

By: Huffman, et al.

S.B. No. 23

A BILL TO BE ENTITLED

AN ACT

relating to an election to approve a reduction or reallocation of funding or resources for certain municipal or county law enforcement agencies.

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

SECTION 1. Subtitle C, Title 4, Local Government Code, is amended by adding Chapter 135 to read as follows:

CHAPTER 135. ELECTION FOR REDUCTION OF FUNDING OR RESOURCES FOR  
PRIMARY LAW ENFORCEMENT AGENCIES

Sec. 135.001. ELECTION REQUIRED. (a) Except as provided by Section 135.002, a municipality or county shall hold an election in accordance with this chapter if the municipality or county adopts a budget for a fiscal year that, compared to the budget adopted by the municipality or county for the preceding fiscal year:

(1) reduces for the law enforcement agency, excluding a 9-1-1 call center, with primary responsibility for policing, criminal investigation, and answering calls for service:

(A) for a fiscal year in which the overall amount of the budget is equal to or greater than the amount for the preceding fiscal year, the appropriation to the agency;

(B) for a fiscal year in which the overall amount of the budget is less than the amount for the preceding fiscal year, the appropriation to the agency as a percentage of the total budget;

(C) as applicable:

1           (i) if the municipality or county, as  
2 applicable, has not declined in population since the preceding  
3 fiscal year, the number of peace officer positions, excluding  
4 detention officer positions; or

5           (ii) if the municipality or county, as  
6 applicable, has declined in population since the preceding fiscal  
7 year, the number of peace officer positions, excluding detention  
8 officer positions, the law enforcement agency is authorized to  
9 employ per 1,000 municipal or county residents, as applicable; or

10           (D) the amount of funding per peace officer for  
11 the recruitment and training of new peace officers to fill vacant  
12 and new peace officer positions in the agency; or

13           (2) reallocates funding or resources to another law  
14 enforcement agency.

15           (b) A municipality or county may not implement a proposed  
16 reduction or reallocation described by Subsection (a) until the  
17 municipality or county receives voter approval for the proposed  
18 reduction or reallocation at an election held for that purpose. The  
19 municipality or county may, at any time, order the election to be  
20 held on the 30th day after the date the municipality or county  
21 orders the election. Section 41.001, Election Code, does not apply  
22 to an election under this subsection.

23           (c) For purposes of this section, a municipal or county  
24 budget does not include:

25           (1) a one-time extraordinary expense, as determined by  
26 the comptroller, that is outside the normal costs of operating a law  
27 enforcement agency, including purchasing a fleet of law enforcement

1 vehicles or constructing an additional training academy;

2 (2) revenues used to repay voter-approved bonded  
3 indebtedness incurred for a law enforcement purpose;

4 (3) detention officer compensation; or

5 (4) a donation or state or federal grant to the  
6 municipality's or county's law enforcement agency.

7 Sec. 135.002. DISASTER EXCEPTION. Section 135.001 does not  
8 apply to a municipal or county budget adopted for a fiscal year in  
9 which, or the two fiscal years following the fiscal year in which, a  
10 significant budget reduction from the preceding fiscal year was  
11 caused by a disaster, including a tornado, hurricane, flood,  
12 wildfire, or other calamity, but not including a drought, epidemic,  
13 or pandemic, in an area of the municipality or county that was the  
14 subject of a disaster declaration by the governor under Chapter  
15 418, Government Code, or by the president of the United States.

16 Sec. 135.003. BALLOT PROPOSITION REQUIREMENTS. A  
17 municipality or county holding an election under this chapter shall  
18 ensure that the ballot proposition for the election includes, as  
19 applicable:

- 20 (1) a detailed explanation of each proposed reduction;  
21 (2) the amount of each proposed reduction;  
22 (3) the recipient of reallocated funding or resources;  
23 (4) the impact on the local tax rate, if any; and  
24 (5) the expected length of time that the proposed  
25 reduction or reallocation will remain in effect.

26 Sec. 135.004. USE OF PUBLIC MONEY FOR CAMPAIGN PROHIBITED.  
27 A municipality or county holding an election under this chapter may

1 not use public money on promotional campaigns or advocacy related  
2 to the proposed reduction or reallocation. This section may not be  
3 construed to prevent a municipal or county official or employee  
4 from communicating factual information about a proposed budget or  
5 the reasoning behind a proposed budget to the voters in the  
6 municipality or county.

7 Sec. 135.005. COMPLAINT. (a) A person who believes that a  
8 municipality or county has implemented a proposed reduction or  
9 reallocation described by Section 135.001(a) without the required  
10 voter approval and who resides in the municipality or county may  
11 file a complaint with the criminal justice division of the office of  
12 the governor.

13 (b) The criminal justice division of the office of the  
14 governor shall determine whether a complaint filed under Subsection  
15 (a) is potentially valid or frivolous or false.

16 (c) The criminal justice division of the office of the  
17 governor shall provide written notice of a potentially valid  
18 complaint filed under Subsection (a) to the municipality or county  
19 that is the subject of the complaint. The division shall provide  
20 the municipality or county an opportunity to correct the action  
21 that is the subject of the complaint before referring the complaint  
22 to the comptroller.

23 Sec. 135.006. COMPTROLLER INVESTIGATION; TAX RATE  
24 LIMITATION. (a) On request by the criminal justice division of the  
25 office of the governor, the comptroller shall determine whether a  
26 municipality or county has implemented a proposed reduction or  
27 reallocation described by Section 135.001(a) without the required

1 voter approval. The comptroller shall issue a written  
2 determination to the governor, lieutenant governor, speaker of the  
3 house of representatives, and governing body of the municipality or  
4 county.

5 (b) The comptroller may require a municipality or county to  
6 submit information for the current or preceding fiscal year to  
7 assist the comptroller's investigation under this section.

8 (c) Notwithstanding any other law, if the comptroller  
9 determines that a municipality or county implemented a proposed  
10 reduction or reallocation described by Section 135.001(a) without  
11 the required voter approval, the municipality or county may not  
12 adopt an ad valorem tax rate that exceeds the municipality's or  
13 county's no-new-revenue tax rate until the earlier of:

14 (1) the date the comptroller issues a written  
15 determination that the municipality or county has, as applicable:

16 (A) reversed each funding reduction, adjusted  
17 for inflation, and personnel reduction that was a subject of the  
18 determination; or

19 (B) restored all reallocated funding and  
20 resources that were subjects of the determination to the original  
21 law enforcement agency; or

22 (2) the date on which each reduction and reallocation  
23 that was a subject of the determination has been approved in an  
24 election held in accordance with this chapter.

25 SECTION 2. This Act takes effect January 1, 2022.