

By: Allen

H.B. No. 61

Substitute the following for H.B. No. 61:

By: Swinford

C.S.H.B. No. 61

A BILL TO BE ENTITLED

AN ACT

1  
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.

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 Section 1702.005 to read as follows:

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

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

19 SECTION 3. Section 1702.021(a), Occupations Code, is  
20 amended to read as follows:

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

24 (1) four public members, each of whom is a citizen of

1 the United States;

2 (2) one member who ~~[+]~~

3 ~~[(A)] is licensed under this chapter as a private~~  
4 ~~investigator;~~

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

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

9 (3) one member who is licensed under this chapter as an  
10 alarm systems company; and ~~[who+]~~

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

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

15 (4) one member who ~~[+]~~

16 ~~[(A)] is licensed under this chapter as the owner~~  
17 ~~or operator of a guard company ~~[+]~~~~

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

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

22 ~~[(5) one member who+]~~

23 ~~[(A) holds a license, security officer~~  
24 ~~commission, or registration under this chapter;~~

25 ~~[(B) has been engaged in activity regulated by~~  
26 ~~the commission under this chapter for at least the five years~~

27 ~~preceding appointment; and~~

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

3           SECTION 4. Sections 1702.025 and 1702.026, Occupations  
4 Code, are amended to read as follows:

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

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

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

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

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

26           SECTION 5. Section 1702.022, Occupations Code, is repealed.

27           SECTION 6. Not later than January 1, 2004, the governor

1 shall appoint the members of the Texas Private Security Board, as  
2 required under Section 1702.021, Occupations Code, as amended by  
3 this Act. In appointing the initial members of the board under this  
4 section, the governor shall appoint:

- 5 (1) two members for terms expiring January 31, 2005;
- 6 (2) two members for terms expiring January 31, 2007;
- 7 and
- 8 (3) three members for terms expiring January 31, 2009.

9 SECTION 7. (a) On January 1, 2004:

10 (1) all functions and activities performed by the  
11 Texas Commission on Private Security immediately before that date  
12 are transferred to the Texas Private Security Board of the  
13 Department of Public Safety of the State of Texas;

14 (2) a rule or form adopted by the Texas Commission on  
15 Private Security is a rule or form of the Texas Private Security  
16 Board and remains in effect until amended or replaced by that board;

17 (3) a reference in law or an administrative rule to the  
18 Texas Commission on Private Security means the Texas Private  
19 Security Board;

20 (4) a complaint, investigation, or other proceeding  
21 before the Texas Commission on Private Security is transferred  
22 without change in status to the Texas Private Security Board, and  
23 the Texas Private Security Board assumes, as appropriate and  
24 without a change in status, the position of the Texas Commission on  
25 Private Security in an action or proceeding to which the Texas  
26 Commission on Private Security is a party;

27 (5) all money, contracts, leases, property, and

1 obligations of the Texas Commission on Private Security are  
2 transferred to the Texas Private Security Board;

3 (6) all property in the custody of the Texas  
4 Commission on Private Security is transferred to the Texas Private  
5 Security Board; and

6 (7) the unexpended and unobligated balance of any  
7 money appropriated by the legislature for the Texas Commission on  
8 Private Security is transferred to the Texas Private Security  
9 Board.

10 (b) Before January 1, 2004, the Texas Commission on Private  
11 Security may agree with the Department of Public Safety of the State  
12 of Texas to transfer any property of the Texas Commission on Private  
13 Security to the Department of Public Safety of the State of Texas to  
14 implement the transfer required by this Act.

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

21 SECTION 8. This Act takes effect November 1, 2003.