

By: Slawson

H.B. No. 1950

A BILL TO BE ENTITLED

AN ACT

relating to the control and funding of law enforcement and public safety services in certain political subdivisions.

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

SECTION A1.AA(a) This Act may be cited as the Texas Public Safety Protection Act.

SECTION 1. Subtitle A, Title 11, Local Government Code, is amended by adding Chapter 345 to read as follows:

CHAPTER 345. LAW ENFORCEMENT AND PUBLIC SAFETY ZONES

SUBCHAPTER A. GENERAL PROVISIONS

Sec. 345.001. PURPOSE. The purpose of this chapter is to provide certain municipalities that have defunded their law enforcement agencies with law enforcement and public safety services.

Sec. 345.002. CONSTRUCTION OF CHAPTER. (a) This chapter shall be liberally construed in conformity with the purpose in Section 345.001.

(b) If any provision of general law is in conflict or inconsistent with this chapter, this chapter prevails. Any general law not in conflict or inconsistent with this chapter is adopted and incorporated by reference.

Sec. 345.003. APPLICABILITY. This chapter applies only to a municipality that is:

(1) located wholly or partly in a county with a

1 population of more than 1 million and less than 1.5 million; and

2 (2) a defunding local government under Section  
3 140.013.

4 Sec. 345.004. DEFINITIONS. In this chapter:

5 (1) "Board" means the board of directors of a zone.

6 (2) "Director" means a member of a board.

7 (3) "Zone" means a law enforcement and public safety  
8 zone created under this chapter.

9 Sec. 345.005. CONFLICT OF LAWS. To the extent of a conflict  
10 between a provision of this chapter and another law applicable to  
11 the maintenance or distribution of a defunding local government's  
12 share of taxes collected by the comptroller under Chapter 321, Tax  
13 Code, this chapter controls.

14 SUBCHAPTER B. CREATION OF ZONE

15 Sec. 345.051. CREATION OF ZONE. (a) The governor by  
16 declaration may designate as a law enforcement and public safety  
17 zone an area in a municipality to which this chapter applies.

18 (b) The declaration must:

19 (1) prescribe the date on which the zone will begin  
20 operations;

21 (2) describe the boundaries of the zone;

22 (A) by metes and bounds;

23 (B) by verifiable landmarks; or

24 (C) if there is a recorded map or plat and survey  
25 of the area, by lot and block number;

26 (3) appoint the initial board of directors of the  
27 zone; and

1           (4) notwithstanding Section 321.502, Tax Code, and  
2 beginning on the date that the zone begins operations, direct the  
3 comptroller of public accounts to set aside in a special fund for  
4 the purpose of funding zone operations, the municipality's share of  
5 the taxes collected by the comptroller under Chapter 321, Tax Code.

6                   SUBCHAPTER C. BOARD OF DIRECTORS

7           Sec. 345.101. BOARD OF DIRECTORS. (a) A zone is governed  
8 by a board of at least three but no more than 11 directors who are  
9 appointed by the governor.

10           (b) Directors serve two-year terms with the terms expiring  
11 January 1 of each even-numbered year.

12           (c) A vacancy is filled for the unexpired term by  
13 appointment by the governor.

14           (d) A director is not liable for civil damages or criminal  
15 prosecution for any act performed in good faith in the execution of  
16 the director's duties or for any action taken by the board.

17           Sec. 345.102. QUALIFICATIONS OF DIRECTORS. To serve as a  
18 director, a person must be at least 18 years old and be:

19                   (1) a resident of the municipality or county in which  
20 the zone is located;

21                   (2) a property owner in the zone;

22                   (3) an agent or employee of a person described by  
23 Subdivision (2); or

24                   (4) a person with law enforcement experience.

25           Sec. 345.103. ORGANIZATION AND MEETINGS OF BOARD. (a)  
26 After the appointment of directors, the board shall organize by  
27 electing a presiding officer, a secretary, and any other officers

1 the board considers necessary.

2 (b) The board shall meet at least quarterly and at the call  
3 of the presiding officer.

4 Sec. 345.104. COMPENSATION OF DIRECTORS; REIMBURSEMENT OF  
5 EXPENSES. A director is not entitled to compensation for service on  
6 the board but is entitled to be reimbursed for necessary expenses  
7 incurred in carrying out the duties and responsibilities of a  
8 director.

9 Sec. 345.105. BOARD POSITION NOT CIVIL OFFICE OF EMOLUMENT.  
10 A position on the board may not be construed to be a civil office of  
11 emolument for any purpose, including those purposes described by  
12 Article XVI, Section 40, of the Texas Constitution.

13 Sec. 345.106. VOTING. An affirmative vote by a majority of  
14 the directors then appointed is required for the board to take  
15 formal action.

16 Sec. 345.107. OPEN RECORDS AND MEETINGS. The board is  
17 treated as a governmental body for the purposes of Chapters 551 and  
18 552, Government Code.

19 SUBCHAPTER D. POWERS AND DUTIES

20 Sec. 345.151. GENERAL POWERS. A zone has the powers  
21 necessary or convenient to accomplish the zone's purpose under this  
22 chapter.

23 Sec. 345.152. SPECIFIC POWERS AND DUTIES. (a) A zone shall  
24 direct all law enforcement activities and public safety services in  
25 the zone, including:

26 (1) the enforcement of all state criminal, traffic,  
27 and safety laws in the zone;

1           (2) the prevention of crime in the zone;

2           (3) the investigation, detection, and apprehension of  
3 persons who violate laws in the zone; and

4           (4) the protection of the welfare and safety of  
5 residents of and visitors to the zone.

6           (b) A zone shall finance all the costs of the law  
7 enforcement activities and public safety services described in  
8 Subsection (a), including the costs for personnel, administration,  
9 and contracting.

10           Sec. 345.153. POWERS AND DUTIES REGARDING PEACE OFFICERS.

11           (a) The board has exclusive management and control over any peace  
12 officer employed or contracted to provide law enforcement and  
13 public safety services in the zone while the peace officer is  
14 performing those services.

15           (b) The board shall ensure that each peace officer employed  
16 or contracted to provide law enforcement and public safety services  
17 in the zone is a licensed peace officer under Chapter [1701](#),  
18 Occupations Code.

19           (c) The board may establish payment rates for peace officers  
20 employed or contracted to provide law enforcement and public safety  
21 services in the zone. In establishing those rates, the board shall  
22 ensure that the hourly wage paid by the zone to a peace officer does  
23 not exceed two hundred percent of the hourly wage paid to the peace  
24 officer for performing law enforcement activities by another  
25 jurisdiction at the time of the peace officer's employment or  
26 contract with the zone.

27           Sec. 345.154. CONTRACTING. (a) Notwithstanding any other

1 law, when acting on behalf of the zone, the board may contract with  
2 any entity, including a state agency, a municipality, a county,  
3 another political subdivision of the state, an individual, or a  
4 private corporation, to carry out the zone's purpose under this  
5 chapter.

6 (b) A municipality, county, or other political subdivision  
7 of the state may not prohibit an individual who is employed as a  
8 peace officer by the municipality, county, or political subdivision  
9 from contracting with the board to provide law enforcement and  
10 public safety services in the zone.

11 (c) A municipality, county, or other political subdivision  
12 of the state may not retaliate or discriminate against an  
13 individual who is employed as a peace officer by the municipality,  
14 county, or political subdivision and who has contracted with the  
15 board to provide law enforcement and public safety services in the  
16 zone.

17 Sec. 345.155. ZONE FUNDS. In order to pay for zone  
18 operations, including the costs of law enforcement activities and  
19 public safety services provided in the zone, the board shall have  
20 access to the taxes set aside by the comptroller in a special fund  
21 as directed by the governor's declaration in Section 345.051(b)(4).

22 Sec. 345.156. DONATIONS, GIFTS, AND GRANTS. On behalf of  
23 the zone, the board may accept donations, gifts, and grants to carry  
24 out the zone's purpose under this chapter.

25 Sec. 345.157. NO EMINENT DOMAIN POWER. A zone may not  
26 exercise the power of eminent domain.

27 SUBCHAPTER E. DISSOLUTION OF ZONE

1       Sec. 345.201. DISSOLUTION OF ZONE. (a) Beginning on the  
2 date on which the criminal justice division of the governor's  
3 office issues a written determination in accordance with Section  
4 140.013(b) finding that the municipality in which a zone is located  
5 has reversed the reductions described by Section 140.013(a)(1), the  
6 governor by declaration may order the zone to commence the process  
7 of dissolution.

8       (b) As soon as practicable after the governor issues a  
9 declaration under Subsection (a), the zone shall pay all of its  
10 expenses and discharge all of its outstanding debts and contractual  
11 obligations.

12       (c) Immediately after paying all expenses and discharging  
13 all outstanding debts and contractual obligations under Subsection  
14 (b), the zone shall be dissolved and shall notify the comptroller of  
15 its dissolution. Upon receiving this notification, the comptroller  
16 shall close the zone's special fund and transfer any remaining  
17 balance to the municipality in which the zone was located.

18       SECTION 2. Chapter 140, Local Government Code, is amended  
19 by adding Section 140.013 to read as follows:

20       Sec. 140.013. DEFUNDING LOCAL GOVERNMENT. (a) A defunding  
21 local government is a municipality or county:

22               (1) that adopts a budget for a fiscal year that, in  
23 comparison to the local government's preceding fiscal year,  
24 reduces:

25                       (A) the appropriation to the local government's  
26 law enforcement agency;

27                       (B) the number of peace officers the local

1 government's law enforcement agency is authorized to employ;

2 (C) funding for peace officer overtime  
3 compensation for the local government's law enforcement agency; or

4 (D) funding for the recruitment and training of  
5 new peace officers to fill each vacant peace officer position in the  
6 local government's law enforcement agency; and

7 (2) for which the criminal justice division of the  
8 governor's office issues a written determination finding that the  
9 local government has taken an action described by Subdivision (1).

10 (a-1) In making a determination of whether a local  
11 government is a defunding local government according to the budget  
12 adopted for the first fiscal year beginning on or after September 1,  
13 2021, the criminal justice division of the governor's office shall  
14 compare the funding and personnel in that budget to the funding and  
15 personnel in the budget of the preceding fiscal year or the second  
16 preceding fiscal year, whichever is greater. This subsection  
17 expires September 1, 2023.

18 (b) A local government is considered to be a defunding local  
19 government until the criminal justice division of the governor's  
20 office issues a written determination finding that the local  
21 government has reversed the reductions, adjusted for inflation,  
22 described in Subsection (a)(1).

23 (c) The criminal justice division of the governor's office  
24 shall:

25 (1) compute the inflation rate used to make  
26 determinations under Subsection (b) each state fiscal year using a  
27 price index that accurately reports changes in the purchasing power

1 of the dollar for local governments in this state; and

2 (2) publish the inflation rate in the Texas Register.

3 SECTION 3. Section 140.013, Local Government Code, as added  
4 by this Act, applies only to the adoption of a budget by a  
5 municipality or county for a fiscal year that begins on or after the  
6 effective date of this Act.

7 SECTION 4. This Act takes effect September 1, 2021.