

By: Oliverson

H.B. No. 192

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

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

Sec. 86.026. 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 constable 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 constable's precinct:

(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 a constable's county may not
prohibit or otherwise restrict the constable from entering into a
contract under this section. The constable may enter into the
contract and determine the terms of the contract, regardless of
whether the commissioners court approves of the contract or the
terms.

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

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

(1) has an effect described by Subsection (a);

(2) reallocates unspent funding that was appropriated to
a law enforcement agency; or

(3) reallocates funding previously appropriated for a

specific law enforcement position to another agency.

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

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

(a) A person who believes that a county has implemented a proposed reduction or reallocation described by Section 120.002(a) or (a-1) without the required voter approval and who resides in the county may file a complaint with the criminal justice division of the office of the governor.

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

(a) On request by the criminal justice division of the office of the governor, the comptroller shall determine whether a county has implemented a proposed reduction or reallocation described by Section 120.002(a) or (a-1) without the required voter approval. The comptroller shall issue a written determination to the governor, lieutenant governor, speaker of the house of

representatives, and governing body of the county.

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

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

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

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

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

(d) For purposes of making the calculation required under Section 26.013, Tax Code, in a tax year the comptroller determines that a county implemented a proposed reduction or reallocation described by Section 120.002(a) or (a-1) without the required voter approval, the difference between the actual tax rate and voter-

approval tax rate is considered to be zero.

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

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

(b) A county may not:

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

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

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

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

(2) may not reduce the appropriation to the office of the sheriff or constable, as applicable, by the amount of the money received because the money is considered for purposes of Section 120.002 as part of the office's appropriation for the county fiscal year in which the money is received.

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

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