

1-1 By: Huffman, Creighton, Springer S.B. No. 23
 1-2 (In the Senate - Filed March 11, 2021; March 11, 2021, read
 1-3 first time and referred to Committee on Jurisprudence;
 1-4 April 7, 2021, reported adversely, with favorable Committee
 1-5 Substitute by the following vote: Yeas 3, Nays 0; April 7, 2021,
 1-6 sent to printer.)

1-7 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-8 Huffman	X			
1-9 Hinojosa	X			
1-10 Creighton	X			
1-11 Hughes			X	
1-12 Johnson			X	

1-14 COMMITTEE SUBSTITUTE FOR S.B. No. 23 By: Creighton

1-15 A BILL TO BE ENTITLED
 1-16 AN ACT

1-17 relating to an election to approve a reduction or reallocation of
 1-18 funding or resources for certain municipal or county law
 1-19 enforcement agencies.

1-20 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-21 SECTION 1. Subtitle C, Title 4, Local Government Code, is
 1-22 amended by adding Chapter 135 to read as follows:

1-23 CHAPTER 135. ELECTION FOR REDUCTION OF FUNDING OR RESOURCES FOR
 1-24 PRIMARY LAW ENFORCEMENT AGENCIES

1-25 Sec. 135.001. ELECTION REQUIRED. (a) Except as provided by
 1-26 Section 135.002, a municipality or county shall hold an election in
 1-27 accordance with this chapter if the municipality or county proposes
 1-28 to adopt a budget for a fiscal year that, compared to the budget
 1-29 adopted by the municipality or county for the preceding fiscal
 1-30 year:

1-31 (1) reduces for the law enforcement agency with
 1-32 primary responsibility for policing, criminal investigation, and
 1-33 answering calls for service:

1-34 (A) for a fiscal year in which the overall amount
 1-35 of the budget is equal to or greater than the amount for the
 1-36 preceding fiscal year, the appropriation to the agency;

1-37 (B) for a fiscal year in which the overall amount
 1-38 of the budget is less than the amount for the preceding fiscal year,
 1-39 the appropriation to the agency as a percentage of the total budget;

1-40 (C) the number of peace officer positions,
 1-41 excluding detention officer positions; or

1-42 (D) the amount of funding per peace officer for
 1-43 the recruitment and training of new peace officers to fill vacant
 1-44 and new peace officer positions in the agency; or

1-45 (2) reallocates funding or resources to another law
 1-46 enforcement agency.

1-47 (b) A municipality or county may not adopt a budget with a
 1-48 proposed reduction or reallocation described by Subsection (a)
 1-49 until the municipality or county receives voter approval for the
 1-50 proposed reduction or reallocation at an election held for that
 1-51 purpose. The municipality or county may, at any time, order the
 1-52 election to be held on the 30th day after the date the municipality
 1-53 or county orders the election. Section 41.001, Election Code, does
 1-54 not apply to an election under this subsection.

1-55 (c) For purposes of this section, a municipal or county
 1-56 budget does not include:

1-57 (1) a one-time extraordinary expense, as determined by
 1-58 the comptroller, that is outside the normal costs of operating a law
 1-59 enforcement agency, including purchasing a fleet of law enforcement
 1-60 vehicles or constructing an additional training academy; or

2-1 (2) a donation or state or federal grant to the
 2-2 municipality's or county's law enforcement agency.

2-3 Sec. 135.002. DISASTER EXCEPTION. Section 135.001 does not
 2-4 apply to a municipal or county budget adopted for a fiscal year in
 2-5 which, or the two fiscal years following the fiscal year in which, a
 2-6 significant budget reduction from the preceding fiscal year was
 2-7 caused by a disaster, including a tornado, hurricane, flood,
 2-8 wildfire, or other calamity, but not including a drought, epidemic,
 2-9 or pandemic, in an area of the municipality or county that was the
 2-10 subject of a disaster declaration by the governor under Chapter
 2-11 418, Government Code, or by the president of the United States.

2-12 Sec. 135.003. BALLOT PROPOSITION REQUIREMENTS. A
 2-13 municipality or county holding an election under this chapter shall
 2-14 ensure that the ballot proposition for the election includes, as
 2-15 applicable:

2-16 (1) a detailed explanation of each proposed reduction;
 2-17 (2) the amount of each proposed reduction;
 2-18 (3) the recipient of reallocated funding or resources;
 2-19 (4) the impact on the local tax rate, if any; and
 2-20 (5) the expected length of time that the proposed
 2-21 reduction or reallocation will remain in effect.

2-22 Sec. 135.004. USE OF PUBLIC MONEY FOR CAMPAIGN PROHIBITED.
 2-23 A municipality or county holding an election under this chapter may
 2-24 not use public money on promotional campaigns or advocacy related
 2-25 to the proposed reduction or reallocation. This section may not be
 2-26 construed to prevent a municipal or county official or employee
 2-27 from communicating factual information about a proposed budget or
 2-28 the reasoning behind a proposed budget to the voters in the
 2-29 municipality or county.

2-30 Sec. 135.005. COMPLAINT. (a) A person who believes that a
 2-31 municipality or county has adopted a budget with a proposed
 2-32 reduction or reallocation described by Section 135.001(a) without
 2-33 the required voter approval and who resides in the municipality or
 2-34 county may file a complaint with the criminal justice division of
 2-35 the office of the governor.

2-36 (b) The criminal justice division of the office of the
 2-37 governor shall determine whether a complaint filed under Subsection
 2-38 (a) is potentially valid or frivolous or false.

2-39 (c) The criminal justice division of the office of the
 2-40 governor shall provide written notice of a potentially valid
 2-41 complaint filed under Subsection (a) to the municipality or county
 2-42 that is the subject of the complaint. The division shall provide
 2-43 the municipality or county an opportunity to correct the action
 2-44 that is the subject of the complaint before referring the complaint
 2-45 to the comptroller.

2-46 Sec. 135.006. COMPTROLLER INVESTIGATION; TAX RATE
 2-47 LIMITATION. (a) On request by the criminal justice division of the
 2-48 office of the governor, the comptroller shall determine whether a
 2-49 municipality or county has adopted a budget with a proposed
 2-50 reduction or reallocation described by Section 135.001(a) without
 2-51 the required voter approval. The comptroller shall issue a written
 2-52 determination to the governor, lieutenant governor, speaker of the
 2-53 house of representatives, and governing body of the municipality or
 2-54 county.

2-55 (b) The comptroller may require a municipality or county to
 2-56 submit information for the current or preceding fiscal year to
 2-57 assist the comptroller's investigation under this section.

2-58 (c) Notwithstanding any other law, if the comptroller
 2-59 determines that a municipality or county adopted a budget with a
 2-60 proposed reduction or reallocation described by Section 135.001(a)
 2-61 without the required voter approval, the municipality or county may
 2-62 not adopt an ad valorem tax rate that exceeds the municipality's or
 2-63 county's no-new-revenue tax rate until the earlier of:

2-64 (1) the date the comptroller issues a written
 2-65 determination that the municipality or county has, as applicable:

2-66 (A) adopted a budget that reverses each funding
 2-67 reduction, adjusted for inflation, and personnel reduction that was
 2-68 a subject of the determination; or

2-69 (B) restored all reallocated funding and

3-1 resources that were subjects of the determination to the original
3-2 law enforcement agency; or
3-3 (2) the date on which each reduction and reallocation
3-4 that was a subject of the determination has been approved in an
3-5 election held in accordance with this chapter.

3-6 SECTION 2. This Act takes effect January 1, 2022.

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