

## BILL ANALYSIS

Senate Research Center  
79R18125 MSE-F

C.S.H.B. 2303  
By: Driver (Armbrister)  
Business & Commerce  
5/19/2005  
Committee Report (Substituted)

### AUTHOR'S/SPONSOR'S STATEMENT OF INTENT

The 78th Legislature, Regular Session, 2003, 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. H.B. 2303 facilitates the interaction of functions between the Department of Public Safety and the Private Security Board.

### RULEMAKING AUTHORITY

Rulemaking authority is expressly granted to the Texas Private Security Board in SECTION 2 (Section 1702.0611, Occupations Code) of this bill.

Rulemaking authority previously granted to the Texas Commission on Private Security is modified in SECTION 3 (Section 1702.062, Occupations Code) of this bill.

### SECTION BY SECTION ANALYSIS

SECTION 1. Amends Subchapter C, Chapter 1702, Occupations Code, by adding Section 1702.047, as follows:

Sec. 1702.047. ADMINISTRATIVE STAFF. Requires the Department of Public Safety (DPS) to designate a DPS employee who is required to report directly to the Texas Private Security Board (board). Requires the employee designated under this section to assist the board in the administration of the board's duties. Prohibits the salary for an employee designated under this section from exceeding the salary specified in the General Appropriations Act for an employee subject to salary group A10.

SECTION 2. Amends Subchapter D, Chapter 1702, Occupations Code, by adding Section 1702.0611, as follows:

Sec. 1702.0611. RULEMAKING PROCEDURES. (a) Authorizes the board to adopt rules under this chapter on the approval of the Public Safety Commission only as provided by this section.

(b) Sets forth requirements the board is to meet before adopting a rule under this chapter.

(c) Requires the Public Safety Commission, on the completion of the required publication and comment periods under Chapter 2001 (Administrative Procedure), Government Code, to:

(1) return the proposed rule to the board if the commission identifies a problem with the rule that is required to be resolved before the rule is approved, or a comment requiring resolution is received during the comment period; or

(2) place the rule on the Public Safety Commission's agenda for final approval during the commission's next regularly scheduled meeting.

(d) Requires the DPS, on approval of the proposed rule by the Public Safety Commission, to comply with the requirements of Chapter 2001, Government Code, for final adoption of the rule.

SECTION 3. Amends Section 1702.062(a), Occupations Code, to prohibit the fees from producing unnecessary fund balances and from exceeding certain modified amounts.

SECTION 4. Amends Section 1702.163(a), Occupations Code, to prohibit the board, rather than the Texas Commission on Private Security, from issuing a security officer commission to an applicant employed by a license holder unless the applicant submits evidence satisfactory to the board that the applicant has met certain requirements. Makes conforming changes.

SECTION 5. Amends Section 1702.182, Occupations Code, as follows:

Sec. 1702.182. SECURITY DEPARTMENT OF PRIVATE BUSINESS. Creates Subsection (a) from existing text. Authorizes certain licensed hospitals, for the purposes of this subchapter, to provide security services to buildings, grounds, and tenants located on the hospital's property or campus, regardless of who owns the building and to a parent entity or member entity of the hospital or hospital corporation, or an affiliated entity or business with which the hospital shares common ownership or control.

SECTION 6. Amends Section 1702.282, Occupations Code, by amending Subsection (a) and adding Subsection (d), as follows:

(a) Makes conforming changes.

(d) Provides that an applicant who is a peace officer is not required to submit fingerprints with the applicant's application. Requires the law enforcement agency or other entity that employs the peace officer or the entity that maintains the peace officer's fingerprints, on request, to provide the fingerprints for the peace officer to the board. Requires the applicant to provide sufficient information to the board to enable the board to obtain the fingerprints under this subsection.

SECTION 7. Amends Section 46.05, Penal Code, by amending Subsection (f) and adding Subsection (g), as follows:

(f) Makes conforming changes.

(g) Defines "security officer."

SECTION 8. Provides that Section 1702.062(a), Occupations Code, as amended by Section 3 of this Act, takes affect only if a certain provision of the General Appropriations Act is enacted and becomes law. Provides that, if that provision is not enacted, Section 1702.062(a), Occupations Code, as amended by Section 3 of this Act, is void and of no effect.

SECTION 9. Effective date: September 1, 2005.