

By: Slawson, Bonnen, Harris, Patterson,
et al.

H.B. No. 1950

Substitute the following for H.B. No. 1950:

By: Paddie

C.S.H.B. No. 1950

A BILL TO BE ENTITLED

AN ACT

relating to the control and funding of law enforcement and public
safety services in certain political subdivisions.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. This Act may be cited as the Texas Public Safety
Protection Act.

SECTION 2. Subtitle A, Title 4, Local Government Code, is
amended by adding Chapter 109 to read as follows:

CHAPTER 109. DETERMINATION OF DEFUNDING MUNICIPALITIES

Sec. 109.001. DEFINITION. In this chapter, "division"
means the criminal justice division of the office of the governor.

Sec. 109.002. APPLICABILITY OF CHAPTER. This chapter
applies only to a municipality with a population of more than
250,000.

Sec. 109.003. DEFUNDING DETERMINATION. Except as provided
by Section 109.004, a defunding municipality is a municipality:

(1) that adopts a budget for a fiscal year that, in
comparison to the municipality's preceding fiscal year, reduces the
appropriation to the municipality's police department; and

(2) for which the division issues a written
determination finding that the municipality has made the reduction
described by Subdivision (1).

Sec. 109.0035. INITIAL DETERMINATION. In making a
determination of whether a municipality is a defunding municipality

1 under Section 109.003 according to the budget adopted for the first
2 fiscal year beginning on or after September 1, 2021, the division
3 shall compare the appropriation to the municipality's police
4 department in that budget to the appropriation to that department
5 in the budget of the preceding fiscal year or the second preceding
6 fiscal year, whichever is greater. This section expires September
7 1, 2023.

8 Sec. 109.004. EXCEPTIONS. A municipality is not considered
9 to be a defunding municipality under Section 109.003 if:

10 (1) for a fiscal year in which the municipality adopts
11 a budget that is less than the budget for the preceding fiscal year,
12 the percentage reduction to the appropriation to the municipality's
13 police department does not exceed the percentage reduction to the
14 total budget; or

15 (2) before the adoption of a budget, the municipality
16 applies for and is granted approval from the division for a
17 reduction to the appropriation to the municipality's police
18 department to account for:

19 (A) capital expenditures related to law
20 enforcement during the preceding fiscal year;

21 (B) the municipality's response to a state of
22 disaster declared under Section 418.014, Government Code; or

23 (C) another reason approved by the division.

24 Sec. 109.005. TERMINATION OF DEFUNDING DETERMINATION. A
25 municipality's defunding determination under Section 109.003
26 continues until the division issues a written determination finding
27 that the municipality has reversed the reduction, adjusted for

1 inflation, described by Section 109.003(1).

2 Sec. 109.006. DIVISION DUTIES. (a) The division shall:

3 (1) compute the inflation rate used to make
4 determinations under Section 109.005 each state fiscal year using a
5 price index that accurately reports changes in the purchasing power
6 of the dollar for municipalities in this state; and

7 (2) publish the inflation rate in the Texas Register.

8 (b) The division shall adopt rules establishing the
9 criteria the division uses to approve reductions under Section
10 109.004(2).

11 SECTION 3. Subtitle A, Title 11, Local Government Code, is
12 amended by adding Chapter 345 to read as follows:

13 CHAPTER 345. LAW ENFORCEMENT AND PUBLIC SAFETY ZONES

14 SUBCHAPTER A. GENERAL PROVISIONS

15 Sec. 345.001. PURPOSE. The purpose of this chapter is to
16 provide certain municipalities that have defunded their law
17 enforcement agencies with law enforcement and public safety
18 services.

19 Sec. 345.002. CONSTRUCTION OF CHAPTER. (a) This chapter
20 shall be liberally construed in conformity with the purpose in
21 Section 345.001.

22 (b) If any provision of general law is in conflict or
23 inconsistent with this chapter, this chapter prevails. Any general
24 law not in conflict or inconsistent with this chapter is adopted and
25 incorporated by reference.

26 Sec. 345.003. APPLICABILITY. This chapter applies only to
27 a municipality that is:

1 (1) located wholly or partly in a county with a
2 population of more than 1 million and less than 1.5 million; and

3 (2) a defunding municipality under Chapter 109.

4 Sec. 345.004. DEFINITIONS. In this chapter:

5 (1) "Board" means the board of directors of a zone.

6 (2) "Director" means a member of a board.

7 (3) "Zone" means a law enforcement and public safety
8 zone created under this chapter.

9 Sec. 345.005. CONFLICT OF LAWS. To the extent of a conflict
10 between a provision of this chapter and another law applicable to
11 the maintenance or distribution of a defunding municipality's share
12 of taxes collected by the comptroller under Chapter 321, Tax Code,
13 this chapter controls.

14 SUBCHAPTER B. CREATION OF ZONE

15 Sec. 345.051. CREATION OF ZONE. (a) The governor by
16 declaration may designate as a law enforcement and public safety
17 zone an area in a municipality to which this chapter applies.

18 (b) The declaration must:

19 (1) prescribe the date on which the zone will begin
20 operations;

21 (2) describe the boundaries of the zone:

22 (A) by metes and bounds;

23 (B) by verifiable landmarks; or

24 (C) if there is a recorded map or plat and survey
25 of the area, by lot and block number;

26 (3) appoint the initial board of directors of the
27 zone; and

1 (4) notwithstanding Section 321.502, Tax Code, and
2 beginning on the date that the zone begins operations, direct the
3 comptroller of public accounts to set aside in a special fund for
4 the purpose of funding zone operations, the municipality's share of
5 the taxes collected by the comptroller under Chapter 321, Tax Code.

6 SUBCHAPTER C. BOARD OF DIRECTORS

7 Sec. 345.101. BOARD OF DIRECTORS. (a) A zone is governed
8 by a board of at least three but no more than 11 directors who are
9 appointed by the governor.

10 (b) Directors serve two-year terms with the terms expiring
11 January 1 of each even-numbered year.

12 (c) A vacancy is filled for the unexpired term by
13 appointment by the governor.

14 (d) A director is not liable for civil damages or criminal
15 prosecution for any act performed in good faith in the execution of
16 the director's duties or for any action taken by the board.

17 Sec. 345.102. QUALIFICATIONS OF DIRECTORS. To serve as a
18 director, a person must be at least 18 years old and be:

19 (1) a resident of the municipality or county in which
20 the zone is located;

21 (2) a property owner in the zone;

22 (3) an agent or employee of a person described by
23 Subdivision (2); or

24 (4) a person with law enforcement experience.

25 Sec. 345.103. ORGANIZATION AND MEETINGS OF BOARD. (a)
26 After the appointment of directors, the board shall organize by
27 electing a presiding officer, a secretary, and any other officers

1 the board considers necessary.

2 (b) The board shall meet at least quarterly and at the call
3 of the presiding officer.

4 Sec. 345.104. COMPENSATION OF DIRECTORS; REIMBURSEMENT OF
5 EXPENSES. A director is not entitled to compensation for service on
6 the board but is entitled to be reimbursed for necessary expenses
7 incurred in carrying out the duties and responsibilities of a
8 director.

9 Sec. 345.105. BOARD POSITION NOT CIVIL OFFICE OF EMOLUMENT.
10 A position on the board may not be construed to be a civil office of
11 emolument for any purpose, including those purposes described by
12 Article XVI, Section 40, Texas Constitution.

13 Sec. 345.106. VOTING. An affirmative vote by a majority of
14 the directors then appointed is required for the board to take
15 formal action.

16 Sec. 345.107. OPEN RECORDS AND MEETINGS. The board is
17 treated as a governmental body for the purposes of Chapters 551 and
18 552, Government Code.

19 SUBCHAPTER D. POWERS AND DUTIES

20 Sec. 345.151. GENERAL POWERS. A zone has the powers
21 necessary or convenient to accomplish the zone's purpose under this
22 chapter.

23 Sec. 345.152. SPECIFIC POWERS AND DUTIES. (a) A zone shall
24 direct all law enforcement activities and public safety services in
25 the zone, including:

26 (1) the enforcement of all state criminal, traffic,
27 and safety laws in the zone;

1 (2) the prevention of crime in the zone;

2 (3) the investigation, detection, and apprehension of
3 persons who violate laws in the zone; and

4 (4) the protection of the welfare and safety of
5 residents of and visitors to the zone.

6 (b) A zone shall finance all the costs of the law
7 enforcement activities and public safety services described in
8 Subsection (a), including the costs for personnel, administration,
9 and contracting.

10 Sec. 345.153. POWERS AND DUTIES REGARDING PEACE OFFICERS.

11 (a) The board has exclusive management and control over any peace
12 officer employed or contracted to provide law enforcement and
13 public safety services in the zone while the peace officer is
14 performing those services.

15 (b) The board shall ensure that each peace officer employed
16 or contracted to provide law enforcement and public safety services
17 in the zone is a licensed peace officer under Chapter 1701,
18 Occupations Code.

19 (c) The board may establish payment rates for peace officers
20 employed or contracted to provide law enforcement and public safety
21 services in the zone. In establishing those rates, the board shall
22 ensure that the hourly wage paid by the zone to a peace officer does
23 not exceed 200 percent of the hourly wage paid to the peace officer
24 for performing law enforcement activities by another jurisdiction
25 at the time of the peace officer's employment or contract with the
26 zone.

27 Sec. 345.154. CONTRACTING. (a) Notwithstanding any other

1 law, when acting on behalf of the zone, the board may contract with
2 any entity, including a state agency, a municipality, a county,
3 another political subdivision of the state, an individual, or a
4 private corporation, to carry out the zone's purpose under this
5 chapter.

6 (b) A municipality, county, or other political subdivision
7 of the state may not prohibit an individual who is employed as a
8 peace officer by the municipality, county, or political subdivision
9 from contracting with the board to provide law enforcement and
10 public safety services in the zone.

11 (c) A municipality, county, or other political subdivision
12 of the state may not retaliate or discriminate against an
13 individual who is employed as a peace officer by the municipality,
14 county, or political subdivision and who has contracted with the
15 board to provide law enforcement and public safety services in the
16 zone.

17 Sec. 345.155. ZONE FUNDS. In order to pay for zone
18 operations, including the costs of law enforcement activities and
19 public safety services provided in the zone, the board shall have
20 access to the taxes set aside by the comptroller in a special fund
21 as directed by the governor's declaration in Section 345.051(b)(4).

22 Sec. 345.156. DONATIONS, GIFTS, AND GRANTS. On behalf of
23 the zone, the board may accept donations, gifts, and grants to carry
24 out the zone's purpose under this chapter.

25 Sec. 345.157. NO EMINENT DOMAIN POWER. A zone may not
26 exercise the power of eminent domain.

27 SUBCHAPTER E. DISSOLUTION OF ZONE

1 Sec. 345.201. DISSOLUTION OF ZONE. (a) Beginning on the
2 date on which the criminal justice division of the governor's
3 office issues a written determination in accordance with Section
4 109.005 finding that the municipality in which a zone is located has
5 reversed the reduction, adjusted for inflation, described by
6 Section 109.003(1), the governor by declaration may order the zone
7 to commence the process of dissolution.

8 (b) As soon as practicable after the governor issues a
9 declaration under Subsection (a), the zone shall pay all of its
10 expenses and discharge all of its outstanding debts and contractual
11 obligations.

12 (c) Immediately after paying all expenses and discharging
13 all outstanding debts and contractual obligations under Subsection
14 (b), the zone shall be dissolved and shall notify the comptroller of
15 its dissolution. Upon receiving this notification, the comptroller
16 shall close the zone's special fund and transfer any remaining
17 balance to the municipality in which the zone was located.

18 SECTION 4. Chapter 109, Local Government Code, as added by
19 this Act, applies only to the adoption of a budget by a municipality
20 for a fiscal year that begins on or after the effective date of this
21 Act.

22 SECTION 5. This Act takes effect September 1, 2021.