call of the chairman [~~or any two members~~]. The chairman shall oversee the preparation of an agenda for each meeting and ensure that a copy is provided to each member at least seven days before the meeting.

SECTION 20.02. Promptly after this article takes effect, the governor shall appoint two additional members to the Public Safety Commission. Of those members, the governor shall designate one to serve a term expiring January 1, 2010, and one to serve a term expiring January 1, 2012.

ARTICLE 10. EFFECTIVE DATE

Same as Senate version.

Same as Senate version.

Senate Bill 11
Conference Committee Report
Section-by-Section Analysis

SENATE VERSION

HOUSE VERSION

CONFERENCE

SECTION 10.01. Except as otherwise provided by this Act, this Act takes effect September 1, 2007.

Same as Senate version.

Same as Senate version.