

AN ACT

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

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

SECTION 1. Subtitle B, Title 4, Local Government Code, is amended by adding Chapter 120 to read as follows:

CHAPTER 120. ELECTION FOR REDUCTION OF FUNDING OR RESOURCES FOR CERTAIN PRIMARY LAW ENFORCEMENT AGENCIES

Sec. 120.001. APPLICABILITY. This chapter applies only to a county with a population of more than one million.

Sec. 120.002. ELECTION REQUIRED. (a) Except as provided by Section 120.003, a county shall hold an election in accordance with this chapter if the county adopts a budget for a fiscal year that, compared to the budget adopted by the county for the preceding fiscal year:

(1) reduces for a 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;

1 (C) as applicable:

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

5 (ii) if the county has declined in
6 population since the preceding fiscal year, the number of peace
7 officer positions, excluding detention officer positions, the law
8 enforcement agency is authorized to employ per 1,000 county
9 residents; 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 county may not implement a proposed reduction or
16 reallocation described by Subsection (a) until the county receives
17 voter approval for the proposed reduction or reallocation at an
18 election held for that purpose. The county may, at any time, order
19 the election to be held on the 30th day after the date the county
20 orders the election. Section 41.001, Election Code, does not apply
21 to an election under this subsection.

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

24 (1) a one-time extraordinary expense, as determined by
25 the comptroller, that is outside the normal costs of operating a law
26 enforcement agency, including purchasing a fleet of law enforcement
27 vehicles or constructing an additional training academy;

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

3 (3) detention officer compensation; or

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

6 Sec. 120.003. DISASTER EXCEPTION. Section 120.002 does not
7 apply to a county budget adopted for a fiscal year in which, or the
8 two fiscal years following the fiscal year in which, a significant
9 budget reduction from the preceding fiscal year was caused by a
10 disaster, including a tornado, hurricane, flood, wildfire, or other
11 calamity, but not including a drought, epidemic, or pandemic, in an
12 area of the county that was the subject of a disaster declaration by
13 the governor under Chapter 418, Government Code, or by the
14 president of the United States.

15 Sec. 120.004. BALLOT PROPOSITION REQUIREMENTS. A county
16 holding an election under this chapter shall ensure that the ballot
17 proposition for the election includes, as applicable:

18 (1) a detailed explanation of each proposed reduction;

19 (2) the amount of each proposed reduction;

20 (3) the recipient of reallocated funding or resources;

21 (4) the impact on the local tax rate, if any; and

22 (5) the expected length of time that the proposed
23 reduction or reallocation will remain in effect.

24 Sec. 120.005. USE OF PUBLIC MONEY FOR CAMPAIGN PROHIBITED.
25 A county holding an election under this chapter may not use public
26 money on promotional campaigns or advocacy related to the proposed
27 reduction or reallocation. This section may not be construed to

1 prevent a county official or employee from communicating factual
2 information about a proposed budget or the reasoning behind a
3 proposed budget to the voters in the county.

4 Sec. 120.006. COMPLAINT. (a) A person who believes that a
5 county has implemented a proposed reduction or reallocation
6 described by Section 120.002(a) without the required voter approval
7 and who resides in the county may file a complaint with the criminal
8 justice division of the office of the governor.

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

12 (c) The criminal justice division of the office of the
13 governor shall provide written notice of a potentially valid
14 complaint filed under Subsection (a) to the county that is the
15 subject of the complaint. The division shall provide the county an
16 opportunity to correct the action that is the subject of the
17 complaint before referring the complaint to the comptroller.

18 Sec. 120.007. COMPTROLLER INVESTIGATION; TAX RATE
19 LIMITATION. (a) On request by the criminal justice division of the
20 office of the governor, the comptroller shall determine whether a
21 county has implemented a proposed reduction or reallocation
22 described by Section 120.002(a) without the required voter
23 approval. The comptroller shall issue a written determination to
24 the governor, lieutenant governor, speaker of the house of
25 representatives, and governing body of the county.

26 (b) The comptroller may require a county to submit
27 information for the current or preceding fiscal year to assist the

1 comptroller's investigation under this section.

2 (c) Notwithstanding any other law, if the comptroller
3 determines that a county implemented a proposed reduction or
4 reallocation described by Section 120.002(a) without the required
5 voter approval, the county may not adopt an ad valorem tax rate that
6 exceeds the county's no-new-revenue tax rate until the earlier of:

7 (1) the date the comptroller issues a written
8 determination that the county has, as applicable:

9 (A) reversed each funding reduction, adjusted
10 for inflation, and personnel reduction that was a subject of the
11 determination; or

12 (B) restored all reallocated funding and
13 resources that were subjects of the determination to the original
14 law enforcement agency; or

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

18 (d) For purposes of making the calculation required under
19 Section 26.013, Tax Code, in a tax year the comptroller determines
20 that a county implemented a proposed reduction or reallocation
21 described by Section 120.002(a) without the required voter
22 approval, the difference between the actual tax rate and
23 voter-approval tax rate is considered to be zero.

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

President of the Senate

Speaker of the House

I hereby certify that S.B. No. 23 passed the Senate on April 13, 2021, by the following vote: Yeas 28, Nays 2, one present not voting; May 27, 2021, Senate refused to concur in House amendments and requested appointment of Conference Committee; May 28, 2021, House granted request of the Senate; May 30, 2021, Senate adopted Conference Committee Report by the following vote: Yeas 27, Nays 4.

Secretary of the Senate

I hereby certify that S.B. No. 23 passed the House, with amendments, on May 25, 2021, by the following vote: Yeas 86, Nays 59, one present not voting; May 28, 2021, House granted request of the Senate for appointment of Conference Committee; May 30, 2021, House adopted Conference Committee Report by the following vote: Yeas 112, Nays 26, two present not voting.

Chief Clerk of the House

Approved:

Date

Governor