

## CHAPTER 1047

H.B. No. 977

## AN ACT

relating to the governance and name of the Law Enforcement Management Institute.

*Be it enacted by the Legislature of the State of Texas:*

SECTION 1. Subchapter E, Chapter 415, Government Code, is transferred to Subchapter D, Chapter 96, Education Code, redesignated as Section 96.64, and amended to read as follows:

*Sec. 96.64. BILL BLACKWOOD* [~~SUBCHAPTER E.] LAW ENFORCEMENT MANAGEMENT INSTITUTE OF TEXAS. (a) a~~ [~~Sec. 415.091. DEFINITION.] In this section~~ [~~subchapter] "board" means the advisory board~~ [~~of directors] of the institute.~~

*(b) [Sec. 415.092. INSTITUTE.] The Bill Blackwood Law Enforcement Management Institute of Texas is created for the training of police management personnel. The headquarters of the institute are at Sam Houston State University. The institute is under the supervision and direction of the president of Sam Houston State University and shall be operated and managed as a joint program between Sam Houston State University, Texas A&M University, and Texas Woman's University* [~~may be located on the campus of a state institution of higher education].~~

*(c) [Sec. 415.093. BOARD. (a)] The institute's advisory* [~~institute is governed by the] board is~~], composed of nine members appointed as follows:

*(1) one by the governor, who must be a licensed peace officer with supervisory experience;*

*(2) one by the lieutenant governor, who must be a licensed peace officer with supervisory experience;*

*(3) one by the speaker of the house of representatives, who must be a licensed peace officer with supervisory experience;*

*(4) one by the president of Sam Houston State University;*

*(5) one by the president of Texas A&M University;*

*(6) one by the president of Texas Woman's University; and*

*(7) three by the Commission on Law Enforcement Officer Standards and Education, two of whom must be licensed, nonsupervisory peace officers* [~~with each commissioner appointing one board member].~~

*(d) [(b)] Appointments to the board shall be made without regard to the race, color, religion, sex, handicap, or national origin of the appointee.*

*(e) [(e)] The commissioner of higher education of the Texas Higher Education Coordinating Board, the commissioner of the Central Education Agency, the director of the Department of Public Safety of the State of Texas, the executive director of the criminal justice division of*

the office of the governor, and the attorney general shall serve as nonvoting ex officio members of the board.

(f) ~~[(d)]~~ To be eligible for appointment to the board, a person must be at least 21 years of age and a resident of this state. Each appointee must be of good character and may not have been convicted of a felony or a misdemeanor involving moral turpitude. Each appointee *must have relevant experience and knowledge of law enforcement* ~~[must meet the education and experience requirements prescribed for commissioners under Sections 415.004 and 415.005. A person is not eligible for appointment to the board if the person is a commissioner, an employee of the commission, or a person who is related within the second degree by affinity or consanguinity, as determined under Article 5996h, Revised Statutes, to a commissioner or commission employee.~~

~~[Sec. 415.094. REMOVAL OF BOARD MEMBER. The commission may remove a board member at any time at a regular or specially called meeting of the commission by a two-thirds vote of the commissioners present and voting]. It is a ground for removal from the board if a member does not have at the time of appointment the qualifications required for appointment to the board or does not maintain during service on the board the qualifications required for appointment to the board. [The validity of an action of the board is not affected by the fact that it was taken while a ground for removal of a member of the board existed.]~~

(g) ~~[Sec. 415.095. TERM OF OFFICE; VACANCY. (a) Members of the board hold office for two-year [serve staggered six-year] terms, with each member's term expiring February 1 of each odd-numbered year [on the day that the term of the commissioner who appointed the member expires]. (b) If a vacancy occurs during a term, the individual [commissioner] who appointed the member who has vacated the board position shall appoint a replacement who meets the qualifications of the vacated office to serve the unexpired portion of the term. (c) A member may not serve more than three [one] full terms [term].~~

(h) ~~[Sec. 415.096. BOARD OFFICERS; MEETINGS. (a) The board shall elect a chairman, a vice-chairman, and a secretary from the appointed members at its first meeting after new appointments to fill regular terms. (b) The board shall meet at least once in each calendar quarter and may meet at other times as necessary to perform the duties of the board. (c) Five of the appointed members constitute a quorum.~~

(i) ~~[Sec. 415.097. COMPENSATION.] A member serves without compensation for service on the board but is entitled to reimbursement for actual and necessary expenses incurred in performing functions as a member of the board.~~

(j) ~~[Sec. 415.098. DUTIES OF BOARD. (a) The board shall advise the president [commission] on issues related to the operation of the institute, including [and shall develop the institute's] curriculum, [select instructors, establish] admission standards, [determine] scholarship criteria, [develop] certification standards for classes taught through the institute, and [determine] the location of the institute's campuses. The president [commission] may assign additional advisory duties to the board. (b) The president [commission] may establish rules [not adopt a rule] relating to the institute but the president may not establish a rule before reviewing [and voting on] any recommendation relating to that rule made by the board. (c) The board shall submit reports to the president [commission] relating to the operation of the institute as prescribed by the president [commission].~~

(k) ~~[(d)]~~ The president with the advice of the board shall establish reasonable charges for participation in institute training programs by participants who are not residents of this state. The participation costs of participants who are residents, including tuition, books, room, board, and travel costs, shall be paid from the *Bill Blackwood Law Enforcement Management Institute of Texas* fund. ~~[(e)]~~ Participation in the institute training programs is open to every eligible resident of this state, whether or not the person is sponsored by an employing law enforcement agency.

(l) ~~[Sec. 415.099. FUND.] The Bill Blackwood Law Enforcement Management Institute of Texas fund is in the state treasury. The president [commission] shall use the fund in administering the institute.~~

SECTION 2. Section 415.010, Government Code, is amended to read as follows:

Sec. 415.010. GENERAL POWERS. The commission may:

(1) adopt rules for the administration of this chapter and for the commission's internal management and control;

(2) employ an executive director and other personnel necessary in the performance of commission functions;

(3) accept donations, contributions, grants, or gifts from private individuals, foundations, or the federal government;

(4) report to the governor and legislature on its activities, with recommendations on matters under its jurisdiction, and make other reports that it considers desirable;

(5) establish reasonable and necessary fees for the administration of this chapter;

(6) require the submission of reports and information by a state agency or a county, special district, or municipality in this state that employs officers or county jailers;

(7) contract with other persons as the commission considers necessary for services, facilities, studies, and reports required for:

(A) cooperation with municipal, county, special district, state, and federal law enforcement agencies in training programs; and

(B) performance of the commission's other functions;

~~(8) [through the creation of an institute for law enforcement management, make or encourage studies of police administration, law enforcement management, and advanced technical studies relating to law enforcement;~~

~~[(9)]~~ conduct research to improve law enforcement and police administration and stimulate research by public and private agencies for that purpose; and

~~(9) [(10)]~~ establish minimum standards relating to competence and reliability, including educational, training, physical, mental, and moral standards, for licensing as an officer, county jailer, or public security officer.

SECTION 3. Section 415.014, Government Code, is amended to read as follows:

Sec. 415.014. INFORMATION OF PUBLIC INTEREST. [(a)] The commission shall prepare information of public interest describing the regulatory functions of the commission and the procedures for filing and for resolution by the commission of public complaints. The commission shall make the information available to the general public and appropriate state agencies.

~~[(b) The commission shall make information reported to the commission by the institute available to the public and to appropriate state agencies.]~~

SECTION 4. Section 415.031(c), Government Code, is amended to read as follows:

(c) The commission may not license a school or approve a program or course of instruction for officers or county jailers, except a program created by the *Bill Blackwood Law Enforcement Management Institute of Texas established under Subchapter D, Chapter 96, Education Code* [institute], unless the school has created an advisory board for developing a curriculum. At least one-third of the members of the board must be members of the general public having the same qualifications required of a public member of the commission.

SECTION 5. Section 415.082(a), Government Code, is amended to read as follows:

(a) A person convicted of a criminal offense shall pay as court costs \$1.50 in addition to other taxable court costs. These additional court costs shall be collected in the same manner that other fines or court costs in the case are collected. Subject to amounts retained under Section 415.083(d), \$1 of those costs shall be deposited in the state treasury to the credit of the law enforcement officer standards and education fund, and 50 cents shall be deposited in the state treasury to the credit of the *Bill Blackwood Law Enforcement Management Institute of Texas fund established under Section 96.64(1), Education Code*.

SECTION 6. Section 415.001(3), Government Code, is repealed.

SECTION 7. (a) The terms of the current members of the board of directors of the Law Enforcement Management Institute who were appointed by the commissioners of the Commission on Law Enforcement Officer Standards and Education expire on the effective date of this Act.

(b) As soon as possible after the effective date of this Act, the individuals who are responsible for appointing board members shall appoint new members to the advisory board, in accordance with Sections 96.64(c), (d), and (f), Education Code, as added by this Act, to terms expiring February 1, 1995.

SECTION 8. On the effective date of this Act, all powers, duties, and obligations relating to the Law Enforcement Management Institute are transferred from the Commission on Law Enforcement Officer Standards and Education to Sam Houston State University. All property in the custody of the commission and the original or a copy of any record that relates to the institute are transferred to the university. All unexpended appropriations to the commission for the operation of the institute and all employees of the commission employed primarily in the operation of the institute are transferred to the university. All rules, standards, and specifications of the commission relating to the operation of the institute remain in effect as rules, standards, and specifications of the university unless superseded by the president of Sam Houston State University. The institute shall continue to contract with institutions of higher education that the institute had contracts with before the transfer of the institute to the university and give priority to those institutions when awarding future contracts.

SECTION 9. This Act takes effect September 1, 1993.

SECTION 10. The importance of this legislation and the crowded condition of the calendars in both houses create an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each house be suspended, and this rule is hereby suspended.

Passed by the House on April 23, 1993, by a non-record vote; the House refused to concur in Senate amendments to H.B. No. 977 on May 24, 1993, and requested the appointment of a conference committee to consider the differences between the two houses; the House adopted the conference committee report on H.B. No. 977 on May 28, 1993, by a non-record vote; passed by the Senate, with amendments, on May 22, 1993, by a viva-voce vote; at the request of the House, the Senate appointed a conference committee to consider the differences between the two houses; the Senate adopted the conference committee report on H.B. No. 977 on May 29, 1993, by a viva-voce vote.

Approved June 20, 1993.

Effective Sept. 1, 1993.