

- SUBJECT:** Homeland security training and supplemental pay for DPS officers
- COMMITTEE:** Law Enforcement — committee substitute recommended
- VOTE:** 7 ayes — Driver, Jackson, Hegar, Burnam, Frost, Hupp, Veasey
0 nays
- WITNESSES:** For — Brian Hawthorne and Jason Hester, Department of Public Safety Officers Association

Against — None
- BACKGROUND:** All peace officers in Texas must hold a license from the Texas Commission on Law Enforcement Officer Standards and Education (TCLEOSE), or be license-eligible. Many law enforcement agencies offer additional compensation to officers who also obtain a proficiency certificate from TCLEOSE. There are four proficiency certificate levels: basic, intermediate, advanced, and master.
- DIGEST:** CSHB 2239 would require the Department of Public Safety (DPS) to adopt minimum standards for training courses in homeland security for peace officers. These standards would have to include a comprehensive training program on the detection of, protection of, and response to domestic terrorism activities, including:
- managing terrorism or weapons of mass destruction incidents;
 - responding to terrorism threats;
 - weapons of mass destruction hazards and hazardous materials;
 - weapons of mass destruction delivery devices and methods;
 - responding to hostage situations and barricaded suspects in domestic terrorism situations; and
 - risk assessment of potential domestic terrorism activities.
- DPS would be required to review offered homeland security training courses and approve those that met the minimum standards. In addition, DPS could offer its own courses. At the request of DPS, TCLEOSE would be required to assist DPS with the development of minimum standards and

provide DPS with a list of all homeland security training courses operating in Texas. TCLEOSE would be required to keep a record of every course, certificate, and continuing education requirements completed by peace officers.

Officers who completed approved training courses after January 1, 2003, would be issued certificates reflecting the number of hours of completed training. Officers completing eight hours of training would be issued a level-one certificate. A level-two certificate would be awarded following completion of a level-one certificate plus 16 hours of training. A level-three certificate would be awarded following completion of a level-two certificate plus 24 hours of training.

The bill also would amend the Government Code to allow DPS to pay a salary supplement to each officer, if funds were available, holding a proficiency certificate and a homeland security training certificate in an amount not to exceed:

- \$100 a month for an intermediate peace officer proficiency certificate and a level-one homeland security training certificate;
- \$200 a month for a master peace officer proficiency certificate and a level-two homeland security training certificate; or
- \$300 a month for a master peace officer certificate and a level-three homeland security certificate.

DPS officers would be entitled to receive this supplement for as long as the proficiency certificate was in effect.

Subject to available funds, officers who had earned a homeland security training certificate and a higher education degree would be entitled to a maximum supplemental salary not to exceed:

- \$100 a month for hours equivalent to an associates degree and a level-one homeland security training certificate;
- \$200 a month for hours equivalent to a bachelors degree and a level-two homeland security training certificate; or
- \$300 a month for hours equivalent to a masters or more advanced degree and a level-three homeland security training certificate.

Subject to available funds, a DPS officer who was proficient in a second language and had received a homeland security training certificate could

receive a supplement of \$100 per month if the officer was able to demonstrate proficiency in the second language and DPS determined that this proficiency was beneficial to protecting public safety. This supplement could be in addition to a supplement for a proficiency certificate or higher education, but an officer could not receive a supplement for both a higher education degree and a proficiency certificate.

DPS would be required to develop minimum standards for homeland security training courses and certificates by January 1, 2006. DPS could issue certificates for approved courses taken beginning January 1, 2003.

The bill would take immediate effect if finally passed by a two-thirds record vote of the membership of each house. Otherwise, it would take effect September 1, 2005.

**SUPPORTERS
SAY:**

CSHB 2239 would help strengthen homeland security by establishing a training program for DPS officers and creating incentives for them to become certified in homeland security. It also would create a registry for all approved homeland security courses and require DPS to review the quality of those courses. Terrorists pose a serious threat to the welfare of Texas citizens, and law enforcement officers must be fully trained to handle a terrorist attack.

CSHB 2239 would give DPS officers an incentive to gain better training and higher education. Most law enforcement agencies pay officers a monthly supplement for higher education and advanced training. DPS officers, however, do not receive supplemental pay for any additional training or education. The bilingual incentive would help to strengthen ties between DPS and the community. In many areas, relations between immigrant communities and law enforcement are strained, in part because officers have difficulty communicating with members of the community. By offering incentives to officers to receive training and improve skills, the bill would improve the overall quality of DPS.

The costs associated with the bill would depend upon the Legislature actually appropriating the money for this program. Moreover, the point of the bill is not to increase the salary of DPS officers but to create an incentive for officers to obtain better training in order to improve overall public safety.

OPPONENTS
SAY:

The bill essentially would give an annual pay raise ranging from \$1,200 to \$4,800 for officers who received a few hours of extra training. The fiscal note projects that the bill would cost the state approximately \$12 million per year. This money should be directed toward one of the many more pressing state budget needs, rather than being spent on a program that already is well-funded by the state and federal government.

Officers should not receive an additional \$1,200 to \$4,800 a year for a training program that lasts from eight to 24 hours. Homeland security training should be part of basic training for an officer. Moreover, DPS officers likely will receive a pay raise soon — the Senate version of the general appropriations bill would grant a pay raise of \$62.3 million for all DPS officers in fiscal 2006-07 and the House version addresses the salary issue in Article 11.

NOTES:

The committee substitute would make the supplemental pay subject to the availability of appropriated funds. It also would allow supplemental pay for either a higher education degree or a proficiency certificate, but not both.

According to the fiscal note, the supplemental pay provisions in this bill would cost \$11.9 million per year from the State Highway Fund and \$369,000 per year in federal funds beginning fiscal 2006.

The companion bill, SB 1249 by Van de Putte, has been referred to the Senate Transportation and Homeland Security Committee.