

## *Summary of Legislative Action*

### *H.B. 2730 Kolkhorst (Hinojosa)*

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The Legislature adopted all but one of the Sunset Commission's recommendations on the Department of Public Safety and the Private Security Board and added numerous provisions to House Bill 2730. The bill continues DPS for six years and removes the separate sunset date for the Private Security Board. The list below summarizes the major provisions of H.B. 2730, and more detailed discussion is located in each issue.

#### **Sunset Provisions**

1. Require the Department to manage the vehicle inspection program as a civilian business and licensing operation with established goals and expected performance outcomes.
2. Clarify roles among GDEM, DPS, and the Governor's Office of Homeland Security, and request that the Legislature, through the appropriations process, exclude GDEM from the Department's cap on capital budget expenses paid for with federal funds.
3. Require the defense to request breath test operators and supervisors by subpoena in administrative license revocation hearings.
4. Conform key elements of the Private Security Bureau's licensing and regulatory functions to commonly applied licensing practices.
5. Remove the separate Sunset date for the Private Security Board, continuing the Private Security Act and the Board.
6. Require Sunset to conduct a limited scope review of DPS in 2011 to study the agency's implementation of the information technology audit conducted in 2008 and to review implementation of a civilian business management model for the Driver License Program.
7. Strengthen and rename the internal affairs function at DPS regarding investigation of potential wrongdoings by DPS employees and crimes committed on DPS property.
8. Request that the Legislature, through the appropriate legislative committees, consider whether technology specialists who engage in computer forensics and analysis should be separately registered or otherwise set apart from traditional private security personnel or investigators.
9. Authorize DPS to put the classroom part of the concealed handgun licensing renewal class and the written test online.
10. Continue the Department of Public Safety for 6 years.

#### **Provisions Added by the Legislature**

1. Modernize the Department's enabling statute.
2. Modify state law enforcement agencies' physical fitness programs.
3. Decentralize and rename the Texas Rangers Unsolved Crimes Investigation Team.

4. Increase training requirements for Driver License Division staff.
5. Increase integrity of driver licenses and identification certificates.
6. Modify driver education programs for minors.
7. Modify the Driver Responsibility Program.
8. Establish a driver record monitoring pilot program.
9. Conform state and federal law regarding motor vehicle conviction information on holders of commercial driver licenses.
10. Increase penalties for commercial drivers and youth who smuggle persons.
11. Amend certain driver license provisions.
12. Ease restrictions on who may hold a concealed handgun license (CHL), and remove penalties for failure to display a CHL.
13. Provide an alternative to the requirement to carry an automobile insurance card.
14. Authorize DPS to access FBI criminal history record information on holders of certain registrations, certificates, or permits.
15. Update statutes regarding collection and use of criminal history record information.
16. Improve counties' crime record data reporting.
17. Require subcontractors to obtain criminal history background checks on all employees who provide services at schools and are not holders of current teaching certificates.
18. Prohibit the release of public school employees' criminal history information.
19. Increase parking fines and fees in the Capitol Complex.
20. Exempt computer repair from the Private Security Act.
21. Create an interagency council to plan transferring the controlled substances database from DPS to the Pharmacy Board.
22. Allow DPS employees to donate compensatory or annual leave time for legislative purposes.
23. Authorize compensatory time for DPS security officers for working on certain holidays.
24. Modify inspection requirements for out-of-state motor buses.

### **Fiscal Implication Summary**

H.B. 2730 will create a gain to General Revenue of \$410,900 for the 2010-2011 biennium from increases in Capitol Complex parking fees.