

## **BILL ANALYSIS**

Senate Research Center

H.B. 2037  
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Criminal Justice  
5/11/2015  
Engrossed

### **AUTHOR'S / SPONSOR'S STATEMENT OF INTENT**

H.B. 2037 establishes provisions relating to compensation and leave for certain peace officers. Duties of the law enforcement division of the Office of the Attorney General (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 that participate in the law enforcement custodial officer supplemental (LECOS) retirement fund.

H.B. 2037 ensures that peace officers within OAG are paid according to the General Appropriation Act's position classification salary schedule for commissioned law enforcement positions.

H.B. 2037 also creates "legislative leave pools" for peace officers employed by the Texas Alcoholic Beverage Commission and the Texas Parks and Wildlife Department. 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.

H.B. 2037 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 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 to allow a peace officer employed by the Alcoholic Beverage Commission (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) Authorizes a peace officer to 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.

(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 define "state employee."

SECTION 4. Amends Section 661.918(a), Government Code, as follows:

(a) Provides that this section applies to a peace officer under Article 2.12 (Who are Peace Officers), Code of Criminal Procedure, who is commissioned as a law enforcement officer or agent, including a ranger, by:

(1)-(3) Makes nonsubstantive changes to these subdivisions;

(4) 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 Parks and Wildlife Department (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 director or the director's designee to administer the legislative leave pool.

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

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

(g) Authorizes a peace officer to 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 (OAG) 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.

SECTION 8. Effective date: September 1, 2015.