

## BILL ANALYSIS

C.S.H.B. 3672  
By: Fletcher  
Homeland Security & Public Safety  
Committee Report (Substituted)

### BACKGROUND AND PURPOSE

The Public Safety Commission is composed of five citizens who are appointed by the governor with the advice and consent of the senate and who frequently are briefed on a number of national security threats, including drug and weapon cartels, prison gangs working with the cartels, cyber threats, and even terrorism. When national matters containing classified information or sensitive intelligence are discussed, commission members who do not possess the requisite federal secret level security clearance are not permitted to take part in that particular discussion and must leave the discussion. However, many Texas Department of Public Safety (DPS) employees, including the public safety director, deputy directors, assistant directors, and command staff, as well as some commission members, possess security clearances in order to access and receive secret level information. Because the commission controls and implements policies regarding DPS, commission members are privy to any operational information, including that secret level information, but without the federal secret level security clearance, the information cannot be shared with an individual regardless of the individual's rank or position. C.S.H.B. 3672 seeks to address this issue by requiring members of the Public Safety Commission to obtain and maintain federal secret level security clearance.

### RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

### ANALYSIS

C.S.H.B. 3672 amends the Government Code to require each member of the Public Safety Commission to have and maintain a secret security clearance granted by the United States government.

### EFFECTIVE DATE

On passage, or, if the bill does not receive the necessary vote, September 1, 2013.

### COMPARISON OF ORIGINAL AND SUBSTITUTE

While C.S.H.B. 3672 may differ from the original in minor or nonsubstantive ways, the following comparison is organized and highlighted in a manner that indicates the substantial differences between the introduced and committee substitute versions of the bill.

#### INTRODUCED

SECTION 1. Section 411.003, Government Code, is amended by adding Subsection (g) to read as follows:

#### HOUSE COMMITTEE SUBSTITUTE

SECTION 1. Section 411.003(b), Government Code, is amended to read as follows:

83R 23122

13.107.328

Substitute Document Number: 83R 14905

(g) It is a required qualification of service on the commission that each commissioner obtains and maintains federal secret level security clearance.

**No equivalent provision.**

SECTION 2. This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2013.

(b) The commission is composed of five citizens of this state appointed by the governor with the advice and consent of the senate. Members must be selected because of their peculiar qualifications for the position and must reflect the diverse geographic regions and population groups of this state. Members must have and maintain a secret security clearance granted by the United States government. Appointments to the commission shall be made without regard to race, color, disability, sex, religion, age, or national origin. In making an appointment the governor shall consider, among other things, the person's knowledge of laws, experience in the enforcement of law, honesty, integrity, education, training, and executive ability.

SECTION 2. The changes in law made by this Act apply to a member of the Public Safety Commission serving on or after the effective date of this Act.

SECTION 3. Same as introduced version.