

## **BILL ANALYSIS**

C.S.H.B. 1951  
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Homeland Security & Public Safety  
Committee Report (Substituted)

### **BACKGROUND AND PURPOSE**

During a recent legislative interim, the House Committee on Licensing and Administrative Procedures was tasked with reviewing the training standards used for emergency telecommunications personnel. The committee was particularly concerned with evaluating the effectiveness of the 9-1-1 telecommunicators' training standards. According to reports, current law lacks adequate mandated training for 9-1-1 telecommunicators. It was also noted in a recent legislative session that the establishment of procedures and requirements for the licensing and regulation of telecommunicators, in addition to training standards, is necessary. In an effort to address these concerns and to ensure better training and improve the overall services provided by telecommunicators, C.S.H.B. 1951 establishes training and licensing requirements for telecommunicators.

### **RULEMAKING AUTHORITY**

It is the committee's opinion that rulemaking authority is expressly granted to the Commission on Law Enforcement Officer Standards and Education in SECTIONS 7, 9, and 12 of this bill.

### **ANALYSIS**

C.S.H.B. 1951 amends the Occupations Code to add to the qualifications required for employment by the state or a political subdivision of the state to act as a telecommunicator a requirement that the person hold a license to act as a telecommunicator or agree to obtain the license not later than the first anniversary of the date of employment. The bill prohibits a person employed to act as a telecommunicator who has not obtained a license from continuing to act as a telecommunicator after the first anniversary of the date of employment unless the person obtains the license. The bill clarifies that a peace officer or reserve law enforcement officer is not required to obtain a telecommunicator license to act as a telecommunicator.

C.S.H.B. 1951 authorizes the Commission on Law Enforcement Officer Standards and Education (TCLEOSE) to establish minimum standards relating to competence and reliability for licensing as a telecommunicator, rather than for employment as a telecommunicator. The bill adds training programs for telecommunicators to the programs TCLEOSE is required to establish and maintain or that are offered by schools operated by TCLEOSE or operated by or for the state or a political subdivision of the state under a license issued by TCLEOSE for such purpose.

C.S.H.B. 1951 requires a person who appoints or employs a licensed telecommunicator to notify TCLEOSE not later than the 30th day after the date of the appointment or employment and requires the person to have new criminal history record information and two completed fingerprint cards on file if the telecommunicator has prior service as a telecommunicator and the appointment or employment occurs after the 180th day after the last date of such service. The bill requires TCLEOSE to issue a telecommunicator license to a person who submits an application, completes the required training, passes the required examination, and meets any other statutory requirement and the rules prescribed by TCLEOSE to qualify as a telecommunicator. The bill authorizes TCLEOSE to issue a temporary or permanent license to a person to act as a

telecommunicator. The bill requires a state agency, county, special district, or municipality that appoints or employs a telecommunicator to provide at least 20 hours of training to the telecommunicator during each 24-month period of employment and requires the training to be approved by TCLEOSE and to consist of topics selected by TCLEOSE and the employing entity. The bill requires TCLEOSE to adopt rules for issuing achievement awards to licensed telecommunicators.

C.S.H.B. 1951 makes it a misdemeanor punishable by a fine of not less than \$100 and not more than \$1,000 to appoint or retain another person as a telecommunicator in violation of the applicable statutory provisions governing the qualifications for a person's employment as a telecommunicator.

C.S.H.B. 1951 requires TCLEOSE, not later than December 31, 2013, to adopt rules, standards, and procedures necessary to implement the bill's provisions. The bill exempts a person employed as a certified telecommunicator on January 1, 2014, from the requirement to hold a license to act as a telecommunicator and requires TCLEOSE to issue a telecommunicator license to the person on receipt of an application showing that the person was employed as a certified telecommunicator on that date. These provisions regarding the deadline for adoption of rules, standards, and procedures, and the exemption for certain telecommunicators, take effect September 1, 2013.

### **EFFECTIVE DATE**

Except as otherwise provided, January 1, 2014.

### **COMPARISON OF ORIGINAL AND SUBSTITUTE**

While C.S.H.B. 1951 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	HOUSE COMMITTEE SUBSTITUTE
SECTION 1. Section 1701.151, Occupations Code, is amended.	SECTION 1. Same as introduced version.
SECTION 2. Sections 1701.251(a) and (c), Occupations Code, are amended.	SECTION 2. Same as introduced version.
SECTION 3. Section 1701.301, Occupations Code, is amended.	SECTION 3. Same as introduced version.
SECTION 4. Section 1701.303(b), Occupations Code, is amended to read as follows: (b) A person who appoints an officer or county jailer, or employs a <u>telecommunicator</u> , licensed by the commission shall notify the commission not later than the 30th day after the date of the appointment <u>or employment</u> . If the person appoints <u>or employs</u> an individual	SECTION 4. Section 1701.303, Occupations Code, is amended by adding Subsection (c) to read as follows: (c) <u>A person who appoints or employs a telecommunicator licensed by the commission shall notify the commission not later than the 30th day after the date of the appointment or employment. If the person appoints or employs an individual who previously served as a telecommunicator and</u>

who previously served as an officer, [Ø] county jailer, or telecommunicator and the appointment or employment occurs after the 180th day after the last date of service as an officer, [Ø] county jailer, or telecommunicator, the person must have on file [~~for the officer or county jailer~~] in a form readily accessible to the commission:

- (1) new criminal history record information;
- (2) a new declaration of psychological and emotional health and lack of drug dependency or illegal drug use; and
- (3) two completed fingerprint cards.

**No equivalent provision.**

SECTION 5. Section 1701.307, Occupations Code, is amended by amending Subsection (a) and adding Subsection (d) to read as follows:

(a) The commission shall issue an appropriate license to a person who, as required by this chapter:

- (1) submits an application;
- (2) completes the required training;
- (3) passes the required examination;
- (4) is declared to be in satisfactory psychological and emotional health and free from drug dependency or illegal drug use; and

(5) if the person is an applicant for an officer or county jailer license, demonstrates weapons proficiency.

(d) The commission may issue a temporary or permanent license to a person to act as a telecommunicator.

**No equivalent provision, but see SECTION 5 above.**

the appointment or employment occurs after the 180th day after the last date of service as a telecommunicator, the person must have on file in a form readily accessible to the commission:

(1) new criminal history record information; and

(2) two completed fingerprint cards.

SECTION 5. The heading to Section 1701.307, Occupations Code, is amended to read as follows:

Sec. 1701.307. ISSUANCE OF OFFICER OR COUNTY JAILER LICENSE.

SECTION 6. Section 1701.307(a), Occupations Code, is amended to read as follows:

(a) The commission shall issue an appropriate **officer or county jailer** license to a person who, as required by this chapter:

- (1) submits an application;
- (2) completes the required training;
- (3) passes the required examination;
- (4) is declared to be in satisfactory psychological and emotional health and free from drug dependency or illegal drug use; and

(5) demonstrates weapons proficiency.

*(See Section 1701.3071(b) in SECTION 7 below.)*

SECTION 7. Subchapter G, Chapter 1701, Occupations Code, is amended by adding Section 1701.3071 to read as follows:

Sec. 1701.3071. ISSUANCE OF TELECOMMUNICATOR LICENSE. (a)

The commission shall issue a telecommunicator license to a person who:

- (1) submits an application;

(See Section 1701.307(d) in SECTION 5 above.)

SECTION 6. Section 1701.352, Occupations Code, is amended by adding Subsection (i) to read as follows:

(i) A state agency, county, special district, or municipality that appoints or employs a telecommunicator shall provide training to the telecommunicator of not less than 40 hours during each 24-month period of employment. The training must be approved by the commission and consist of topics selected by the commission and the employing entity.

SECTION 7. Section 1701.401(c), Occupations Code, is amended.

SECTION 8. Section 1701.405, Occupations Code, is amended by amending Subsection (b) and adding Subsection (b-1) to read as follows:

(b) This state or a political subdivision of this state may not employ a person to act as a telecommunicator unless the person:

(1) has had at least 40 hours of telecommunicator training as determined by the commission;

(2) is at least 18 years of age; ~~and~~

(3) holds a high school diploma or high school equivalency certificate; and

(4) holds a license to act as a telecommunicator or agrees to obtain the license not later than the first anniversary of the date of employment.

(b-1) A person employed to act as a telecommunicator who has not obtained a license to act as a telecommunicator under this chapter may not continue to act as a telecommunicator after the first anniversary of the date of employment unless the person obtains the license.

(2) completes the required training;

(3) passes the required examination; and

(4) meets any other requirement of this chapter and the rules prescribed by the commission to qualify as a telecommunicator.

(b) The commission may issue a temporary or permanent license to a person to act as a telecommunicator.

SECTION 8. Section 1701.352, Occupations Code, is amended by adding Subsection (i) to read as follows:

(i) A state agency, county, special district, or municipality that appoints or employs a telecommunicator shall provide training to the telecommunicator of not less than 20 hours during each 24-month period of employment. The training must be approved by the commission and consist of topics selected by the commission and the employing entity.

SECTION 9. Same as introduced version.

SECTION 10. Section 1701.405, Occupations Code, is amended by amending Subsection (b) and adding Subsections (b-1) and (b-2) to read as follows:

(b) This state or a political subdivision of this state may not employ a person to act as a telecommunicator unless the person:

(1) has had at least 40 hours of telecommunicator training as determined by the commission;

(2) is at least 18 years of age; ~~and~~

(3) holds a high school diploma or high school equivalency certificate; and

(4) holds a license to act as a telecommunicator or agrees to obtain the license not later than the first anniversary of the date of employment.

(b-1) A person employed to act as a telecommunicator who has not obtained a license to act as a telecommunicator under this chapter may not continue to act as a telecommunicator after the first anniversary of the date of employment unless the person obtains the license.

(b-2) Notwithstanding this section, an officer is not required to obtain a

telecommunicator license to act as a telecommunicator.

SECTION 9. Section 1701.551(a), Occupations Code, is amended.

SECTION 10. (a) Not later than December 31, 2013, the Commission on Law Enforcement Officer Standards and Education shall adopt rules, standards, and procedures necessary to implement Chapter 1701, Occupations Code, as amended by this Act.

(b) Notwithstanding Chapter 1701, Occupations Code, as amended by this Act, a person employed as a telecommunicator on or before January 1, 2014, is not required to hold a license under that chapter to act as a telecommunicator before January 1, 2015.

SECTION 11. This Act takes effect September 1, 2013.

SECTION 11. Same as introduced version.

SECTION 12. (a) Not later than December 31, 2013, the Commission on Law Enforcement Officer Standards and Education shall adopt rules, standards, and procedures necessary to implement Chapter 1701, Occupations Code, as amended by this Act, and Subsection (b) of this section.

(b) Notwithstanding Chapter 1701, Occupations Code, as amended by this Act, a person employed as a certified telecommunicator on January 1, 2014, is exempt from the requirements for an initial telecommunicator license under that chapter, and the Commission on Law Enforcement Officer Standards and Education shall issue a telecommunicator license to the person on receipt of an application showing that the person was employed as a certified telecommunicator on that date.

SECTION 13. (a) Except as provided by Subsection (b) of this section, this Act takes effect January 1, 2014.

(b) Section 12 of this Act takes effect September 1, 2013.