

BILL ANALYSIS

Senate Research Center

H.B. 1856
By: Telford (Sponsor)
State Affairs
5-15-97
Committee Report (Amended)

DIGEST

The Texas Commission on Law Enforcement Officer Standards and Education (TCLEOSE) was created in 1965 and is responsible for developing training and certification standards for peace officers to improve law enforcement in Texas. TCLEOSE is subject to the Sunset Act and will be abolished September 1, 1997 unless continued by the legislature. This bill continues TCLEOSE for a 12-year period and makes statutory modifications recommended by the Sunset Advisory Commission.

PURPOSE

As proposed, H.B. 1856 sets forth provisions regarding the continuation of the Texas Commission on Law Enforcement Officer Standards and Education and makes statutory modifications recommended by the Sunset Commission.

RULEMAKING AUTHORITY

This bill does not grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 415.003, Government Code, to provide that the Texas Commission on Law Enforcement Officer Standards and Education (TCLEOSE) is abolished and this chapter expires September 1, 2009, rather than 1997.

SECTION 2. Amends Sections 415.004 (a) and (b), Government Code, to require the governor to make certain appointments to TCLEOSE without regard to color, disability, or age. Requires the term of one of either the sheriff, constable, or chief of police who are members of TCLEOSE to expire every two years. Provides that a person is not eligible for appointment as a public member of TCLEOSE under certain conditions. Makes conforming and nonsubstantive changes.

SECTION 3. Amends Section 415.005, Government Code, to set forth provisions relating to an officer, employee, or paid consultant of a Texas trade association. Defines Texas trade association. Deletes existing Subsections (a) and (b). Prohibits a person from serving as a member of TCLEOSE or acting as the general counsel to TCLEOSE if the person is required to register as a lobbyist under Chapter 305 in certain circumstances.

SECTION 4. Amends Section 415.006, Government Code, by amending Subsection (a) and adding Subsection (c), to provide that it is a ground for removal from TCLEOSE if a member does not have at the time of appointment the qualifications required by Section 415.004(b), cannot because of illness or disability discharge the member's duties for a substantial part of the term for which the member is appointed, or is absent from more than half of the regularly scheduled TCLEOSE meetings that the member is eligible to attend during a calendar year. Sets forth certain provisions regarding the removal of a member.

SECTION 5. Amends Chapter 415A, Government Code, by adding Section 415.0065, as follows:

Sec. 415.0065. TRAINING FOR COMMISSION MEMBERS. Sets forth provisions regarding the training programs required for commission members. Entitles a person

appointed to the commission to reimbursement for travel expenses incurred in attending a training program, as provided by the General Appropriations Act, under certain conditions.

SECTION 6. Amends Section 415.007, Government Code, to require the governor to designate a member of TCLEOSE as the presiding officer of TCLEOSE to service in that capacity at the pleasure of the governor. Requires TCLEOSE to elect from among its appointed members an assistant presiding officer and a secretary, rather than a chairman, vice chairman, and a secretary.

SECTION 7. Amends Section 415.009, Government Code, to require TCLEOSE to develop and implement policies that provide the public with a reasonable opportunity to appear before TCLEOSE and to speak on any issue under the jurisdiction of TCLEOSE. Makes conforming changes.

SECTION 8. Amends Chapter 415A, Government Code, by adding Section 415.0101, as follows:

Sec. 415.0101. POLICY-MAKING. Sets forth provisions regarding policy-making responsibilities of TCLEOSE and the management responsibilities of the executive director and other staff.

SECTION 9. Amends Chapter 415A, Government Code, by adding Section 415.0105, as follows:

Sec. 415.0105. STANDARDS OF CONDUCT. Requires the executive director or the executive director's designee to provide certain information to the members of TCLEOSE and to TCLEOSE employees regarding their qualifications and responsibilities relating to standards of conduct for state officers or employees.

SECTION 10. Amends Section 415.011, Government Code, to require TCLEOSE to prepare annually a complete and detailed written report accounting for all funds received and disbursed by TCLEOSE during the preceding fiscal year. Requires the annual report to meet the reporting requirements applicable to financial reporting provided in the General Appropriations Act. Provides that all money paid to TCLEOSE under this chapter is subject to Chapter 404F.

SECTION 11. Amends Section 415.013, Government Code, to require the executive director of TCLEOSE or the executive director's designee to develop inter-agency career ladder program that addresses opportunities for mobility and advancement for employees within the agency. Requires the program to require inter-agency posting of all positions concurrently with a public posting. Deletes a provision requiring the program to require entry level positions postings. Requires the executive director or the executive director's designee to prepare and maintain a written policy statement, rather than plan, relating to equal employment opportunities. Requires the policy statement to include certain information. Deletes requirements regarding a plan for equal employment opportunity.

SECTION 12. Amends Chapter 415A, Government Code, by adding Section 415.0145, as follows:

Sec. 415.0145. ACCESSIBILITY. Requires TCLEOSE to comply with federal and state laws related to program and facility accessibility. Requires TCLEOSE to also prepare and maintain a written plan containing certain information for non-English speaking people.

SECTION 13. Amends Chapter 415B, Government Code, by adding Section 415.0315, as follows:

Sec. 415.0315. INSPECTIONS. Sets forth requirements for TCLEOSE regarding risk assessment inspections.

SECTION 14. Amends Section 415.035, Government Code, to authorize TCLEOSE to waive the requirement under Subsection (a) that a peace officer demonstrate weapons proficiency if the commission finds that the requirement causes a hardship. Makes a conforming change.

SECTION 15. Amends Chapter 415C, Government Code, by adding Section 415.0595, as follows;

Sec. 415.0595. COMPLAINTS. Sets forth procedures regarding complaints filed with TCLEOSE that TCLEOSE has authority to resolve.

SECTION 16. Amends Sections 415.060(b) and (c), Government Code, to delete a provision requiring TCLEOSE to keep certain files relating to a license.

SECTION 17. Amends Chapter 415C, Government Code, by adding Section 415.0605, as follows:

Sec. 415.0605. HEARING. Provides that a person is entitled to a hearing conducted by the State Office of Administrative Hearings under certain conditions. Makes standard recodification changes.

SECTION 18. Provides that the changes in law made by this Act on the qualification of, and the prohibitions applying to, members of the Commission on Law Enforcement Officer Standards and Education do not affect the entitlement of a member serving on TCLEOSE immediately before August 29, 1997, to continue to carry out the functions of TCLEOSE for the remainder of the member's term. Makes application of this Act prospective. Provides that certain people are not prohibited from being reappointed to TCLEOSE under certain conditions.

SECTION 19. (a) Requires the governor to appoint members of TCLEOSE, as current terms expire, under certain conditions.

(b)-(d) Sets forth certain requirements for the governor when appointing certain members to certain positions.

(d) Provides that a term not specifically addressed by this section is a six-year term.

SECTION 20. Effective date: August 29, 1997.

SECTION 21. Emergency clause.

SUMMARY OF COMMITTEE CHANGES

Amendment 1.

Strikes SECTIONS 17-20 of this bill and renumbers subsequent sections accordingly.

Amendment 2.

Adds new SECTION 14, to amend Section 415.035, Government Code, regarding weapons proficiency. Renumbers subsequent sections accordingly.

Amendment 3.

Deletes the language of proposed SECTION 5 and adds new language including a new heading as follows:

Sec. 415.0065. New heading: TRAINING FOR COMMISSION MEMBERS. Sets forth provisions regarding the training programs required for commission members. Entitles a person to reimbursement for certain travel expenses under this section.