

1-1 By: Hinojosa S.B. No. 1355
1-2 (In the Senate - Filed March 11, 2015; March 18, 2015, read
1-3 first time and referred to Committee on Criminal Justice;
1-4 May 12, 2015, reported adversely, with favorable Committee
1-5 Substitute by the following vote: Yeas 7, Nays 0; May 12, 2015,
1-6 sent to printer.)

1-7	COMMITTEE VOTE				
1-8		Yea	Nay	Absent	PNV
1-9	Whitmire	X			
1-10	Huffman	X			
1-11	Burton	X			
1-12	Creighton	X			
1-13	Hinojosa	X			
1-14	Menéndez	X			
1-15	Perry	X			

1-16 COMMITTEE SUBSTITUTE FOR S.B. No. 1355 By: Whitmire

1-17 A BILL TO BE ENTITLED
1-18 AN ACT

1-19 relating to compensation and leave for certain peace officers.
1-20 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:
1-21 SECTION 1. Subchapter A, Chapter 5, Alcoholic Beverage
1-22 Code, is amended by adding Section 5.21 to read as follows:
1-23 Sec. 5.21. DONATION OF ACCRUED COMPENSATORY TIME OR ACCRUED
1-24 ANNUAL LEAVE FOR LEGISLATIVE PURPOSES. (a) The administrator
1-25 shall allow a peace officer employed by the commission to
1-26 voluntarily transfer to a legislative leave pool up to eight hours
1-27 of compensatory time or annual leave per year earned by the peace
1-28 officer.
1-29 (b) The administrator or the administrator's designee shall
1-30 administer the legislative leave pool.
1-31 (c) The commission shall adopt rules and prescribe
1-32 procedures relating to the operation of the legislative leave pool.
1-33 (d) The administrator or the administrator's designee shall
1-34 credit the legislative leave pool with the amount of time
1-35 contributed by a peace officer and deduct a corresponding amount of
1-36 time from the peace officer's earned compensatory time or annual
1-37 leave as if the peace officer had used the time for personal
1-38 purposes.
1-39 (e) A peace officer is entitled to use time contributed to
1-40 the legislative leave pool if the peace officer uses the time for
1-41 legislative leave on behalf of a law enforcement association of at
1-42 least 50 active or retired members governed by a board of directors.
1-43 (f) The administrator or the administrator's designee shall
1-44 transfer time from the pool to the peace officer and credit the time
1-45 to the peace officer.
1-46 (g) A peace officer may only withdraw time from the
1-47 legislative leave pool in coordination with and with the consent of
1-48 the president or designee of the law enforcement association
1-49 described in Subsection (e). A peace officer may not draw more than
1-50 80 hours from the pool in a 160-hour work cycle and may not draw more
1-51 than 480 hours from the pool in a fiscal year.
1-52 (h) A peace officer shall use time from the legislative
1-53 leave pool in accordance with rules adopted by the commission.
1-54 SECTION 2. Section 402.009, Government Code, is amended to
1-55 read as follows:
1-56 Sec. 402.009. AUTHORITY TO EMPLOY AND COMMISSION PEACE
1-57 OFFICERS. (a) The attorney general may employ and commission
1-58 peace officers as investigators for the limited purpose of
1-59 assisting the attorney general in carrying out the duties of that
1-60 office relating to prosecution assistance and crime prevention.

(b) The attorney general shall 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. Section 659.301(5), Government Code, is amended to read as follows:

(5) "State employee" means an individual who:

(A) is a commissioned law enforcement officer of the Department of Public Safety, the Texas Facilities Commission, the Texas Alcoholic Beverage Commission, ~~or~~ the Texas Department of Criminal Justice, or the attorney general;

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

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

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

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

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

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

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

(a) 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:

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

(2) the Parks and Wildlife Commission; ~~or~~

(3) the Texas Alcoholic Beverage Commission; or

(4) the attorney general.

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

Sec. 11.0183. DONATION OF ACCRUED COMPENSATORY TIME OR ACCRUED ANNUAL LEAVE FOR LEGISLATIVE PURPOSES. (a) The director shall allow a peace officer employed by the department 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 director or the director'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 director or the director'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 least 350 active or retired members governed by a board of directors.

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

(g) 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). A peace officer may not draw more than 80 hours from the pool in a 160-hour work cycle and may not draw more than 480 hours from the pool in a fiscal year.

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

SECTION 6. (a) The classification officer in the office of the state auditor shall 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) The change made by the classification officer as required by this section applies beginning in the state fiscal biennium beginning September 1, 2015.

(c) This section expires September 1, 2017.

SECTION 7. 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. This Act takes effect September 1, 2015.

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