

1 HB118
2 128667-3
3 By Representative Sanderford
4 RFD: Boards, Agencies and Commissions
5 First Read: 01-MAR-11

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ENROLLED, An Act,

Relating to the Alabama Sunset Law; to continue the existence and functioning of the Alabama Security Regulatory Board with certain modifications; to amend Sections 34-27C-2 and 34-27C-4, Code of Alabama 1975, so as to require that board members be citizens of this state and to require that applicants for licensure be United States citizens or legally present in the United States.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. Pursuant to the Alabama Sunset Law, the Sunset Committee recommends the continuance of the Alabama Security Regulatory Board, with the additional recommendations for statutory change as set out in Section 3.

Section 2. The existence and functioning of the Alabama Security Regulatory Board, created and functioning pursuant to Sections 34-27C-1 to 34-27C-18, inclusive, Code of Alabama 1975, is continued, and those code sections are expressly preserved.

Section 3. Sections 34-27C-2 and 34-27C-4 of the Code of Alabama 1975, are amended to read as follows:

"§34-27C-2.

"(a) The Alabama Security Regulatory Board is created. The Each member of the board, shall be a citizen of this state and the membership of the board, which shall

1 reflect the racial, gender, geographic, urban and rural, and
2 economic diversity of the state, shall consist of the
3 following members:

4 "(1) Two members appointed by the Governor. The
5 appointees shall be residents of the state who are not
6 qualified to be licensed under this chapter, who have not been
7 engaged in the rendering of contract security service for a
8 minimum of three years prior to appointment, who are not
9 employed by or affiliated with any other member of the board,
10 and who have served for five or more years in a supervisory
11 position in law enforcement in any municipality, county,
12 state, or district attorney's office. The members appointed by
13 the Governor shall be selected from a list of names submitted
14 by a recognized security association such as the American
15 Society of Industrial Security (ASIS), the National
16 Association of Security Companies (NASCO), or any state or
17 private security service association which may be organized.
18 The initial term of one of the members appointed by the
19 Governor shall be two years and the initial term of one of the
20 members appointed by the Governor shall be three years.
21 Subsequent terms shall be for three years.

22 "(2) One member appointed by the Lieutenant
23 Governor. The appointee shall represent consumers and shall be
24 a citizen of the United States, a resident of this state, not
25 have been engaged in the rendering of contract security

1 service, and not employed by, related to, or affiliated with
2 any other member of the board or licensee of the board. The
3 initial term of the member appointed by the Lieutenant
4 Governor shall be one year. Subsequent terms shall be for
5 three years.

6 "(3) One member appointed by the Speaker of the
7 House of Representatives. The appointee shall be from an
8 entity that employs, or has an employer-employee relationship
9 with, a contract security company.

10 "(4) One member appointed by the Attorney General.
11 The appointee shall reside in the state and shall be selected
12 from a list of names submitted by the Alabama Sheriff's
13 Association.

14 "(b) Unless otherwise provided in subsection (a),
15 board members shall serve three-year terms of office. A
16 vacancy in any board position shall be filled for the duration
17 of the unexpired term in the same manner as the original
18 appointment. Should an appointing authority fail to make an
19 appointment to fill an unexpired or new term within 60 days
20 after receiving notice from the board of the vacancy, the
21 board shall make the appointment of a qualified person within
22 the appropriate category by majority vote of the board members
23 present. The board shall annually elect a chair from among the
24 membership of the board at its first meeting. The board shall
25 meet on a quarterly basis at a date, time, and place

1 designated by the chair. No compensation shall be paid to
2 members of the board. Actual expenses incurred by board
3 members in the performance of duties on behalf of the board
4 shall be reimbursed from the funds of the board. Decisions of
5 the board shall be determined by a majority vote of the board
6 members present and voting.

7 "(c) The Alabama Security Regulatory Board shall be
8 subject to the Alabama Sunset Law, Title 41, Chapter 20, as an
9 enumerated agency as provided in Section 41-20-3, and shall
10 have a termination date of October 1, 2011, and every four
11 years thereafter, unless continued pursuant to the Alabama
12 Sunset Law.

13 "§34-27C-4.

14 "(a) Commencing on May 21, 2009, any security guard,
15 armed security guard, or contract security company providing
16 private security services in this state shall apply to the
17 board for a license. Any security guard, armed security guard,
18 or contract security company providing security services in
19 this state before May 21, 2009, may continue to engage in
20 business operations pending a final determination by the
21 board, provided such security guard, armed security guard, or
22 contract security company files an application for license.
23 This chapter shall not abrogate the terms of a contract
24 existing on May 21, 2009.

1 "(b) An application for licensure shall include all
2 of the following information:

3 "(1) The full name, home address, post office box,
4 and actual street address of the business of the applicant.

5 "(2) The name under which the applicant intends to
6 do business.

7 "(3) The full name and address of any partners in
8 the business, principal officers, directors, and business
9 manager, if applicable.

10 "(4) The names of at least three unrelated and
11 disinterested persons to be used as references for board
12 inquiries regarding the character, standing, and reputation of
13 the applicant.

14 "(5) Such other information, evidence, statements,
15 or documents as may be required by the board.

16 "(c) (1) A contract security company applying for a
17 license shall include proof that the business entity has at
18 least one person in its employ serving as a qualifying agent
19 that, in addition to meeting the requirements of subsection
20 (d), possesses three years of experience as a manager,
21 supervisor, or administrator with a contract security company
22 or possesses three years of supervisory experience with any
23 federal, military, state, county, or municipal law enforcement
24 agency.

1 "(2) No person may serve as the qualifying agent for
2 more than one contract security company without prior written
3 approval of the board.

4 "(3) A contract security company shall notify the
5 board within 10 working days if the qualifying agent for the
6 company ceases to perform his or her duties as qualifying
7 agent and shall obtain a substitute qualifying agent within 30
8 days after the original qualifying agent ceases to serve. The
9 board may grant an extension to the company for good cause,
10 for not more than three months.

11 "(d) Every applicant for licensure shall provide the
12 following to the board:

13 "(1) Proof that the applicant is 21 years of age or
14 older, or 18 years of age if the person is not allowed to
15 carry any type of firearm in the course of his or her
16 employment with the contract security company.

17 "(2) Proof that the applicant is a citizen of the
18 United States or ~~a resident alien~~, if not a citizen of the
19 United States, a person who is legally present in the United
20 States with appropriate documentation from the federal
21 government.

22 "(3) A statement of the applicant, made under oath,
23 declaring all of the following:

24 "a. That he or she has never been convicted in any
25 jurisdiction of the United States of any felony or crime

1 involving moral turpitude for which a full pardon has not been
2 granted.

3 "b. That he or she has never been declared, by any
4 court of competent jurisdiction, incompetent by reason of
5 mental defect or disease, and competency has not been
6 restored.

7 "c. That he or she is not suffering from habitual
8 drunkenness or from narcotics addiction or dependence. The
9 board may require certified results of medical tests for drug
10 or alcohol use.

11 "(e) In addition to the requirements of subsection
12 (d), an applicant for certification or renewal shall submit to
13 the board a form, sworn to by the applicant, containing the
14 name, date of birth, Social Security number, and two complete
15 sets of fingerprints of the applicant, any other identifying
16 information as determined necessary by the board, and a signed
17 statement by the applicant consenting to a criminal background
18 check. The board shall forward the completed form to the
19 Alabama Department of Public Safety, and the department shall
20 then conduct a criminal background check of the applicant. The
21 results of the background check shall be sent to the board for
22 its consideration.

23 "(f) Applications for licensure shall be filed with
24 the board on a form developed by the board. The board shall
25 prescribe the procedures and methods of submission,

1 consideration, and disposition of applications. An applicant
2 corporation incorporated under the laws of this state or any
3 other state shall be required to qualify with a certificate of
4 authority issued by the Secretary of State and shall designate
5 an agent for service of process. The applicant shall be issued
6 a license or denied a license in writing within a reasonable
7 period after receipt by the board of all required information.

8 "(g) (1) Each contract security company requesting or
9 renewing a license shall pay a security license fee of two
10 hundred dollars (\$200) to the board upon application. If the
11 license is not issued or renewed, the board shall refund one
12 hundred dollars (\$100) of the fee to the company. A license
13 shall expire on September 30 and an application for renewal
14 shall be submitted to the board before October 1. A renewal
15 application may not be accepted by the board after October 31.
16 The board may impose a reasonable late fee on renewals not
17 filed by October 1. The board shall promptly notify an
18 applicant if the board refuses to issue or renew a license. An
19 applicant or licensee may appeal any decision of the board and
20 may request a hearing, in accordance with the Administrative
21 Procedure Act, on the decision of the board to refuse to issue
22 or renew a license. A licensee may continue to engage in the
23 security business while his or her renewal application is
24 pending.

1 "(2) Each security officer or armed security officer
2 requesting or renewing a license shall pay a nonrefundable
3 security license fee of twenty-five dollars (\$25) to the board
4 upon application. The license issued to a security officer or
5 armed security officer shall expire two years from the date of
6 issuance. If the board refuses to issue or renew a license,
7 the applicant or licensee shall be promptly notified. The
8 applicant or licensee may appeal any decision of the board and
9 may request a hearing, in accordance with the Administrative
10 Procedure Act, on the refusal of the board to issue or renew a
11 license. A licensee may continue to serve as a security
12 officer or armed security officer while his or her renewal
13 application is pending.

14 "(h) No license issued pursuant to this chapter
15 shall be assigned or transferred by operation of law or in any
16 other manner. A new license for an assignee or transferee of a
17 business shall be applied for using the same procedures and
18 requirements as set forth in this chapter for an initial
19 license applicant. The security operation of a security
20 company may continue until the final disposition of the
21 pending license application.

22 "(i) The current license certificate or duplicate
23 copy of the certificate shall be posted and displayed at all
24 times at all business offices of the licensee within the
25 state.

1 "(j) The board shall be notified within 30 days of
2 any changes in officers, directors, or management of a
3 licensee or any changes that may reasonably affect the right
4 of a licensee to hold a license under this chapter."

5 Section 4. The Legislature concurs in the
6 recommendations of the Sunset Committee as provided in
7 Sections 1, 2, and 3.

8 Section 5. This act shall become effective
9 immediately upon its passage and approval by the Governor, or
10 its otherwise becoming law.

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Speaker of the House of Representatives

President and Presiding Officer of the Senate

House of Representatives

I hereby certify that the within Act originated in
and was passed by the House 29-MAR-11.

Greg Pappas
Clerk

Senate	14-APR-11	Amended and Passed
House	21-APR-11	Concurred in Senate Amendment