

By: Powell

S.B. No. 2294

A BILL TO BE ENTITLED

AN ACT

relating to a minimum wage and monthly stipend for municipal and county peace officers; making an appropriation.

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

SECTION 1. Chapter 403, Government Code, is amended by adding Subchapter R to read as follows:

SUBCHAPTER R. LOCAL LAW ENFORCEMENT OFFICER STIPEND PROGRAM

Sec. 403.501. DEFINITIONS. In this subchapter:

(1) "Account" means the local law enforcement officer stipend account.

(2) "Local law enforcement officer" means a person elected, employed, or appointed as a peace officer under Article 2.12, Code of Criminal Procedure, who is:

(A) a sheriff or deputy sheriff;

(B) a constable or deputy constable;

(C) a marshal or police officer of a municipality; or

(D) a rangers, officer, or members of the reserve officer corps commissioned by the Public Safety Commission and the Director of the Department of Public Safety.

Sec. 403.502. LAW ENFORCEMENT OFFICER STIPEND ACCOUNT. (a) The law enforcement officer stipend account is an account in the general revenue fund. The account consists of any money deposited to the credit of the account as provided by general law and any

1 gifts made to this state for the purposes of this subchapter.

2 (b) Money in the account may be used only for the purpose of
3 providing monthly stipends to local law enforcement officers as
4 provided by this subchapter.

5 Sec. 403.503. STIPEND PROGRAM FOR LAW ENFORCEMENT OFFICERS.

6 (a) The comptroller shall establish a program in cooperation with
7 the Public Safety Commission, municipalities, and counties in this
8 state to pay from the law enforcement officer stipend account:

9 (1) a stipend to each full-time local law enforcement
10 officer in the amount of \$1,000; and

11 (2) a reduced stipend to each local law enforcement
12 officer who works less than full time in an amount computed by
13 multiplying \$1,000 by the fraction of a full-time schedule the
14 officer works.

15 (b) The comptroller shall pay from the account the stipends
16 under this subchapter in a lump sum to the Department of Public
17 Safety to pay the wages or salaries of the officers who are entitled
18 to a stipend.

19 (c) The comptroller shall pay from the account the stipends
20 under this subchapter in a lump sum to the county or municipality
21 that pays the wages or salaries of the local law enforcement
22 officers in that county or municipality who are entitled to a
23 stipend.

24 (d) The comptroller may adopt rules requiring a
25 municipality or county to report to the comptroller information
26 regarding the number, identities, and employment schedules of local
27 law enforcement officers entitled to stipends under this subchapter

1 and to report information related to the stipend payments made to
2 local law enforcement officers. The comptroller shall adopt and
3 employ controls sufficient to ensure that money paid to a county or
4 municipality under this subchapter is used solely to pay the
5 intended stipends.

6 SECTION 2. Subchapter B, Chapter 62, Labor Code, is amended
7 by adding Section 62.058 to read as follows:

8 Sec. 62.058. MINIMUM WAGE FOR CERTAIN LAW ENFORCEMENT
9 OFFICERS. (a) In this section, "local law enforcement officer" has
10 the meaning assigned by Section 403.501, Government Code.

11 (b) Notwithstanding Section 62.051 or 62.151 or any other
12 law, a municipality or county shall pay to each local law
13 enforcement officer employed by the municipality or county not less
14 than the greater of:

15 (1) \$15 an hour; or

16 (2) the federal minimum wage under Section 6, Fair
17 Labor Standards Act of 1938 (29 U.S.C. Section 206).

18 (c) The commission may exempt a municipality or county from
19 paying the minimum wage required by Subsection (b) if the
20 municipality or county demonstrates that paying the minimum wage
21 would result in economic hardship for the municipality or county,
22 as determined by the commission.

23 (d) The commission by rule shall develop criteria to qualify
24 for an exemption under Subsection (c). The commission shall
25 periodically review a municipality or county that receives an
26 exemption under Subsection (c) to determine if the municipality or
27 county continues to qualify for the exemption.

1 SECTION 3. Except as otherwise provided by a general
2 appropriations act of the 86th Legislature, Regular Session, 2019,
3 that becomes law, for the state fiscal biennium beginning September
4 1, 2019, the balance of the local law enforcement officer stipend
5 account created by this Act is appropriated to the comptroller of
6 public accounts for the purpose of paying stipends to local law
7 enforcement officers under Subchapter R, Chapter 403, Government
8 Code, as added by this Act, and to transfer any excess money from
9 that account to the general revenue fund as provided by that
10 subchapter.

11 SECTION 4. This Act takes effect September 1, 2019.