

By: Allen

H.B. No. 61

A BILL TO BE ENTITLED

1 AN ACT

2 relating to the abolition of the Texas Commission on Private
3 Security and the transfer of its functions to the Texas Private
4 Security Board of the Department of Public Safety of the State of
5 Texas and the Texas Department of Health.

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

7 SECTION 1. Section 1702.002, Occupations Code, is amended
8 by adding Subdivisions (1-a) and (5-a) to read as follows:

9 (1-a) "Board" means the Texas Private Security Board.

10 (5-a) "Department" means the Department of Public
11 Safety of the State of Texas.

12 SECTION 2. Subchapter A, Chapter 1702, Occupations Code, is
13 amended by adding Sections 1702.005 and 1702.006 to read as
14 follows:

15 Sec. 1702.005. DEPARTMENT OF PUBLIC SAFETY. (a) The board
16 created under Section 1702.021 is a part of the department. The
17 department shall administer this chapter through the board.

18 (b) A reference in this chapter or another law to the Texas
19 Commission on Private Security means the board.

20 Sec. 1702.006. TEXAS DEPARTMENT OF HEALTH. (a) In this
21 section, "personal emergency response system" means an alarm system
22 that is:

23 (1) installed in the residence of a person;

24 (2) monitored by an alarm systems company; and

1 (3) designed to permit the person to signal the
2 occurrence of a medical emergency on the part of the person so that
3 the company may dispatch appropriate aid.

4 (b) Notwithstanding the other provisions of this chapter,
5 the Texas Department of Health shall administer the provisions of
6 this chapter that are applicable to the following persons who
7 provide services subject to regulation under this chapter only in
8 connection with personal emergency response systems:

9 (1) an alarm systems company;

10 (2) an alarm systems installer;

11 (3) an alarm systems monitor;

12 (4) a manager or branch office manager; and

13 (5) a security salesperson.

14 (c) A reference in this chapter or another law to the Texas
15 Commission on Private Security in connection with a person
16 described by Subsection (b) means the Texas Department of Health.

17 SECTION 3. Section 1702.021(a), Occupations Code, as
18 amended by Section 34.01, S.B. No. 287, Acts of the 78th
19 Legislature, Regular Session, 2003, is amended to read as follows:

20 (a) The Texas [~~Commission on~~] Private Security Board
21 consists of seven [~~eight~~] members appointed by the governor with
22 the advice and consent of the senate as follows:

23 (1) four public members, each of whom is a citizen of
24 the United States;

25 (2) one member who [+
26 [~~(A)~~] is licensed under this chapter as a private
27 investigator;

1 ~~[(B) has been engaged as a private investigator~~
2 ~~for at least the five years preceding appointment; and~~

3 ~~[(C) is not employed by a person who employs~~
4 ~~another member of the commission;]~~

5 (3) one member who is licensed under this chapter as an
6 alarm systems company; and ~~[who:~~

7 ~~[(A) has been engaged as an alarm systems company~~
8 ~~for at least the five years preceding appointment; and~~

9 ~~[(B) is not employed by a person who employs~~
10 ~~another member of the commission;]~~

11 (4) one member who ~~[+~~
12 ~~[(A)]~~ is licensed under this chapter as the owner
13 or operator of a guard company ~~[+~~

14 ~~[(B) has been the owner or operator of the guard~~
15 ~~company for at least the five years preceding appointment; and~~

16 ~~[(C) is not employed by a person who employs~~
17 ~~another member of the commission; and~~

18 ~~[(5) one member who:~~
19 ~~[(A) holds a license, security officer~~
20 ~~commission, or registration under this chapter;~~

21 ~~[(B) has been engaged in activity regulated by~~
22 ~~the commission under this chapter for at least the five years~~
23 ~~preceding appointment; and~~

24 ~~[(C) is not employed by a person who employs~~
25 ~~another member of the commission].~~

26 SECTION 4. Section 1702.025, Occupations Code, as amended
27 by Section 34.02, S.B. No. 287, Acts of the 78th Legislature,

1 Regular Session, 2003, and Section 1702.026, Occupations Code, are
2 amended to read as follows:

3 Sec. 1702.025. TERMS; VACANCIES. (a) The board [~~appointed~~
4 ~~commission~~] members serve staggered six-year terms, with the terms
5 of two or three [~~appointed~~] members expiring on January 31 of each
6 odd-numbered year.

7 (b) If a vacancy occurs during the term of a board [~~an~~
8 ~~appointed commission~~] member, the governor shall appoint a new
9 member to fill the unexpired term.

10 Sec. 1702.026. OFFICERS. (a) The governor shall designate
11 one board [~~commission~~] member as presiding officer to serve in that
12 capacity at the will of the governor. The governor shall designate
13 the presiding officer without regard to race, creed, color,
14 disability, sex, religion, age, or national origin.

15 (b) The board [~~commission, including the representative of~~
16 ~~the director of the Texas Department of Public Safety if one is~~
17 ~~designated,~~] shall elect from among its members an assistant
18 presiding officer and a secretary to serve two-year terms beginning
19 on September 1 of each odd-numbered year.

20 (c) The presiding officer of the board [~~commission~~] or, in
21 the absence of the presiding officer, the assistant presiding
22 officer shall preside at each board [~~commission~~] meeting and
23 perform the other duties prescribed by this chapter.

24 SECTION 5. Subchapter D, Chapter 1702, Occupations Code, is
25 amended by adding Section 1702.0615 to read as follows:

26 Sec. 1702.0615. PLACEMENT OF PRIORITY ON PROCESSING CERTAIN
27 APPLICATIONS. (a) In performing its functions and duties under

1 this chapter, the board shall place a high priority on processing
2 applications for licenses, security officer commissions, and
3 registrations filed by persons who provide protection for critical
4 infrastructure, as defined by Section 421.001, Government Code.

5 (b) The board shall act on an application described by
6 Subsection (a) as expeditiously as possible but not later than the
7 60th day after the date the board receives the application.

8 (c) This section expires November 1, 2005.

9 SECTION 6. Section 1702.022, Occupations Code, is repealed.

10 SECTION 7. Not later than January 1, 2004, the governor
11 shall appoint the members of the Texas Private Security Board, as
12 required under Section 1702.021, Occupations Code, as amended by
13 this Act. In appointing the initial members of the board under this
14 section, the governor shall appoint:

15 (1) two members for terms expiring January 31, 2005;

16 (2) two members for terms expiring January 31, 2007;

17 and

18 (3) three members for terms expiring January 31, 2009.

19 SECTION 8. (a) On January 1, 2004:

20 (1) all functions and activities performed by the
21 Texas Commission on Private Security immediately before that date
22 are transferred to the Texas Private Security Board of the
23 Department of Public Safety of the State of Texas or the Texas
24 Department of Health, as applicable;

25 (2) a rule or form adopted by the Texas Commission on
26 Private Security is a rule or form of the Texas Private Security
27 Board or the Texas Department of Health, as applicable, and remains

1 in effect until amended or replaced by that board or department;

2 (3) a reference in law or an administrative rule to the
3 Texas Commission on Private Security means the Texas Private
4 Security Board or the Texas Department of Health, as applicable;

5 (4) a complaint, investigation, or other proceeding
6 before the Texas Commission on Private Security is transferred
7 without change in status to the Texas Private Security Board or the
8 Texas Department of Health, as determined by a memorandum of
9 understanding between the Department of Public Safety of the State
10 of Texas and the Texas Department of Health, and the Texas Private
11 Security Board or the Texas Department of Health, as applicable,
12 assumes, as appropriate and without a change in status, the
13 position of the Texas Commission on Private Security in an action or
14 proceeding to which the Texas Commission on Private Security is a
15 party;

16 (5) all money, contracts, leases, property, and
17 obligations of the Texas Commission on Private Security are
18 transferred to the Texas Private Security Board or the Texas
19 Department of Health, as determined by a memorandum of
20 understanding between the Department of Public Safety of the State
21 of Texas and the Texas Department of Health;

22 (6) all property in the custody of the Texas
23 Commission on Private Security is transferred to the Texas Private
24 Security Board or the Texas Department of Health, as determined by a
25 memorandum of understanding between the Department of Public Safety
26 of the State of Texas and the Texas Department of Health; and

27 (7) the unexpended and unobligated balance of any

1 money appropriated by the legislature for the Texas Commission on
2 Private Security is transferred to the Texas Private Security Board
3 or the Texas Department of Health, as determined by a memorandum of
4 understanding between the Department of Public Safety of the State
5 of Texas and the Texas Department of Health.

6 (b) Before January 1, 2004, the Texas Commission on Private
7 Security may agree with the Department of Public Safety of the State
8 of Texas and the Texas Department of Health to transfer any property
9 of the Texas Commission on Private Security to the Department of
10 Public Safety of the State of Texas or the Texas Department of
11 Health to implement the transfer required by this Act.

12 (c) During the period beginning on the effective date of
13 this Act and ending on January 1, 2004, the Texas Commission on
14 Private Security shall continue to perform functions and activities
15 under Chapter 1702, Occupations Code, as if that chapter had not
16 been amended by this Act, and the former law is continued in effect
17 for that purpose.

18 SECTION 9. This Act takes effect November 1, 2003.