

By: Wilson

H.B. No. 3832

A BILL TO BE ENTITLED

AN ACT

relating to municipalities and counties that adopt budgets that defund law enforcement agencies.

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

SECTION 1. Subchapter 2, Chapter 42, Local Government Code, is amended by adding Section 42.905 to read as follows:

Sec. 42.905. EFFECT OF DISANNEXATION FROM DEFUNDING MUNICIPALITY. (a) For purposes of this section, a "defunding municipality" means a home-rule municipality that is a defunding local government under Section 140.013.

(b) If an area is disannexed from a defunding municipality as a result of an election required to be held under Section 43.1465, the area is released from the defunding municipality's extraterritorial jurisdiction and is not included in any other municipality's extraterritorial jurisdiction.

(c) A resident in the area may file with a municipality that is eligible to include the area in its extraterritorial jurisdiction under this chapter a petition for the area to become a part of the municipality's extraterritorial jurisdiction. The petition must:

- (1) comply with Chapter 277, Election Code;
- (2) be signed by more than 50 percent of the registered voters of the area described by the petition as of the preceding uniform election date;

1 (3) satisfy the signature requirement described by
2 Subdivision (2) not later than the 180th day after the date the
3 first signature for the petition is obtained; and

4 (4) include a map of and describe the area.

5 (d) Except as provided by Subsection (e), on receipt of a
6 valid petition and if the area has not already been included in the
7 extraterritorial jurisdiction of another municipality, the
8 municipality may by ordinance include the area in its
9 extraterritorial jurisdiction.

10 (e) If the municipality receiving a petition under this
11 section is the defunding municipality that disannexed the area as
12 described by Subsection (b), the defunding municipality may include
13 the area in the defunding municipality's extraterritorial
14 jurisdiction under this section only if the inclusion is approved
15 by a majority of votes in an election on the issue held in the area.

16 (f) If the area is not included in a municipality's
17 extraterritorial jurisdiction on or after the second anniversary of
18 the date that the area was disannexed as described by Subsection
19 (b), a municipality, other than the defunding municipality that
20 disannexed the area, that is eligible to include the area in its
21 extraterritorial jurisdiction under this chapter may by ordinance
22 include the area in its extraterritorial jurisdiction without the
23 consent of the area.

24 SECTION 2. Subchapter A, Chapter 43, Local Government Code,
25 is amended by adding Section 43.004 to read as follows:

26 Sec. 43.004. ANNEXATION BY DEFUNDING MUNICIPALITY
27 PROHIBITED. (a) For purposes of this section, a "defunding

1 municipality" means a home-rule municipality that is a defunding
2 local government under Section 140.013.

3 (b) A defunding municipality may not annex an area during
4 the period beginning on the date that the criminal justice division
5 of the governor's office issues the written determination that the
6 municipality is a defunding local government and ending on the 10th
7 anniversary of the date on which the criminal justice division of
8 the governor's office issues a written determination in accordance
9 with Section 140.013(b) finding that the defunding municipality has
10 reversed the reductions described by Section 140.013(a)(1).

11 SECTION 3. Subchapter G, Chapter 43, Local Government Code,
12 is amended by adding Section 43.1465 to read as follows:

13 Sec. 43.1465. DISANNEXATION FROM DEFUNDING MUNICIPALITY.

14 (a) For purposes of this section, a "defunding municipality" means
15 a home-rule municipality that is a defunding local government under
16 Section 140.013.

17 (b) On the next uniform election date that occurs after the
18 date on which the criminal justice division of the governor's
19 office issues a written determination that a municipality is a
20 defunding local government and the time required by Section 3.005,
21 Election Code, the defunding municipality shall hold a separate
22 election in each area annexed in the preceding 30 years by the
23 defunding municipality on the question of disannexing the area.

24 (c) The defunding municipality shall immediately by
25 ordinance disannex an area for which a majority of the votes
26 received in the election held under Subsection (b) favor
27 disannexation.

1 (d) If an area is disannexed under Subsection (c), the
2 defunding municipality may not attempt to annex the area before the
3 10th anniversary of the date on which the criminal justice division
4 of the governor's office issues a written determination in
5 accordance with Section 140.013(b) finding that the defunding
6 municipality has reversed the reductions described by Section
7 140.013(a)(1).

8 (e) A defunding municipality holding an election under
9 Subsection (b) may not use public funds on informational campaigns
10 relating to the election.

11 SECTION 4. Chapter 140, Local Government Code, is amended
12 by adding Section 140.013 to read as follows:

13 Sec. 140.013. DEFUNDING LOCAL GOVERNMENT. (a) A defunding
14 local government is a municipality or county:

15 (1) that adopts a budget for a fiscal year that, in
16 comparison to the local government's preceding fiscal year,
17 reduces:

18 (A) the appropriation to the local government's
19 law enforcement agency;

20 (B) the number of peace officers the local
21 government's law enforcement agency is authorized to employ;

22 (C) funding for peace officer overtime
23 compensation for the local government's law enforcement agency; or

24 (D) funding for the recruitment and training of
25 new peace officers to fill each vacant peace officer position in the
26 local government's law enforcement agency; and

27 (2) for which the criminal justice division of the

1 governor's office issues a written determination finding that the
2 local government has taken an action described by Subdivision (1).

3 (a-1) In making a determination of whether a local
4 government is a defunding local government according to the budget
5 adopted for the first fiscal year beginning on or after September 1,
6 2021, the criminal justice division of the governor's office shall
7 compare the funding and personnel in that budget to the funding and
8 personnel in the budget of the preceding fiscal year or the second
9 preceding fiscal year, whichever is greater. This subsection
10 expires September 1, 2023.

11 (b) A local government is considered to be a defunding local
12 government until the criminal justice division of the governor's
13 office issues a written determination finding that the local
14 government has reversed the reductions, adjusted for inflation,
15 described in Subsection (a)(1).

16 (c) The criminal justice division of the governor's office
17 shall:

18 (1) compute the inflation rate used to make
19 determinations under Subsection (b) each state fiscal year using a
20 price index that accurately reports changes in the purchasing power
21 of the dollar for local governments in this state; and

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

23 SECTION 5. Section 140.013, Local Government Code, as added
24 by this Act, applies only to the adoption of a budget by a
25 municipality or county for a fiscal year that begins on or after the
26 effective date of this Act.

27 SECTION 6. This Act takes effect September 1, 2021.