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OPINION COMMITTEE

CAPITOL OFFICE:
P.O. BOX 2910
AUSTIN, TEXAS 78768-2910
512-463-0630
FAX: 512-463-0937

DIANNE WHITE DELISI
STATE REPRESENTATIVE

DISTRICT OFFICE:
3000 SOUTH 31st STREET
SUITE 505
TEMPLE, TEXAS 76502
254-774-9888
FAX: 254-771-5775

August 31, 2005

FILE # ML-44384-05
I.D. # 44384

The Honorable Greg Abbott
Attorney General of Texas
Supreme Court Building
P.O. Box 12548
Austin, Texas 78711-2548

RQ-0391-GA

Attention: Opinion Committee

RE: Whether the Private Security Board (PSB) has the authority to adopt rules requiring newly registered alarm installers to work under the direct supervision of an alarm installer who has, at a minimum, passed the Alarm Level I test and whether the PSB has the authority to adopt minimum electronic standards.

Dear General Abbott:

Please accept this letter as a request for an opinion from your office on the authority of the Private Security Board (PSB) to adopt certain requirements regarding alarm installers.

Section 1702.061 of the Occupations Code (Subchapter D) establishes powers and duties of the Texas Commission on Private Security, which has since been renamed as the Private Security Board(PSB). I have a constituent who has formally requested that the PSB consider adopting certain new standards for alarm installers. However, my constituent informs me that question have been raised during the deliberation of these proposed changes regarding whether the PSB has the clear authority to adopt these specific changes.

To assist with the resolution of this question, I request that your office review the statutes governing the alarm industry and the PSB to determine whether the authority exists to adopt the following two requirements:

1. A requirement that newly registered alarm installers work under the direct supervision of an alarm installer who has passed, as a minimum, the Alarm Level 1 test; and,

Chair, House Committee on Public Health
House Committee on Public Education

E-mail: dianne.delisi@house.state.tx.us

2. A requirement that an alarm installer's activities must be performed to a certain minimum electronics standard, such as the National Electrical Code.

I have included the original request made by my constituent to supply you with additional background information on this request.

Thank you for your attention to this matter. Please do not hesitate to contact my office should you have any questions or require further information.

Sincerely,

A handwritten signature in black ink, appearing to read "Dianne White Delisi". The signature is fluid and cursive, with a prominent initial "D".

Representative Dianne White Delisi
Chairman, House Committee on Public Health

James:

As a constituent of Representative Delisi I request your assistance in acquiring an Attorney General's Opinion of two (2) questions concerning OC 1702 and the powers and duties of the Texas DPS Private Security Board.

Per our discussion I have included basic background information followed by the specific questions.

Occupation Code 1702.061 reads:

SUBCHAPTER D. POWERS AND DUTIES OF COMMISSION

§ 1702.061. GENERAL POWERS AND DUTIES OF COMMISSION. (a) The Texas Commission on Private Security shall perform the functions and duties provided by this chapter.

(b) The commission shall adopt rules and general policies to guide the agency in the administration of this chapter.

(c) The rules and policies adopted by the commission under Subsection (b) must be consistent with this chapter and other commission rules adopted under this chapter and with any other applicable law, state rule, or federal regulation.

(d) The commission has the powers and duties to:

- (1) determine the qualifications of license holders, registrants, and commissioned security officers;
- (2) investigate alleged violations of this chapter and of commission rules;
- (3) adopt rules necessary to implement this chapter;

and

- (4) establish and enforce standards governing the safety and conduct of each person licensed, registered, or commissioned under this chapter.

(e) The commission shall have a seal in the form prescribed by the commission.

(f) The commission may commission investigators who are employed full-time by the commission as peace officers for the limited purpose of assisting the commission in investigating alleged violations of this chapter and of commission rules.

Acts 1999, 76th Leg., ch. 388, § 1, eff. Sept. 1, 1999. Amended by Acts 2001, 77th Leg., ch. 1420, § 14.573(a), eff. Sept. 1, 2001.

Background:

The Texas Commission on Private Security has been placed under the Texas Department of Public Safety and renamed the Private Security Board (PSB).

Alarm Installers are required to be registered with and are regulated by the PSB. Registration must be renewed every two (2) years.

Following initial registration, Alarm Level I test must be passed before the registration will be renewed.

TAC 28 chapter 34.067 adopts The National Electrical Code and several other electrical standards for Fire Alarm Installers.

OC-1305 establishes The National Electrical Code as the minimum standard for all electricians in Texas
Local Government Code 214.214 establishes the National Electrical Code for all residential electrical applications

Electronic burglar alarms, fire alarms, access control systems, CCTV systems, and similar low voltage systems are identified as Class II and Class III circuits. Installation requirements for these circuits are covered in detail in the National Electrical Code.

Questions:

Does the PSB have the authority to require newly registered Alarm Installers to work under the direct supervision of an Alarm Installer who has at least passed the Alarm Level I test which is the minimum proof of competency for Alarm Installers?

Does the PSB have the authority to establish or adopt minimum electronics standards such as the National Electrical Code for the conduct of Alarm Installer's activity?

Respectfully,

D. Wayne Crook
1034 Mesquite Rd.
Belton, Texas 76513

Phone: (254) 933-8335
Fax: (254) 939-2483
Email: