

1-1 By: Huffman S.B. No. 740
 1-2 (In the Senate - Filed February 7, 2023; March 1, 2023, read
 1-3 first time and referred to Committee on Finance; March 13, 2023,
 1-4 reported favorably by the following vote: Yeas 16, Nays 0;
 1-5 March 13, 2023, sent to printer.)

1-6 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-7				
1-8	X			
1-9	X			
1-10	X			
1-11	X			
1-12	X			
1-13	X			
1-14	X			
1-15	X			
1-16			X	
1-17	X			
1-18	X			
1-19	X			
1-20	X			
1-21	X			
1-22	X			
1-23	X			
1-24	X			

1-25 A BILL TO BE ENTITLED
 1-26 AN ACT

1-27 relating to an election to approve a reduction or reallocation of
 1-28 funding or resources for certain county prosecutors' offices.

1-29 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-30 SECTION 1. The heading to Chapter 120, Local Government
 1-31 Code, is amended to read as follows:

1-32 CHAPTER 120. ELECTION FOR REDUCTION OF FUNDING OR RESOURCES FOR
 1-33 CERTAIN PRIMARY LAW ENFORCEMENT AGENCIES AND PROSECUTORS' OFFICES

1-34 SECTION 2. Chapter 120, Local Government Code, is amended
 1-35 by adding Section 120.0001 to read as follows:

1-36 Sec. 120.0001. DEFINITION. In this chapter, "prosecutor's
 1-37 office" means the office of a district attorney, a criminal
 1-38 district attorney, or a county attorney with criminal jurisdiction.

1-39 SECTION 3. Sections 120.002(a) and (c), Local Government
 1-40 Code, are amended to read as follows:

1-41 (a) Except as provided by Section 120.003, a county shall
 1-42 hold an election in accordance with this chapter if the county
 1-43 adopts a budget for a fiscal year that, compared to the budget
 1-44 adopted by the county for the preceding fiscal year:

1-45 (1) reduces for either a law enforcement agency,
 1-46 excluding a 9-1-1 call center, with primary responsibility for
 1-47 policing, criminal investigation, and answering calls for service
 1-48 or for a prosecutor's office:

1-49 (A) for a fiscal year in which the overall amount
 1-50 of the budget is equal to or greater than the amount for the
 1-51 preceding fiscal year, the appropriation to the agency or office;

1-52 (B) for a fiscal year in which the overall amount
 1-53 of the budget is less than the amount for the preceding fiscal year,
 1-54 the appropriation to the agency or office as a percentage of the
 1-55 total budget;

1-56 (C) as applicable:

1-57 (i) if the county has not declined in
 1-58 population since the preceding fiscal year, the number of peace
 1-59 officer positions, excluding detention officer positions; or

1-60 (ii) if the county has declined in
 1-61 population since the preceding fiscal year, the number of peace

2-1 officer positions, excluding detention officer positions, the law
2-2 enforcement agency is authorized to employ per 1,000 county
2-3 residents; or

2-4 (D) the amount of funding per peace officer for
2-5 the recruitment and training of new peace officers to fill vacant
2-6 and new peace officer positions in the agency; or

2-7 (2) reallocates funding or resources to another law
2-8 enforcement agency or prosecutor's office.

2-9 (c) For purposes of this section, a county budget does not
2-10 include:

2-11 (1) a one-time extraordinary expense, as determined by
2-12 the comptroller, that is outside the normal costs of operating a law
2-13 enforcement agency or prosecutor's office, including purchasing a
2-14 fleet of law enforcement vehicles or constructing an additional
2-15 training academy;

2-16 (2) revenues used to repay voter-approved bonded
2-17 indebtedness incurred for a law enforcement or prosecutorial
2-18 purpose;

2-19 (3) detention officer compensation; or

2-20 (4) a donation or state or federal grant to the
2-21 county's law enforcement agency or prosecutor's office.

2-22 SECTION 4. Section 120.007(c), Local Government Code, is
2-23 amended to read as follows:

2-24 (c) Notwithstanding any other law, if the comptroller
2-25 determines that a county implemented a proposed reduction or
2-26 reallocation described by Section 120.002(a) without the required
2-27 voter approval, the county may not adopt an ad valorem tax rate that
2-28 exceeds the county's no-new-revenue tax rate until the earlier of:

2-29 (1) the date the comptroller issues a written
2-30 determination that the county has, as applicable:

2-31 (A) reversed each funding reduction, adjusted
2-32 for inflation, and personnel reduction that was a subject of the
2-33 determination; or

2-34 (B) restored all reallocated funding and
2-35 resources that were subjects of the determination to the original
2-36 law enforcement agency or prosecutor's office; or

2-37 (2) the date on which each reduction and reallocation
2-38 that was a subject of the determination has been approved in an
2-39 election held in accordance with this chapter.

2-40 SECTION 5. This Act takes effect January 1, 2024.

2-41 * * * * *