

BILL ANALYSIS

H.B. 2037
By: Geren
Homeland Security & Public Safety
Committee Report (Unamended)

BACKGROUND AND PURPOSE

Interested parties note that while the duties of the Texas attorney general's law enforcement division include the important tasks of conducting criminal investigations, apprehending fugitives and Internet predators, and providing assistance to law enforcement, there is some inequality in the compensation of officers employed by the attorney general and officers employed by other state law enforcement agencies. H.B. 2037 seeks to address these concerns by establishing provisions relating to compensation and leave for certain peace officers.

CRIMINAL JUSTICE IMPACT

It is the committee's opinion that this bill does not expressly create a criminal offense, increase the punishment for an existing criminal offense or category of offenses, or change the eligibility of a person for community supervision, parole, or mandatory supervision.

RULEMAKING AUTHORITY

It is the committee's opinion that rulemaking authority is expressly granted to the Texas Alcoholic Beverage Commission in SECTION 1 of this bill, the attorney general in SECTION 3 of this bill, and the Parks and Wildlife Commission in SECTION 6 of this bill.

ANALYSIS

H.B. 2037 amends the Alcoholic Beverage Code to require the administrator of the Texas Alcoholic Beverage Commission (TABC) to allow a peace officer employed by TABC to voluntarily transfer to a legislative leave pool up to eight hours of compensatory time or annual leave per year earned by the peace officer. The bill requires the administrator or the administrator's designee to administer the legislative leave pool and requires TABC to adopt rules and prescribe procedures relating to the legislative leave pool's operation. The bill requires the administrator or the administrator's designee to credit the legislative leave pool with the amount of time contributed by a peace officer and deduct a corresponding amount of time from the peace officer's earned compensatory time or annual leave as if the peace officer had used the time for personal purposes. The bill entitles a peace officer to use time contributed to the legislative leave pool if the peace officer uses the time for legislative leave on behalf of a law enforcement association of a specified number of active or retired members governed by a board of directors. The bill authorizes a peace officer to withdraw time from the legislative leave pool only in coordination with and with the consent of the president or designee of the law enforcement association. The bill requires the administrator or the administrator's designee to transfer time from the pool to the peace officer and credit the time to the peace officer. The bill prohibits a peace officer from drawing more than 80 hours from the legislative leave pool in a 160-hour work cycle and from drawing more than 480 hours from the pool in a fiscal year. The bill requires a peace officer to use time from the legislative leave pool in accordance with rules adopted by TABC.

H.B. 2037 amends the Government Code and Parks and Wildlife Code to make these bill

provisions governing legislative leave pools applicable also with respect to the attorney general and the Office of the Attorney General, the executive director of the Parks and Wildlife Department (TPWD) and the Parks and Wildlife Commission, and peace officers employed by the attorney general and TPWD.

H.B. 2037 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 prosecution assistance and crime prevention duties 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 governing state employee hazardous duty pay for state officers and employees and makes statutory provisions entitling certain peace officers to injury leave for certain injuries sustained during the course of the officer's duties applicable to a peace officer who is commissioned as a law enforcement officer or agent by the attorney general.

H.B. 2037, in temporary provisions set to expire September 1, 2017, requires the classification officer in the office of the state auditor to 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, and makes that change in classification applicable beginning in the state fiscal biennium beginning September 1, 2015.

EFFECTIVE DATE

September 1, 2015.