

BILL ANALYSIS

C.S.H.B. 2253
By: Geren
Appropriations
Committee Report (Substituted)

BACKGROUND AND PURPOSE

The attorney general's criminal investigation division currently employs many law enforcement officers whose duties consist of conducting criminal investigations, apprehending fugitives and Internet predators, and providing assistance to other law enforcement agencies. Interested parties assert that despite the importance of these duties, there are some inequities in the compensation of law enforcement officers who work for the attorney general and the compensation of officers who work for other state law enforcement agencies. C.S.H.B. 2253 seeks to address this issue by ensuring that law enforcement officers commissioned by the attorney general receive fair compensation.

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

C.S.H.B. 2253 amends the Government Code to require the attorney general to ensure that a peace officer employed and commissioned by the attorney general as an investigator for the limited purpose of assisting the attorney general in carrying out the duties of that office relating to prosecution assistance and crime prevention is compensated according to Schedule C of the position classification salary schedule prescribed by the General Appropriations Act. The bill includes a commissioned law enforcement officer of the attorney general in the definition of "state employee" for purposes of statutory provisions relating to hazardous duty pay. The bill adds a temporary provision, set to expire September 1, 2015, to require the classification officer in the office of the state auditor to classify the position of a commissioned peace officer employed as an investigator by the attorney general as a Schedule C position under the Texas Position Classification Plan, 1961, applicable beginning in the state fiscal biennium beginning September 1, 2013.

EFFECTIVE DATE

September 1, 2013.

COMPARISON OF ORIGINAL AND SUBSTITUTE

While C.S.H.B. 2253 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 402.009, Government	SECTION 1. Same as introduced version.

83R 24927

13.114.905

Substitute Document Number: 83R 19395

Code, is amended.

SECTION 2. Section 659.301(5), Government Code, is amended.

SECTION 3. Section 811.001(9), Government Code, is amended to read as follows:

(9) "Law enforcement officer" means a member of the retirement system who:

(A) has been commissioned as a law enforcement officer by the Department of Public Safety, the Texas Alcoholic Beverage Commission, the Parks and Wildlife Department, ~~the~~ the office of inspector general at the Texas Youth Commission, or the attorney general; and

(B) is recognized as a commissioned law enforcement officer by the Commission on Law Enforcement Officer Standards and Education.

SECTION 4. Section 814.104(b), Government Code, is amended to read as follows:

(b) A member who is at least 55 years old and who has at least 10 years of service credit as a commissioned peace officer engaged in criminal law enforcement activities of the Department of Public Safety, the Texas Alcoholic Beverage Commission, the Parks and Wildlife Department, ~~the~~ the office of inspector general at the Texas Youth Commission, or the attorney general, or as a custodial officer, is eligible to retire and receive a service retirement annuity.

SECTION 5. Section 814.1075(b), Government Code, is amended to read as follows:

(b) A member who has at least 20 years of service credit as a law enforcement or custodial officer, including any law enforcement officer as defined by Section 811.001(9), is eligible to retire regardless of age and receive a standard service retirement annuity as provided by this section.

SECTION 6. Section 815.505, Government Code, is amended to read as follows:

Sec. 815.505. CERTIFICATION OF NAMES OF LAW ENFORCEMENT AND CUSTODIAL OFFICERS. Not later than the 12th day of the month following the month in which a person begins or ceases employment

SECTION 2. Same as introduced version.

No equivalent provision.

No equivalent provision.

No equivalent provision.

No equivalent provision.

as a law enforcement officer or custodial officer, the Public Safety Commission, the Texas Alcoholic Beverage Commission, the Parks and Wildlife Commission, the office of inspector general at the Texas Youth Commission, the Board of Pardons and Paroles, the attorney general, or the Texas Board of Criminal Justice, as applicable, shall certify to the retirement system, in the manner prescribed by the system, the name of the employee and such other information as the system determines is necessary for the crediting of service and financing of benefits under this subtitle.

SECTION 7. (a) The attorney general shall begin making deductions and collecting the contributions for the law enforcement and custodial officer supplemental retirement fund as provided by Section 815.402(h), Government Code, beginning with the first pay period that occurs after December 31, 2013.

(b) The board of trustees of the Employees Retirement System of Texas shall adopt rules as soon as possible after the effective date of this Act to implement Section 814.1075, Government Code, as amended by this Act.

No equivalent provision.

SECTION 8. This Act takes effect September 1, 2013.

No equivalent provision.

SECTION 3. (a) The classification officer in the office of the state auditor shall classify the position of commissioned peace officer employed as an investigator by the Office of the Attorney General as a Schedule C position under the Texas Position Classification Plan, 1961.

(b) The change made by the classification officer as required by this section applies beginning in the state fiscal biennium beginning September 1, 2013.

(c) This section expires September 1, 2015.

SECTION 4. Same as introduced version.