

BILL ANALYSIS

Senate Research Center
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C.S.S.B. 1355
By: Hinojosa
Criminal Justice
5/6/2015
Committee Report (Substituted)

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

S.B. 1355 establishes provisions relating to compensation and leave for certain peace officers. Duties of the law enforcement division of the Office of the Attorney General of the State of Texas (OAG) include important tasks of conducting criminal investigations, apprehending fugitives and Internet predators, and providing assistance to law enforcement. However, there is some inequality in the compensation of officers employed by OAG and officers employed by other state law enforcement agencies.

Currently, OAG state police officers are compensated at approximately \$20,000 less than the equivalent rank of other state police officers and receive one-half percent less retirement than those who participate in the law enforcement custodial officer supplemental (LECOS) retirement fund.

S.B. 1355 ensures that peace officers within OAG are paid according to the General Appropriation Act's position classification salary schedule for Class, which governs commissioned law enforcement positions. In addition, S.B. 1355 amends the Government Code to allow OAG's peace officers to qualify for hazardous duty pay.

S.B. 1355 also creates "legislative leave pools" for peace officers employed by the Texas Alcoholic Beverage Commission, the Texas Parks and Wildlife Department, and OAG. Under the legislative leave pools, peace officers at those agencies would be allowed to donate up to eight hours of compensatory time or annual leave earned by the peace officer to the pool. Peace officers would be entitled to use the legislative leave time contributed to the pool when advocating on behalf of a law enforcement association that represents a certain number of active or retired members at each agency. Finally, this bill amends the Government Code to allow peace officers commissioned by OAG to qualify for injury leave. (Original Author's / Sponsor's Statement of Intent)

C.S.S.B. 1355 amends current law relating to compensation and leave for certain peace officers.

RULEMAKING AUTHORITY

Rulemaking authority is expressly granted to the Texas Alcoholic Beverage Commission in SECTION 1 (Section 5.21, Alcoholic Beverage Code) of this bill.

Rulemaking authority is expressly granted to the Texas Parks and Wildlife Commission in SECTION 5 (Section 11.0183, Parks and Wildlife Code) of this bill.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Subchapter A, Chapter 5, Alcoholic Beverage Code, by adding Section 5.21, as follows:

Sec. 5.21. DONATION OF ACCRUED COMPENSATORY TIME OR ACCRUED ANNUAL LEAVE FOR LEGISLATIVE PURPOSES. (a) Requires 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.

(b) Requires the administrator or the administrator's designee to administer the legislative leave pool.

(c) Requires TABC to adopt rules and prescribe procedures relating to the operation of the legislative leave pool.

(d) 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.

(e) 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 at least 50 active or retired members governed by a board of directors.

(f) 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.

(g) Provides that a peace officer may only withdraw time from the legislative leave pool in coordination with and with the consent of the president or designee of the law enforcement association described in Subsection (e). Prohibits a peace officer from drawing more than 80 hours from the pool in a 160-hour work cycle and from drawing more than 480 hours from the pool in a fiscal year.

(h) Requires a peace officer to use time from the legislative leave pool in accordance with rules adopted by TABC.

SECTION 2. Amends Section 402.009, Government Code, as follows:

Sec. 402.009. **AUTHORITY TO EMPLOY AND COMMISSION PEACE OFFICERS.**

(a) Creates this subsection from existing text and makes no further change.

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

SECTION 3. Amends Section 659.301(5), Government Code, to redefine "state employee."

SECTION 4. Amends Section 661.918(a), Government Code, to provide that this section applies to a peace officer under Article 2.12, Code of Criminal Procedure, who is commissioned as a law enforcement officer or agent, including a ranger, by certain entities and persons, including the attorney general.

SECTION 5. Amends Subchapter B, Chapter 11, Parks and Wildlife Code, by adding Section 11.0183, as follows:

Sec. 11.0183. **DONATION OF ACCRUED COMPENSATORY TIME OR ACCRUED ANNUAL LEAVE FOR LEGISLATIVE PURPOSES.** (a) Requires the executive director of the Texas Parks and Wildlife Department (executive director; TPWD) to allow a peace officer employed by TPWD 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) Requires the executive director or the executive director's designee to administer the legislative leave pool.

(c) Requires the Texas Parks and Wildlife Commission (TPWC) to adopt rules and prescribe procedures relating to the operation of the legislative leave pool.

(d) Requires the executive director or the executive director'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.

(e) 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 at least 350 active or retired members governed by a board of directors.

(f) Requires the executive director or the executive director's designee to transfer time from the pool to the peace officer and credit the time to the peace officer.

(g) Provides that a peace officer may only withdraw time from the legislative leave pool in coordination with and with the consent of the president or designee of the law enforcement association described in Subsection (e). Prohibits a peace officer from drawing more than 80 hours from the pool in a 160-hour work cycle and from drawing more than 480 hours from the pool in a fiscal year.

(h) Requires a peace officer to use time from the legislative leave pool in accordance with rules adopted by TPWC.

SECTION 6. (a) 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.

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

(c) Provides that this section expires September 1, 2017.

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

SECTION 8. Effective date: September 1, 2015.