

BILL ANALYSIS

Senate Research Center
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H.B. 3041
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Education
5/21/2003
Committee Report (Amended)

DIGEST AND PURPOSE

Currently, the Texas Building and Procurement Commission (TBPC), formerly the General Services Commission, shares authority with the Texas Department of Public Safety and the Texas Education Agency for establishing safety standards for school buses. Specifically, TBPC has the authority to adopt and enforce rules governing the design, color, lighting and other equipment, construction, and operation of school buses. H.B. 3041 designates the Department of Public Safety as the primary agency charged with school bus safety standards.

RULEMAKING AUTHORITY

Rulemaking authority is transferred from the General Services Commission [Texas Building and Procurement Commission] to the Department of Public Safety in SECTION 2 (Section 547.7015, Transportation Code) of this bill.

Provides that rules that were adopted under Section 547.7015, Transportation Code, before the effective date of this Act and that are in effect on the effective date of this Act are continued in effect as rules of the Department of Public Safety until the rules are amended, repealed, or superseded by an action of the Department of Public Safety, in SECTION 3 of this bill.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 34.002(a), Education Code, to require the Department of Public Safety (DPS), with the advice of the Texas Education Agency, rather than of the General Services Commission (GSC) [Texas Building and Procurement Commission], to establish safety standards for school buses used to transport students in accordance with Section 34.003, rather than 34.002, Education Code.

SECTION 2. Amends Sections 547.7015(a) and (b), Transportation Code, as follows:

- (a) Requires DPS, rather than GSC with the advice of DPS, to adopt and enforce rules governing the design, color, lighting and other equipment, construction, and operation of a school bus for the transportation of schoolchildren that is:
 - (1) owned and operated by a school district in this state; or
 - (2) privately owned and operated under a contract with a school district in this state.

- (b) Requires DPS, rather than GSC, in adopting rules under this section, to emphasize:
 - (1) safety features; and
 - (2) long-range, maintenance-free factors.

SECTION 3. Provides that rules that were adopted under Section 547.7015, Transportation Code, before the effective date of this Act and that are in effect on the effective date of this Act are continued in effect as rules of DPS until the rules are amended, repealed, or superseded by an action of DPS.

SECTION 4. Effective date: upon passage or September 1, 2003.

LIST OF COMMITTEE AMENDMENTS

Committee Amendment No. 1:

Amend H.B. No. 3041 as follows:

(1) Add the following appropriately numbered sections and renumber subsequent sections of the bill accordingly:

SECTION __. Subsection (b), Section 34.007, Education Code, is amended to read as follows:

(b) In establishing and operating the transportation system, the county or school district board:

(1) shall employ school bus drivers certified in accordance with standards and qualifications adopted by the Department of Public Safety; and

(2) may allow a parent to designate one of the following locations ~~[a child-care facility, as defined by Section 42.002, Human Resources Code;]~~ instead of the child's residence as the regular location for purposes of obtaining transportation under the system to and from the child's school:

(A) a child-care facility, as defined by Section 42.002, Human Resources Code; or

(B) the residence of a grandparent of the child.

SECTION __. Subsection (k), Section 42.155, Education Code, is amended to read as follows:

(k) Notwithstanding any other provision of this section, the commissioner may not reduce the allotment to which a district or county is entitled under this section because the district or county provides transportation for an eligible student to and from a child-care facility, as defined by Section 42.002, Human Resources Code, or a grandparent's residence instead of the student's residence, as authorized by Section 34.007, if the transportation is provided within the approved routes of the district or county for the school the student attends.

(2) In SECTION 4 of the bill (Engrossed version, page 2, line 8), between "SECTION 4." and "This Act", insert "(a)".

(3) In SECTION 4 of the bill (Engrossed version, page 2, immediately following line 12), insert the following:

(b) Sections 34.007(b) and 42.155(k), Education Code, as amended by this Act, apply beginning with the 2003-2004 school year.