

**Commission on Law Enforcement  
Summary of Recommendations - House**

Page V-39

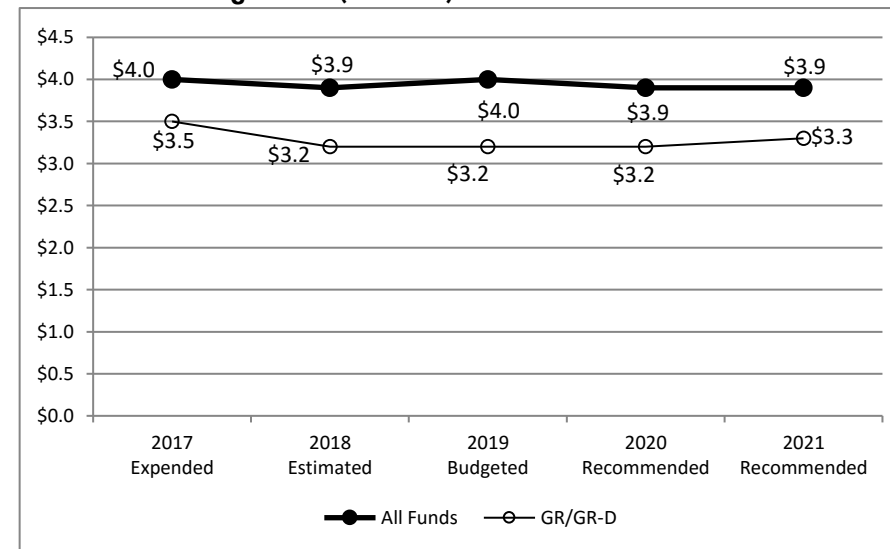
Kim Vickers, Executive Director

Nicole Ascano, LBB Analyst

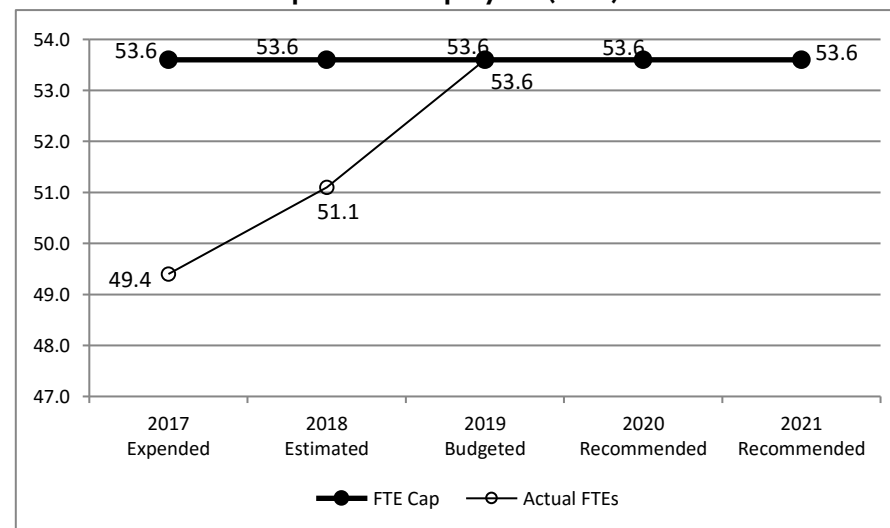
<b>Method of Financing</b>	<b>2018-19 Base</b>	<b>2020-21 Recommended</b>	<b>Biennial Change (\$)</b>	<b>Biennial Change (%)</b>
General Revenue Funds	\$0	\$0	\$0	0.0%
GR Dedicated Funds	\$6,425,225	\$6,425,225	\$0	0.0%
<i>Total GR-Related Funds</i>	<i>\$6,425,225</i>	<i>\$6,425,225</i>	<i>\$0</i>	<i>0.0%</i>
Federal Funds	\$0	\$0	\$0	0.0%
Other	\$1,494,322	\$1,394,000	(\$100,322)	(6.7%)
<b>All Funds</b>	<b>\$7,919,547</b>	<b>\$7,819,225</b>	<b>(\$100,322)</b>	<b>(1.3%)</b>

	<b>FY 2019 Budgeted</b>	<b>FY 2021 Recommended</b>	<b>Biennial Change</b>	<b>Percent Change</b>
FTEs	53.6	53.6	0.0	0.0%

**Historical Funding Levels (Millions)**



**Historical Full-Time-Equivalent Employees (FTEs)**



The bill pattern for this agency (2020-21 Recommended) represents an estimated 100% of the agency's estimated total available funds for the 2020-21 biennium.

**Commission on Law Enforcement  
Summary of Funding Changes and Recommendations - House**

<b>Funding Changes and Recommendations for the 2020-21 Biennium compared to the 2018-19 Base Spending Level</b>		<b>General Revenue</b>	<b>GR-Dedicated</b>	<b>Federal Funds</b>	<b>Other Funds</b>	<b>All Funds</b>	<b>Strategy in Appendix A</b>
<i><b>SIGNIFICANT Funding Changes and Recommendations (each issue is explained in Section 3 and additional details are provided in Appendix A):</b></i>							
A)	Agency projected increase in training and contractor renewals (Rider 8) and Distance Learning Program revenues (Rider 7).	\$0.0	\$0.0	\$0.0	\$254,000	\$254,000	A.1.1, A.1.2, B.1.2.
B)	Decrease as the result of Governor's Office Criminal Justice grants provided in the 2018-19 biennium.	\$0.0	\$0.0	\$0.0	(\$354,322)	(\$354,322)	A.1.1, A.1.2
<b>TOTAL SIGNIFICANT &amp; OTHER Funding Changes and Recommendations</b>		<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>(\$100,322)</b>	<b>(\$100,322)</b>	As Listed
<i>SIGNIFICANT &amp; OTHER Funding Increases</i>		\$0.0	\$0.0	\$0.0	\$254,000	\$254,000	As Listed
<i>SIGNIFICANT &amp; OTHER Funding Decreases</i>		\$0.0	\$0.0	\$0.0	(\$354,322)	(\$354,322)	As Listed

NOTE: Totals may not sum due to rounding.

**Commission on Law Enforcement  
Selected Fiscal and Policy Issues - House**

1. **General Revenue–Dedicated Fund 116 Decreasing Fund Balance:** General Revenue–Dedicated Fund 116 (Law Enforcement Officer Standards and Education Account) is the method of finance used each biennium to fund the majority of TCOLE’s expenditures and benefits and the Comptroller of Public Accounts (CPA) grants to locals. Revenue sources for Fund 116 are consolidated court costs and professional fees. From fiscal years 2013 to 2018, revenues decreased 15 percent and are anticipated to continue to decline in the future. Fiscal year 2018 revenues for Fund 116 were \$8.6 million while expenditures were \$11.2 million. **While there is a significant account balance in Fund 116 as of the end of fiscal year 2018 (\$16.7 million), a revenue–to–expenditure disparity analysis indicates the fund is projected to be depleted not later than 2024.** See Section 3-1 for additional detail.

Recommendation

Fund TCOLE and CPA in the 2020–21 biennium using Fund 116 at 2018–19 biennial levels. However, in order to stay within revenue collections for this account, appropriations for future biennia would need to be reduced by either:

- reducing or eliminating CPA grants to locals or TCOLE appropriations to fit within revenue collections,
  - funding CPA grants with a Method of Finance other than Fund 116, or
  - funding TCOLE with a Method of Finance other than Fund 116.
2. **School Marshal Funding:** In fiscal year 2018, TCOLE temporarily diverted agency resources in order to meet the Governor’s priority of increasing the number of new school marshals ahead of the 2018–2019 school year. Grant funds of \$114,585 in FY 2018 provided through the Governor’s Criminal Justice Division allowed TCOLE to conduct four classes with an average of 20 students. Combined with other classes already scheduled through the West Central Texas and Alamo Area Councils of Government, the number of persons trained to be school marshals was projected to quadruple before the start of the new school year. There were 34 appointed school marshals going into the summer and 135 potential school marshals trained by the start of the school year. To date, there are 158 school marshals appointed statewide. TCOLE has an additional school marshal class scheduled for early March, with an anticipated 20 students.

TCOLE did not request additional funding for the school marshal training in the 2020–21 Legislative Appropriations Request. The agency stated the majority of costs for training will be assessed to the academies and contract vendors. TCOLE states that its role in approving the trainers and curriculum would be minimal, and no additional funding would be necessary.

**Fund 116 - Law Enforcement Standards and Education Account**

Fiscal Year	Revenue Collections	EXPENDITURES				Total Expenditures	Revenue to Expenditure Difference	Ending Balance
		TCOLE (includes benefits)	CPA Fiscal Programs	Other				
FY 2010	10,578,125	2,673,004	5,997,108	1,379,567	10,049,679	528,446	11,521,522	
FY 2011	10,060,087	2,788,936	5,997,382	1,315,905	10,102,223	(42,136)	11,479,387	
FY 2012	10,112,523	2,035,024	-	1,471,108	3,506,132	6,606,391	18,085,880	
FY 2013	10,122,473	2,080,436	-	1,342,920	3,423,356	6,699,117	24,784,895	
FY 2014	9,756,084	2,617,407	6,000,000	1,252,488	9,869,895	(113,811)	23,378,227	
FY 2015	9,458,677	3,974,657	6,005,401	382,960	10,363,018	(904,341)	23,473,886	
FY 2016	9,159,655	4,518,813	5,998,664	295,681	10,813,158	(1,653,503)	21,820,383	
FY 2017	8,598,398	4,793,346	6,004,341	346,109	11,143,796	(2,545,398)	19,274,985	
FY 2018	8,617,492	4,852,708	6,002,106	318,785	11,173,599	(2,556,107)	16,718,878	
FY 2019	8,617,492	4,852,708	6,000,000	318,785	11,171,493	(2,554,001)	14,164,877	
FY 2020	8,617,492	4,852,708	6,000,000	318,785	11,171,493	(2,554,001)	11,610,876	
FY 2021	8,617,492	4,852,708	6,000,000	318,785	11,171,493	(2,554,001)	9,056,875	
FY 2022	8,617,492	4,852,708	6,000,000	318,785	11,171,493	(2,554,001)	6,502,874	
FY 2023	8,617,492	4,852,708	6,000,000	318,785	11,171,493	(2,554,001)	3,948,873	
FY 2024	8,617,492	4,852,708	6,000,000	318,785	11,171,493	(2,554,001)	1,394,872	
FY 2025	8,617,492	4,852,708	6,000,000	318,785	11,171,493	(2,554,001)	(1,159,129)	

\*Analysis assumes FY 2018 revenues and expenditures going forward.

**Commission on Law Enforcement  
Rider Highlights - House**

**Deleted Riders**

6. Distance Learning Program: Recommendations delete Rider 6 as Rider 7 also discusses appropriated funds being used for the purpose of operating and maintaining the Distance Learning Program.

**Commission on Law Enforcement  
Items Not Included in Recommendations - House**

	2020-21 Biennial Total			Information Technology Involved?	Contracting Involved?	Estimated Continued Cost 2022-23
	GR & GR-D	All Funds	FTEs			

**Agency Exceptional Items - In Agency Priority Order**

1)	Rent Adjustment - Projected rent increase.	\$76,227	\$76,227	0.0	No	No	\$101,685
2)	Equity Adjustment - Salary increases to support staff retention.	\$274,528	\$274,528	0.0	No	No	\$274,528
3)	Curriculum Development and Review - Maintain 3.0 FTEs currently funded by a Criminal Justice Grant to oversee and review current and proposed new training courses for certification by the agency.	\$469,984	\$469,984	3.0	No	No	\$469,984
4)	IT Security and Network Operations - 2.0 FTEs to maintain and develop the agency's Information Technology systems.	\$584,104	\$584,104	2.0	Yes	No	\$342,104
5)	Funding Related to the 2018-19 4 percent Reduction - Increase funding to 2016-17 base level.	\$255,535	\$255,535	0.0	No	No	\$255,536
6)	Administrative Prosecutor and Legal Assistant - 2.0 FTEs to review and process suspension and revocation cases.	\$309,104	\$309,104	2.0	No	No	\$309,104

<b>TOTAL Items Not Included in Recommendations</b>		<b>\$1,969,482</b>	<b>\$1,969,482</b>	<b>7.0</b>			<b>\$1,752,941</b>
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**Commission on Law Enforcement  
Appendices - House**

<b>Table of Contents</b>		
<b>Appendix</b>	<b>Appendix Title</b>	<b>Page</b>
<b>A</b>	Funding Changes and Recommendations by Strategy	8
<b>B</b>	Summary of Federal Funds	*
<b>C</b>	FTE Highlights	10
<b>D</b>	Performance Measure Highlights	11
<b>E</b>	Summary of Ten Percent Biennial Base Reduction Options	12

\* Appendix is not included - no significant information to report

**Commission on Law Enforcement**  
**Funding Changes and Recommendations - House, by Strategy -- ALL FUNDS**

Strategy/Goal	2018-19 Base	2020-21 Recommended	Biennial Change	% Change	Comments
LICENSING A.1.1	\$1,938,089	\$1,619,439	(\$318,650)	(16.4%)	Variance results from the elimination of a \$114,585 one-time grant from the Office of the Governor in FY 2018 and an agency anticipated reduction of \$5,000 in Other Funds (Appropriated Receipts). Recommendations include a decrease of \$199,065 to reflect FTE reallocations to strategies A.1.2 and B.1.2.
STANDARDS DEVELOPMENT A.1.2	\$602,469	\$434,452	(\$168,017)	(27.9%)	Variance results from the elimination of a \$239,737 one-time grant from the Office of the Governor in FY 2019 and a decrease of \$163,280 in Fund 116 reallocated by the agency to other strategies in TCOLE's baseline request. Reductions are offset by an agency estimated increase of \$235,000 in Other Funds (Appropriated Receipts) as the result of an anticipated increase of renewals in the 2020-21 biennium.
<b>Total, Goal A, LICENSE AND DEVELOP STANDARDS</b>	<b>\$2,540,558</b>	<b>\$2,053,891</b>	<b>(\$486,667)</b>	<b>(19.2%)</b>	
ENFORCEMENT B.1.1	\$2,437,481	\$2,150,358	(\$287,123)	(11.8%)	Recommendations include a decrease of \$287,123 to reflect FTE reallocations to strategies A.1.2 and B.1.2.
TECHNICAL ASSISTANCE B.1.2	\$2,313,381	\$2,806,994	\$493,613	21.3%	Variance results from a \$24,000 increase in Other Funds (Appropriated Receipts) for estimated annual conference revenues and a \$469,613 increase in Fund 116 transferred from other strategies in TCOLE's baseline request for the reallocation of FTEs to this strategy.
<b>Total, Goal B, REGULATION</b>	<b>\$4,750,862</b>	<b>\$4,957,352</b>	<b>\$206,490</b>	<b>4.3%</b>	
INDIRECT ADMINISTRATION C.1.1	\$628,127	\$807,982	\$179,855	28.6%	Variance results from a \$179,855 increase in Fund 116 to support reallocation of .75 FTE in this strategy.
<b>Total, Goal C, INDIRECT ADMINISTRATION</b>	<b>\$628,127</b>	<b>\$807,982</b>	<b>\$179,855</b>	<b>28.6%</b>	
<b>Grand Total, All Strategies</b>	<b>\$7,919,547</b>	<b>\$7,819,225</b>	<b>(\$100,322)</b>	<b>(1.3%)</b>	



**Commission on Law Enforcement  
Funding Changes and Recommendations - House, by Strategy -- ALL FUNDS**

Strategy/Goal	2018-19 Base	2020-21 Recommended	Biennial Change	% Change	Comments
					The agency's estimated increase of \$254,000 in Appropriated Receipts reflected in the estimated amounts included in the following riders:
					<ul style="list-style-type: none"> <li>• Rider 3 (Proficiency Certificate Fees) - decrease of \$8,000. The agency's estimate is based on a multiyear average, and assumes there are no major changes foreseen in these certificate revenues.</li> </ul>
					<ul style="list-style-type: none"> <li>• Rider 7 (Distance Learning Program) - increase of \$10,000. The agency estimates that Rider 7's Distance Learning Program revenues will increase to approximately \$90,000 per fiscal year in the 2020-21 biennium.</li> </ul>
					<ul style="list-style-type: none"> <li>• Rider 8 (Conference, Training, Testing, and Other Receipts) - increase of \$252,000. The agency first started charging for the training contractor certifications in FY 2010 and academy certifications in FY 2011. These certifications are renewed every 5 years, creating a spike in revenue associated with these renewals. The last renewal spike was in 2015 for training contractor and 2016 for academy certification renewals. The increase is the result of agency anticipated increases in the 2020 training contractor renewals and the 2021 academy renewals.</li> </ul>

**Commission on Law Enforcement  
FTE Highlights - House**

<b>Full-Time-Equivalent Positions</b>	<b>Expended 2017</b>	<b>Estimated 2018</b>	<b>Budgeted 2019</b>	<b>Recommended 2020</b>	<b>Recommended 2021</b>
Cap	53.6	53.6	53.6	53.6	53.6
Actual/Budgeted	49.4	51.1	53.6	NA	NA

**Schedule of Exempt Positions (Cap)**

Executive Director, Group 2	\$117,295	\$127,833	\$127,833	\$127,833	\$127,833
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Notes:

a) State Auditor's Office is the source for the FY 2017 and FY 2018 annual average (actual) FTE levels.

b) Fiscal years 2017 and 2018 actual FTE figures are less than the FTE cap due to staff vacancies.

c) The State Auditor's Office Report, *Executive Compensation at State Agencies* (Report No. 18-705, August 2018) indicates a market average salary of \$143,841 for the Executive Director position at the Texas Commission on Law Enforcement. The report also recommends changing the salary classification group from Group 2 to Group 4. The agency is not requesting any changes to its Exempt Position.

**Commission on Law Enforcement  
Performance Measure Highlights - House**

	<b>Expended 2017</b>	<b>Estimated 2018</b>	<b>Budgeted 2019</b>	<b>Recommended 2020</b>	<b>Recommended 2021</b>
<ul style="list-style-type: none"> <li>• <i>Number of Border Security-Related Investigations Opened</i></li> </ul> <p><i>Measure Explanation: This measures the total number of border-security related investigations initiated by the agency alone or in conjunction with any local, state, or federal agency in the reporting period. The purpose is to measure the agency's level of participation in the Border Security Initiative. The agency's actual performance for FY 2018 is 1. Recommendations decrease target from 20 to 3 investigations per fiscal year to correlate with the agency's actual performance.</i></p>	10	20	20	3	3
<ul style="list-style-type: none"> <li>• <i>Number of Notices of Impending Training Deficiency</i></li> </ul> <p><i>Measure Explanation: Number of notifications sent to individual officers warning that all required training must be completed prior to the deadline to avoid noncompliance status. This measure is an indicator of the agency's efforts to inform officers of their training status and thereby reduce the occurrence of training noncompliance. The performance measure was revised for the 2020-21 biennium to reflect the agency counting all notices sent out rather than single individuals receiving multiple notices. This measure will always be higher in one year of the biennium as licensee training is to be completed in a training unit (biennium) or a cycle (two biennia) depending on how the training legislation was written. Notices of Impending Training Deficiency are sent out the year a training unit or cycle ends.</i></p>	21,207	1,300	10,000	1,000	54,000

**Commission on Law Enforcement  
Summary of Ten Percent Biennial Base Reduction Options Recommendations - House**

Priority	Item	Description/Impact	Biennial Reduction Amounts			Potential Revenue Loss	Reduction as % of Program GR/GR-D Total	Program GR/GR-D Total	Included in Introduced Bill?
			GR & GR-D	All Funds	FTEs				
1)	Deferred Capital Maintenance	This reduction would significantly impact information technology purchases. This includes network and IT infrastructure systems. IT capital funds are also used to maintain and upgrade necessary systems in the agency, including computers, software, and maintenance agreements.	\$153,271	\$153,271	0.0	\$0	96%	\$160,000	No
2)	Deferred Course Development and Update	This reduction would impact the agency's ability to present legislatively required training and maintain or update current curriculum. Standards Development and Technical Assistance support would be affected.  If combined with reduction 1, this would completely eliminate the agency's capital budget to maintain and update information technology.	\$153,271	\$153,271	1.0	\$0	5%	\$3,247,446	No
3)	Program Service Reduction - Field Services	These reductions would negatively impact the agency's customer service and ability to meet its mission with the elimination of a Field Services Agent.	\$153,271	\$153,271	1.0	\$0	2%	\$6,315,398	No
4)	Program Service Reduction - Credentialing	These reductions would negatively impact the agency's customer service and ability to meet its mission with the elimination of a credentialing position.	\$153,272	\$153,272	1.0	\$0	2%	\$6,749,850	No
<b>TOTAL, 10% Reduction Options</b>			<b>\$613,085</b>	<b>\$613,085</b>	<b>3.0</b>	<b>\$0</b>			