

BILL ANALYSIS

S.B. 1814
By: Estes
Homeland Security & Public Safety
Committee Report (Unamended)

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. S.B. 1814 seeks to address this issue by requiring commission members to obtain and maintain federal secret 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

S.B. 1814 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. The bill authorizes a member to serve on the commission upon the granting of an interim secret security clearance, but prohibits a member from being given access to classified information, participating in a briefing involving classified information, or voting on an issue involving classified information until a secret security clearance has been finally approved by the United States government.

EFFECTIVE DATE

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