

SENATE AMENDMENTS

2nd Printing

By: Geren, Darby, et al.

H.B. No. 2037

A BILL TO BE ENTITLED

AN ACT

relating to compensation and leave for certain peace officers.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Subchapter A, Chapter 5, Alcoholic Beverage Code, is amended by adding Section 5.21 to read as follows:

Sec. 5.21. DONATION OF ACCRUED COMPENSATORY TIME OR ACCRUED ANNUAL LEAVE FOR LEGISLATIVE PURPOSES. (a) The administrator shall allow a peace officer employed by the commission 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.

(b) The administrator or the administrator's designee shall administer the legislative leave pool.

(c) The commission shall adopt rules and prescribe procedures relating to the operation of the legislative leave pool.

(d) The administrator or the administrator's designee shall 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.

(e) A peace officer is entitled 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 at

1 least 50 active or retired members governed by a board of directors.

2 (f) The administrator or the administrator's designee shall
3 transfer time from the pool to the peace officer and credit the time
4 to the peace officer.

5 (g) A peace officer may only withdraw time from the
6 legislative leave pool in coordination with and with the consent of
7 the president or designee of the law enforcement association
8 described in Subsection (e). A peace officer may not draw more than
9 80 hours from the pool in a 160-hour work cycle and may not draw more
10 than 480 hours from the pool in a fiscal year.

11 (h) A peace officer shall use time from the legislative
12 leave pool in accordance with rules adopted by the commission.

13 SECTION 2. Section 402.009, Government Code, is amended to
14 read as follows:

15 Sec. 402.009. AUTHORITY TO EMPLOY AND COMMISSION PEACE
16 OFFICERS. (a) The attorney general may employ and commission peace
17 officers as investigators for the limited purpose of assisting the
18 attorney general in carrying out the duties of that office relating
19 to prosecution assistance and crime prevention.

20 (b) The attorney general shall ensure that a commissioned
21 peace officer employed as authorized under Subsection (a) is
22 compensated according to Schedule C of the position classification
23 salary schedule prescribed by the General Appropriations Act.

24 SECTION 3. Section 659.301(5), Government Code, is amended
25 to read as follows:

26 (5) "State employee" means an individual who:
27 (A) is a commissioned law enforcement officer of

1 the Department of Public Safety, the Texas Facilities Commission,
2 the Texas Alcoholic Beverage Commission, [~~or~~] the Texas Department
3 of Criminal Justice, or the attorney general;

4 (B) is a commissioned security officer of the
5 comptroller;

6 (C) is a law enforcement officer commissioned by
7 the Parks and Wildlife Commission;

8 (D) is a commissioned peace officer of an
9 institution of higher education;

10 (E) is an employee or official of the Board of
11 Pardons and Paroles or the parole division of the Texas Department
12 of Criminal Justice if the employee or official has routine direct
13 contact with inmates of any penal or correctional institution or
14 with administratively released prisoners subject to the board's
15 jurisdiction;

16 (F) has been certified to the Employees
17 Retirement System of Texas under Section 815.505 as having begun
18 employment as a law enforcement officer or custodial officer,
19 unless the individual has been certified to the system as having
20 ceased employment as a law enforcement officer or custodial
21 officer; or

22 (G) before May 29, 1987, received hazardous duty
23 pay based on the terms of any state law if the individual holds a
24 position designated under that law as eligible for the pay.

25 SECTION 4. Section 661.918(a), Government Code, is amended
26 to read as follows:

27 (a) This section applies to a peace officer under Article

1 2.12, Code of Criminal Procedure, who is commissioned as a law
2 enforcement officer or agent, including a ranger, by:

3 (1) the Public Safety Commission and the director of
4 the Department of Public Safety;

5 (2) the Parks and Wildlife Commission; [~~or~~]

6 (3) the Texas Alcoholic Beverage Commission; or

7 (4) the attorney general.

8 SECTION 5. Subchapter B, Chapter 11, Parks and Wildlife
9 Code, is amended by adding Section 11.0183 to read as follows:

10 Sec. 11.0183. DONATION OF ACCRUED COMPENSATORY TIME OR
11 ACCRUED ANNUAL LEAVE FOR LEGISLATIVE PURPOSES. (a) The director
12 shall allow a peace officer employed by the department to
13 voluntarily transfer to a legislative leave pool up to eight hours
14 of compensatory time or annual leave per year earned by the peace
15 officer.

16 (b) The director or the director's designee shall
17 administer the legislative leave pool.

18 (c) The commission shall adopt rules and prescribe
19 procedures relating to the operation of the legislative leave pool.

20 (d) The director or the director's designee shall credit the
21 legislative leave pool with the amount of time contributed by a
22 peace officer and deduct a corresponding amount of time from the
23 peace officer's earned compensatory time or annual leave as if the
24 peace officer had used the time for personal purposes.

25 (e) A peace officer is entitled to use time contributed to
26 the legislative leave pool if the peace officer uses the time for
27 legislative leave on behalf of a law enforcement association of at

1 least 350 active or retired members governed by a board of
2 directors.

3 (f) The director or the director's designee shall transfer
4 time from the pool to the peace officer and credit the time to the
5 peace officer.

6 (g) A peace officer may only withdraw time from the
7 legislative leave pool in coordination with and with the consent of
8 the president or designee of the law enforcement association
9 described in Subsection (e). A peace officer may not draw more than
10 80 hours from the pool in a 160-hour work cycle and may not draw more
11 than 480 hours from the pool in a fiscal year.

12 (h) A peace officer shall use time from the legislative
13 leave pool in accordance with rules adopted by the commission.

14 SECTION 6. (a) The classification officer in the office of
15 the state auditor shall classify the position of commissioned peace
16 officer employed as an investigator by the Office of the Attorney
17 General as a Schedule C position under the Texas Position
18 Classification Plan, 1961.

19 (b) The change made by the classification officer as
20 required by this section applies beginning in the state fiscal
21 biennium beginning September 1, 2015.

22 (c) This section expires September 1, 2017.

23 SECTION 7. Section 661.918(a), Government Code, as amended
24 by this Act, applies only to an injury that occurs on or after the
25 effective date of this Act.

26 SECTION 8. This Act takes effect September 1, 2015.

FLOOR AMENDMENT NO. 1

BY: Hinojosa

1 Amend H.B. No. 2037 (Senate Committee Printing) by striking
2 SECTION 1 of the bill (page 1, lines 19-51) and SECTION 5 of the
3 bill (page 2, line 40 through page 3, line 3) and renumbering
4 subsequent sections of the bill accordingly.

ADOPTED

MAY 25 2015

Leta Spaw
Secretary of the Senate

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 84TH LEGISLATIVE REGULAR SESSION

May 26, 2015

TO: Honorable Joe Straus, Speaker of the House, House of Representatives

FROM: Ursula Parks, Director, Legislative Budget Board

IN RE: HB2037 by Geren (Relating to compensation and leave for certain peace officers.), As Passed 2nd House

Estimated Two-year Net Impact to General Revenue Related Funds for HB2037, As Passed 2nd House: a negative impact of (\$3,999,242) through the biennium ending August 31, 2017.

The bill would make no appropriation but could provide the legal basis for an appropriation of funds to implement the provisions of the bill.

General Revenue-Related Funds, Five-Year Impact:

Fiscal Year	Probable Net Positive/(Negative) Impact to General Revenue Related Funds
2016	(\$1,964,461)
2017	(\$2,034,781)
2018	(\$2,095,438)
2019	(\$2,122,169)
2020	(\$2,192,322)

All Funds, Five-Year Impact:

Fiscal Year	Probable Savings/(Cost) from <i>General Revenue Fund</i> 1	Probable Savings/(Cost) from <i>Federal Funds</i> 555	Probable Savings/(Cost) from <i>Interagency Contracts - CJG</i> 444
2016	(\$1,964,461)	(\$948,741)	(\$91,835)
2017	(\$2,034,781)	(\$973,618)	(\$97,376)
2018	(\$2,095,438)	(\$993,637)	(\$98,276)
2019	(\$2,122,169)	(\$1,013,987)	(\$98,596)
2020	(\$2,192,322)	(\$1,062,995)	(\$99,903)

Fiscal Analysis

The bill would amend the Government Code directing the Office of the Attorney General (OAG) to compensate commissioned peace officers employed by the agency according to Schedule C prescribed by the General Appropriations Act.

Under the bill provisions, the OAG indicated the fiscal impact related to compensating commissioned peace officers according to Schedule C would be \$3,005,037 in fiscal year 2016, \$3,150,775 in fiscal year 2017, \$3,187,351 in fiscal year 2018, \$3,234,752 in fiscal year 2018, and \$3,355,220 in fiscal year 2020.

The State Auditor's Office indicated the costs associated with implementation of the bill could be absorbed with existing resources. The bill would take effect September 1, 2015.

Methodology

Currently, the OAG employs 167 commissioned peace officers in the Law Enforcement Division (96) and the Medicaid Fraud Control Unit (71) that are compensated under Schedule B of the General Appropriations Act and are classified as Investigators III-VII, Managers III-IV, and Directors I-II. Under the bill provisions, the commissioned peace officers employed by the OAG would be classified as Sergeants, Lieutenants, Captains, and Majors under Schedule C.

According to the OAG, the classification to Sergeants, Lieutenants, Captains, and Majors would be based on years of service and demonstrated ability. However, generally speaking Investigators III-V would be classified as Sergeants, Investigators VI-VII as Lieutenants, Managers III-IV as Captains, and Directors I-II as Majors. It is assumed the salaries will be based on 12 months of service at constant levels of employment.

Local Government Impact

No significant fiscal implication to units of local government is anticipated.

Source Agencies:

LBB Staff: UP, KJo, TBo

**LEGISLATIVE BUDGET BOARD
Austin, Texas**

FISCAL NOTE, 84TH LEGISLATIVE REGULAR SESSION

May 18, 2015

TO: Honorable John Whitmire, Chair, Senate Committee on Criminal Justice

FROM: Ursula Parks, Director, Legislative Budget Board

IN RE: HB2037 by Geren (Relating to compensation and leave for certain peace officers.), As Engrossed

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Fiscal Analysis

The bill would amend the Alcoholic Beverage Code, the Government Code, and the Parks and Wildlife Code to allow certain commissioned peace officers to transfer portions of compensatory and annual leave to a legislative leave pool and directing the Office of the Attorney General

(OAG) to compensate commissioned peace officers employed by the agency according to Schedule C prescribed by the General Appropriations Act.

Under the bill provisions, the OAG indicated the fiscal impact related to compensating commissioned peace officers according to Schedule C would be \$3,005,037 in fiscal year 2016, \$3,150,775 in fiscal year 2017, \$3,187,351 in fiscal year 2018, \$3,234,752 in fiscal year 2018, and \$3,355,220 in fiscal year 2020. Based on LBB analysis, it is assumed the OAG's duties and responsibilities associated with the legislative leave pool could be accomplished by utilizing existing resources.

The State Auditor's Office, Employee Retirement System, Alcoholic Beverage Commission, and Parks and Wildlife Department indicated the costs associated with implementation of the bill could be absorbed with existing resources.

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Local Government Impact

No significant fiscal implication to units of local government is anticipated.

Source Agencies: 302 Office of the Attorney General, 308 State Auditor's Office, 327 Employees Retirement System, 458 Alcoholic Beverage Commission, 802 Parks and Wildlife Department

LBB Staff: UP, KJo, ESi, EP, TBo, JN, EMo

**LEGISLATIVE BUDGET BOARD
Austin, Texas**

FISCAL NOTE, 84TH LEGISLATIVE REGULAR SESSION

March 23, 2015

TO: Honorable Larry Phillips, Chair, House Committee on Homeland Security & Public Safety

FROM: Ursula Parks, Director, Legislative Budget Board

IN RE: HB2037 by Geren (Relating to compensation and leave for certain peace officers.), As Introduced

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