

By: Driver

H.B. No. 2303

A BILL TO BE ENTITLED

AN ACT

relating to the administration of the Private Security Act.

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

SECTION 1. Subchapter C, Chapter 1702, Occupations Code, is amended by adding Section 1702.047 to read as follows:

Sec. 1702.047. ADMINISTRATIVE STAFF. The department shall designate a department employee who shall report directly to the board. The employee designated under this section shall assist the board in the administration of the board's duties.

SECTION 2. Subchapter D, Chapter 1702, Occupations Code, is amended by adding Section 1702.0611 to read as follows:

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

(b) Before adopting a rule under this chapter, the board must:

(1) determine the need for the proposed rule;

(2) work with persons who will be affected by the rule to ensure consideration of all relevant issues regarding the proposed rule;

(3) consult with an attorney in the department's regulatory licensing service to draft the rule and ensure that the proposed rule complies with statutory requirements regarding administrative rules; and

1           (4) submit the proposed rule to the department's  
2 general counsel, director, and chief accountant for consideration  
3 of the proposed rule's impact on the department and to ensure that  
4 the proposed rule is within the board's authority.

5           (c) On the completion of the required publication and  
6 comment periods under Chapter 2001, Government Code, the Public  
7 Safety Commission may return the proposed rule to the board if the  
8 commission identifies a problem with the rule that must be resolved  
9 before the rule is approved.

10           (d) On approval of the proposed rule by the Public Safety  
11 Commission, the board shall comply with the requirements of Chapter  
12 2001, Government Code, for final adoption of the rule.

13           SECTION 3. This Act takes effect September 1, 2005.