

By: Bettencourt

S.B. No. 46

A BILL TO BE ENTITLED

AN ACT

relating to the funding of, contracting with, and employment for law enforcement agencies in certain counties.

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

SECTION 1. Subchapter B, Chapter 85, Local Government Code, is amended by adding Section 85.025 to read as follows:

Sec. 85.025. AUTHORITY TO ENTER INTO CONTRACT TO PROVIDE LAW ENFORCEMENT SERVICES IN CERTAIN COUNTIES. (a) In this section:

(1) "Local government" means a county, municipality, municipal utility district, school district, junior college district, or other political subdivision of this state.

(2) "Property owners' association" has the meaning assigned by Section 202.001, Property Code.

(b) This section applies only to a county with a population of more than 3.3 million.

(c) A sheriff may enter into a contract with a local government, a property owners' association, or an owner of land to provide law enforcement services in the sheriff's county:

(1) in and near the area managed or regulated by the local government or the association or the area owned by the owner; and

(2) to the persons residing in or visiting an area described by Subdivision (1).

(d) The commissioners court of the sheriff's county may not

1 prohibit or otherwise restrict the sheriff from entering into a  
2 contract under this section. The sheriff may enter into the  
3 contract and determine the terms of the contract, regardless of  
4 whether the commissioners court approves of the contract or the  
5 terms.

6 SECTION 2. Subchapter C, Chapter 86, Local Government Code,  
7 is amended by adding Section 86.026 to read as follows:

8 Sec. 86.026. AUTHORITY TO ENTER INTO CONTRACT TO PROVIDE  
9 LAW ENFORCEMENT SERVICES IN CERTAIN COUNTIES. (a) In this section:

10 (1) "Local government" means a county, municipality,  
11 municipal utility district, school district, junior college  
12 district, or other political subdivision of this state.

13 (2) "Property owners' association" has the meaning  
14 assigned by Section 202.001, Property Code.

15 (b) This section applies only to a county with a population  
16 of more than 3.3 million.

17 (c) A constable may enter into a contract with a local  
18 government, a property owners' association, or an owner of land to  
19 provide law enforcement services in the constable's precinct:

20 (1) in and near the area managed or regulated by the  
21 local government or the association or the area owned by the owner;  
22 and

23 (2) to the persons residing in or visiting an area  
24 described by Subdivision (1).

25 (d) The commissioners court of a constable's county may not  
26 prohibit or otherwise restrict the constable from entering into a  
27 contract under this section. The constable may enter into the

1 contract and determine the terms of the contract, regardless of  
2 whether the commissioners court approves of the contract or the  
3 terms.

4 SECTION 3. Section 120.002, Local Government Code, is  
5 amended by adding Subsection (a-1) and amending Subsection (b) to  
6 read as follows:

7 (a-1) This subsection applies only to a county with a  
8 population of more than 3.3 million. A county shall hold an  
9 election in accordance with this chapter if the county adopts a  
10 budget or changes an adopted budget resulting in a budget for a  
11 fiscal year that, compared to the budget adopted by the county for  
12 the preceding fiscal year:

- 13 (1) has an effect described by Subsection (a);  
14 (2) reallocates unspent funding that was appropriated  
15 to a law enforcement agency; or  
16 (3) reallocates funding previously appropriated for a  
17 specific law enforcement position to another agency.

18 (b) A county may not implement a proposed reduction or  
19 reallocation described by Subsection (a) or (a-1) until the county  
20 receives voter approval for the proposed reduction or reallocation  
21 at an election held for that purpose. The county may, at any time,  
22 order the election to be held on the 30th day after the date the  
23 county orders the election. Section 41.001, Election Code, does  
24 not apply to an election under this subsection.

25 SECTION 4. Section 120.006(a), Local Government Code, is  
26 amended to read as follows:

27 (a) A person who believes that a county has implemented a

1 proposed reduction or reallocation described by Section 120.002(a)  
2 or (a-1) without the required voter approval and who resides in the  
3 county may file a complaint with the criminal justice division of  
4 the office of the governor.

5 SECTION 5. Sections 120.007(a), (c), and (d), Local  
6 Government Code, are amended to read as follows:

7 (a) On request by the criminal justice division of the  
8 office of the governor, the comptroller shall determine whether a  
9 county has implemented a proposed reduction or reallocation  
10 described by Section 120.002(a) or (a-1) without the required voter  
11 approval. The comptroller shall issue a written determination to  
12 the governor, lieutenant governor, speaker of the house of  
13 representatives, and governing body of the county.

14 (c) Notwithstanding any other law, if the comptroller  
15 determines that a county implemented a proposed reduction or  
16 reallocation described by Section 120.002(a) or (a-1) without the  
17 required voter approval, the county may not adopt an ad valorem tax  
18 rate that exceeds the county's no-new-revenue tax rate until the  
19 earlier of:

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

22 (A) reversed each funding reduction, adjusted  
23 for inflation, and personnel reduction that was a subject of the  
24 determination; or

25 (B) restored all reallocated funding and  
26 resources that were subjects of the determination to the original  
27 law enforcement agency; or

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

4           (d) For purposes of making the calculation required under  
5 Section 26.013, Tax Code, in a tax year the comptroller determines  
6 that a county implemented a proposed reduction or reallocation  
7 described by Section 120.002(a) or (a-1) without the required voter  
8 approval, the difference between the actual tax rate and  
9 voter-approval tax rate is considered to be zero.

10          SECTION 6. Subchapter 2, Chapter 130, Local Government  
11 Code, is amended by adding Section 130.903 to read as follows:

12          Sec. 130.903. REQUIREMENTS AND PROHIBITIONS RELATED TO  
13 COUNTY LAW ENFORCEMENT IN CERTAIN COUNTIES. (a) This section  
14 applies only to a county with a population of more than 3.3 million.

15          (b) A county may not:

16                 (1) transfer money appropriated to the office of  
17 sheriff or constable to the county's general revenue fund or any  
18 other county account; or

19                 (2) prohibit the office of sheriff or constable from  
20 spending money appropriated to the office for any lawful purpose.

21          (c) In relation to money received under a contract entered  
22 into under Section 85.025 or 86.026, the commissioners court of the  
23 sheriff's or constable's county:

24                 (1) shall credit the money to the office of the sheriff  
25 or constable, as applicable, and may not credit the money to the  
26 county's general revenue fund; and

27                 (2) may not reduce the appropriation to the office of

1 the sheriff or constable, as applicable, by the amount of the money  
2 received because the money is considered for purposes of Section  
3 120.002 as part of the office's appropriation for the county fiscal  
4 year in which the money is received.

5 (d) The county may not prohibit or otherwise restrict the  
6 use of the money described by Subsection (b) by the sheriff or  
7 constable, as applicable, for a lawful purpose, if the county  
8 auditor or county treasurer determines that the money is available  
9 to the office of the sheriff or constable, as applicable.

10 SECTION 7. This Act takes effect on the 91st day after the  
11 last day of the legislative session.