

## **BILL ANALYSIS**

C.S.H.B. 61  
By: Allen  
Government Reform  
Committee Report (Substituted)

### **BACKGROUND AND PURPOSE**

Currently, the Commission on Private Security operates as a separate entity which licenses investigations companies and security services contractors; issues commissions to certain security officers; issues authorizations to certain security officers engaged in the personal protection of individuals; registers certain individuals connected with a license holder; and certain individuals employed in a field connected to private investigation or private security; and regulates license holders, security officers, and registrants under this chapter. CSHB 61 abolishes the Texas Commission on Private Security, moves its functions, powers, and personnel to the Texas Department of Public Safety (DPS), and creates the Texas Private Security Board to operate under DPS.

### **RULEMAKING AUTHORITY**

Rulemaking authority is transferred from the Texas Commission on Private Security to the Texas Private Security Board in SECTION 7 of this bill.

### **ANALYSIS**

- SECTION 1. Amends Section 1702.022, Occupations Code, by adding Subdivisions (1-a) and (5-a). Subdivision (1-a) defines the word “Board” as the Texas Private Security Board. Subdivision (5-a) defines the word “Department” as the Department of Public Safety of the State of Texas.
- SECTION 2. Amends Subchapter A, Chapter 1702, Occupations Code, by adding Section 1702.005 which states that the board is a part of the department, and the department is required to administer this chapter through the board.
- SECTION 3. Amends Section 1702.021(a), Occupations Code, which states that the Texas Private Security Boards will consist of seven members appointed by the governor with the advice and consent of the senate. There will be four public members, each of whom is a citizen of the United States. One member is a private investigator, one is an alarm systems company representative, and one is an owner or operator of a guard company.
- SECTION 4. Amends Section 1702.025 (a), Occupations Code, which states that the board members serve staggered six-year terms, with the terms of two appointed members expiring January 31 of each odd-numbered year. Section 1702.026, Occupatoinis Code, is amended to specify that the Governor designates one board member to serve as the presiding officer.
- SECTION 5. Repeals Section 1702.022, Occupations Code. (i.e., language which had required the DPS director to sit on the Commission as an ex-officio member.)
- SECTION 6. States that not later than January 1, 2004, the governor is required to appoint the members of the Texas Private Securities Board, two members for terms expiring January 31, 2005; two members for terms expiring January 31, 2007; and two members for terms expiring January 31, 2009.

SECTION 7. States that on January 1, 2004, all functions and activities performed by the Texas Commission on Private Security are transferred to the Texas Private Security Board of the Texas DPS. Any rule adopted by the Texas Commission on Private Security is a rule of the Texas Private Security Board and remains in effect until amended or replaced by the board. A reference in law or administrative rule to the Texas Commission on Private Security means the Texas Private Security Board. A complaint, investigation, or other proceeding before the Texas Commission on Private Security is transferred without change in status to the Texas Private Security Board which assumes the position of the Texas Commission on Private Security in an action or proceeding to which the Texas Commission on Private Security is a party. All money, contracts, leases, property, and obligations of the Commission on Private Security are transferred to the Texas Private Security Board. All property of the Texas Commission on Private Security is transferred to the Texas Private Security Board. The unexpended and unobligated balance of any money appropriated by the legislature for the Texas Commission on Private Security is transferred to the Texas Private Security Board. Before January 1, 2004, the Texas Commission on Private Security may agree with the Texas DPS to transfer any property of the Texas Commission on Private Security to the Texas DPS to implement the transfer required by this Act. Between November 1, 2003 and January 1, 2004, the Texas Commission on Private Security shall continue to perform functions and activities under Chapter 1702, Occupations Code, and the former law is continued in effect for that purpose.

SECTION 8. Effective date.

**EFFECTIVE DATE**

November 1, 2003.

**COMPARISON OF ORIGINAL TO SUBSTITUTE**

The substitute allows the Governor to appoint a Private Security Board to serve under DPS. This board will hear the contested cases concerning licensing and revocation of licenses, so that the DPS commissioners will not be required to hear those cases.

The Board will be comprised of seven members. One licensed investigator, one burglar alarm company representative, one security guard company representative and four public members.