

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.

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

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

8 (1-a) "Board" means the Texas Private Security Board.

9 (5-a) "Department" means the Department of Public  
10 Safety of the State of Texas.

11 SECTION 2. Subchapter A, Chapter 1702, Occupations Code, is  
12 amended by adding Section 1702.005 to read as follows:

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

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

18 SECTION 3. Section 1702.021(a), Occupations Code, as  
19 amended by S.B. No. 287, Acts of the 78th Legislature, Regular  
20 Session, 2003, is 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. Section 1702.025, Occupations Code, as amended  
4 by S.B. No. 287, Acts of the 78th Legislature, Regular Session,  
5 2003, and Section 1702.026, Occupations Code, are amended to read  
6 as follows:

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

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

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

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

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

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

2 SECTION 6. Not later than January 1, 2004, the governor  
3 shall appoint the members of the Texas Private Security Board, as  
4 required under Section 1702.021, Occupations Code, as amended by  
5 this Act. In appointing the initial members of the board under this  
6 section, the governor shall appoint:

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

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

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

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

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

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

1 Commission on Private Security is a party;

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

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

9 (b) Before January 1, 2004, the Texas Commission on Private  
10 Security may agree with the Department of Public Safety of the State  
11 of Texas to transfer any property of the Texas Commission on Private  
12 Security to the Department of Public Safety of the State of Texas to  
13 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 8. This Act takes effect December 1, 2003.