

By: Swinford

H.B. No. 14

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 Department of  
4 Public Safety of the State of Texas and the Texas Department of  
5 Health and to the performance of those functions by those  
6 departments.

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

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

10 (1-a) "Board" means the Texas Private Security Board.

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

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

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

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

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

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

1           (2) monitored by an alarm systems company;

2           (3) designed only to permit the person to signal the  
3 occurrence of a medical or personal emergency on the part of the  
4 person so that the company may dispatch appropriate aid; and

5           (4) not part of a combination of alarm systems that  
6 includes a burglar alarm or fire alarm.

7           (b) Notwithstanding the other provisions of this chapter,  
8 the Texas Department of Health shall administer the provisions of  
9 this chapter that are applicable to the following persons:

10           (1) an alarm systems company that sells, installs,  
11 services, monitors, or responds to only personal emergency response  
12 systems;

13           (2) an alarm systems installer who installs,  
14 maintains, or repairs only personal emergency response systems;

15           (3) a manager or branch office manager of an alarm  
16 systems company described by Subdivision (1);

17           (4) a security salesperson who is employed by an alarm  
18 systems company described by Subdivision (1) to sell services  
19 offered by the company; and

20           (5) an owner, officer, partner, or shareholder of an  
21 alarm systems company described by Subdivision (1).

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

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

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

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

6 (2) one member who [~~+~~  
7 [~~(A)~~] is licensed under this chapter as a private  
8 investigator;

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

11 [~~(C) is not employed by a person who employs  
12 another member of the commission;~~

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

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

17 [~~(B) is not employed by a person who employs  
18 another member of the commission;~~

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

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

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

26 [~~(5) one member who+~~  
27 [~~(A) holds a license, security officer~~

1 ~~commission, or registration under this chapter,~~

2 ~~[(B) has been engaged in activity regulated by~~  
3 ~~the commission under this chapter for at least the five years~~  
4 ~~preceding appointment, and~~

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

7 SECTION 4. Section 1702.025, Occupations Code, as amended  
8 by S.B. No. 287, Acts of the 78th Legislature, Regular Session,  
9 2003, and Section 1702.026, Occupations Code, are amended to read  
10 as follows:

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

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

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

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

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

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

7 Sec. 1702.0615. PLACEMENT OF PRIORITY ON PROCESSING CERTAIN  
8 APPLICATIONS. (a) In performing its functions and duties under  
9 this chapter, the board shall place a high priority on processing  
10 applications for licenses, security officer commissions, and  
11 registrations filed by persons who provide protection for critical  
12 infrastructure, as defined by Section 421.001, Government Code.

13 (b) The board shall act on an application described by  
14 Subsection (a) as expeditiously as possible but not later than the  
15 60th day after the date the board receives the application.

16 (c) This section expires December 1, 2005.

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

18 SECTION 7. Not later than January 1, 2004, the governor  
19 shall appoint the members of the Texas Private Security Board, as  
20 required under Section 1702.021, Occupations Code, as amended by  
21 this Act. In appointing the initial members of the board under this  
22 section, the governor shall appoint:

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

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

25 and

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

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

1           (1) all functions and activities performed by the  
2 Texas Commission on Private Security immediately before that date  
3 are transferred to the Texas Private Security Board of the  
4 Department of Public Safety of the State of Texas or the Texas  
5 Department of Health, as applicable;

6           (2) a rule or form adopted by the Texas Commission on  
7 Private Security is a rule or form of the Texas Private Security  
8 Board or the Texas Department of Health, as applicable, and remains  
9 in effect until amended or replaced by that board or department;

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

13           (4) a complaint, investigation, or other proceeding  
14 before the Texas Commission on Private Security is transferred  
15 without change in status to the Texas Private Security Board or the  
16 Texas Department of Health, as determined by a memorandum of  
17 understanding between the Department of Public Safety of the State  
18 of Texas and the Texas Department of Health, and the Texas Private  
19 Security Board or the Texas Department of Health, as applicable,  
20 assumes, as appropriate and without a change in status, the  
21 position of the Texas Commission on Private Security in an action or  
22 proceeding to which the Texas Commission on Private Security is a  
23 party;

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

1 of the State of Texas and the Texas Department of Health; and

2 (6) the unexpended and unobligated balance of any  
3 money appropriated by the legislature for the Texas Commission on  
4 Private Security is transferred to the Texas Private Security Board  
5 or the Texas Department of Health, as determined by a memorandum of  
6 understanding between the Department of Public Safety of the State  
7 of Texas and the Texas Department of Health.

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

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

20 SECTION 9. This Act takes effect December 1, 2003.