

BILL ANALYSIS

C.S.H.B. 2303
By: Driver
Law Enforcement
Committee Report (Substituted)

BACKGROUND AND PURPOSE

Last session, the Legislature chose to dismantle the Commission on Private Security and move the functions of this agency to the Department of Public Safety. The Private Security Board remained intact and retains an advisory role in rulemaking. This bill is designed to facilitate the interaction of functions between the Department of Public Safety and the Private Security Board.

RULEMAKING AUTHORITY

It is the committee's opinion that rulemaking authority is expressly granted to the Private Security Board in SECTION 2 of this bill.

ANALYSIS

C.S.H.B. 2303 amends Chapter 1702 of the Occupations Code to require the Department of Public Safety (the department) to designate an employee to report directly to the Private Security Board (the board) and aid the board in the administration of its duties.

The bill requires the board to adopt rules under this chapter, subject to the approval of the Public Safety Commission (the commission). The bill requires the board, before adopting a rule under Chapter 1702, to do the following:

- determine the need for the proposed rule,
- work with persons who will be affected by the rule to ensure consideration of all relevant issues,
- consult with an attorney in the department's regulatory licensing service to ensure the proposed rule complies with statutory requirements regarding administrative rules, and
- submit the proposed rule to the department's general counsel, director, and chief accountant for consideration of its impact on the department and to ensure that the proposed rule is within the board's authority.

The bill authorizes the commission to return the rule to the board if the commission identifies a problem with the rule that must be resolved before the board approves the rule. The bill requires the board, once the rule is approved by the commission, to comply with Chapter 2001 of the Government Code for final adoption.

The bill adds new fees and increases the caps on various existing fees, such as license, registration, and certification fees issued under Chapter 1702.

EFFECTIVE DATE

September 1, 2005

COMPARISON OF ORIGINAL TO SUBSTITUTE

The original bill did not amend Section 1702.062(a) to add new fees and increase fee caps.