

By: Huffman

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 a municipal or county law enforcement agency.

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 LAW ENFORCEMENT AGENCIES

Sec. 135.001. ELECTION REQUIRED. (a) A municipality or county shall hold an election in accordance with this chapter if the municipality or county proposes to adopt 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 a law enforcement agency:

(A) the appropriation to the agency as a percentage of the total budget;

(B) the number of peace officers the agency is authorized to employ per 1,000 municipal or county residents, as applicable;

(C) the total amount of funding per peace officer for peace officer overtime compensation; or

(D) the amount of funding per peace officer for the recruitment and training of new peace officers to fill vacant

1 and new peace officer positions in the department; or

2 (2) reallocates funding or resources from one law  
3 enforcement agency to another.

4 (b) A municipality or county may not adopt a budget with a  
5 proposed reduction or reallocation described by Subsection (a)  
6 until the municipality or county receives voter approval for the  
7 proposed reduction or reallocation at an election held for that  
8 purpose.

9 Sec. 135.002. BALLOT PROPOSITION REQUIREMENTS. A  
10 municipality or county holding an election under this chapter shall  
11 ensure that the ballot proposition for the election includes, as  
12 applicable:

- 13 (1) a detailed explanation of each proposed reduction;  
14 (2) the amount of each proposed reduction;  
15 (3) the recipient of reallocated funding or resources;  
16 (4) the impact on the local tax rate, if any; and  
17 (5) the expected length of time that the proposed  
18 reduction or reallocation will remain in effect.

19 Sec. 135.003. USE OF PUBLIC MONEY FOR CAMPAIGN PROHIBITED.  
20 A municipality or county holding an election under this chapter may  
21 not use public money on informational campaigns or advocacy related  
22 to the proposed reduction or reallocation.

23 Sec. 135.004. COMPLAINT. A person who believes that a  
24 municipality or county has violated this chapter may file a  
25 complaint with the criminal justice division of the office of the  
26 governor.

27 Sec. 135.005. COMPTROLLER INVESTIGATION AND WITHHOLDING OF

1 CERTAIN MONEY. (a) On request by the criminal justice division of  
2 the office of the governor, the comptroller shall determine whether  
3 a municipality or county has violated this chapter. The comptroller  
4 shall issue a written determination to the governor, lieutenant  
5 governor, and speaker of the house of representatives.

6 (b) Notwithstanding any other law, if the comptroller  
7 determines that a municipality or county violated this chapter, the  
8 municipality or county may not adopt a tax rate for the subsequent  
9 municipal or county fiscal year that exceeds the municipality's or  
10 county's tax rate on the date of the violation.

11 (c) A tax rate limitation described by Subsection (b)  
12 becomes inapplicable on the earlier of:

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

15 (A) adopted a budget that reverses all funding  
16 reductions, adjusted for inflation, and personnel reductions in  
17 violation of this chapter; or

18 (B) restored reallocated funding or resources to  
19 the original law enforcement agency; or

20 (2) the date the municipality or county receives voter  
21 approval for the reduction or reallocation that violated this  
22 chapter in an election held in accordance with this chapter.

23 SECTION 2. This Act takes effect September 1, 2021.