

COPY

AN ACT

relating to the establishment of grant programs to provide financial assistance to qualified sheriff's offices, constable's offices, and prosecutor's offices in rural counties.

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

SECTION 1. Subchapter Z, Chapter 130, Local Government Code, is amended by adding Sections 130.911, 130.912, and 130.913 to read as follows:

Sec. 130.911. RURAL SHERIFF'S OFFICE SALARY ASSISTANCE GRANT PROGRAM. (a) In this section:

(1) "Grant" means a grant authorized to be awarded by the comptroller under the rural sheriff's office salary assistance grant program established by this section.

(2) "Qualified county" means a county with a population of 300,000 or less.

(b) The comptroller shall establish and administer the rural sheriff's office salary assistance grant program to support the state purpose of ensuring professional law enforcement throughout the state by providing financial assistance to sheriff's offices in qualified counties.

(c) Not later than the 30th day after the first day of a qualified county's fiscal year, the county may submit an application for a grant to the comptroller. A county may submit only one application each fiscal year.

(d) The comptroller shall award a grant to a qualified county that applies for the grant using money appropriated to the comptroller for that purpose. The grant must be in the following applicable amount:

(1) \$250,000 if the county has a population of less than 10,000;

(2) \$350,000 if the county has a population of 10,000 or more and less than 50,000; or

(3) \$500,000 if the county has a population of 50,000 or more and 300,000 or less.

(e) A county that is awarded a grant shall use or authorize the use of the grant money only:

(1) to provide a minimum annual salary of at least:

(A) \$75,000 for the county sheriff;

(B) \$45,000 for each deputy who makes motor vehicle stops in the routine performance of their duties; and

(C) \$40,000 for each jailer whose duties include the safekeeping of prisoners and the security of a jail operated by the county;

(2) to increase the salary of a person described by Subdivision (1);

(3) to hire additional deputies or staff for the sheriff's office; or

(4) to purchase vehicles, firearms, and safety equipment for the sheriff's office.

(f) A county that is awarded a grant may not use or authorize the use of the grant money for a purpose other than to meet the minimum salary requirements prescribed by Subsection (e)(1) until those requirements are satisfied.

(g) A county may not reduce the amount of funds provided to the sheriff's office because of grant funds provided under this section.

(h) The comptroller shall adopt rules necessary to implement this section, including rules that establish:

(1) a standardized application process, including the form to be used to apply for a grant and the manner of submitting the form;

(2) deadlines for:

- (A) applying for the grant;
- (B) disbursement of grant money; and
- (C) spending grant money; and

(3) procedures for:

- (A) monitoring the disbursement of grant money to ensure compliance with this section; and
- (B) the return of grant money that was not used by a county for a purpose authorized by this section.

Sec. 130.912. RURAL CONSTABLE'S OFFICE SALARY ASSISTANCE GRANT PROGRAM. (a) In this section:

(1) "Grant" means a grant authorized to be awarded by the comptroller under the rural constable's office salary assistance grant program established by this section.

(2) "Qualified constable" means a constable elected to an office created on or before January 1, 2023, who primarily makes motor vehicle stops in the routine performance of the constable's duties.

(3) "Qualified county" means a county with a population of 300,000 or less.

(b) The comptroller shall establish and administer the rural constable's office salary assistance grant program to support the state purpose of ensuring professional law enforcement throughout the state by providing financial assistance to constable's offices in qualified counties.

(c) Not later than the 30th day after the first day of a qualified county's fiscal year, the county may submit an application for a grant to the comptroller. A county may submit only one application each fiscal year.

(d) The comptroller shall award a grant to a qualified county that applies for the grant using money appropriated to the comptroller for that purpose. The comptroller may only award a grant to a county if the county agrees in writing to contribute at least 75 percent of the money required to meet the minimum annual salary requirement established under Subsection (e) for each qualified constable for which the county will also use grant money to provide that salary.

(e) Subject to Subsection (d), a county that is awarded a grant shall use or authorize the use of the grant money only to provide a minimum annual salary of \$45,000 to a qualified constable.

(f) A county may not reduce the amount of funds provided to the constable's office because of grant funds provided under this section.

(g) The comptroller shall adopt rules necessary to implement this section, including rules that establish:

(1) a standardized application process, including the form to be used to apply for a grant and the manner of submitting the form;

(2) deadlines for:

- (A) applying for the grant;
- (B) disbursement of grant money; and
- (C) spending grant money;

(3) procedures for:

- (A) monitoring the disbursement of grant money to ensure compliance with this section; and
- (B) the return of grant money that was not used by a county for a purpose authorized by this section; and

(4) standards to determine if a constable is a qualified constable.

Sec. 130.913. RURAL PROSECUTOR'S OFFICE SALARY ASSISTANCE GRANT PROGRAM. (a) In this section:

(1) "Grant" means a grant authorized to be awarded by the comptroller under the rural prosecutor's office salary assistance grant program established by this section.

(2) "Qualified prosecutor's office" means, in a jurisdiction with a population of 300,000 or less, the office of a district attorney, criminal district attorney, or county attorney

(2) deadlines for:

- (A) applying for the grant;
- (B) disbursement of grant money; and
- (C) spending grant money; and

(3) procedures for:

- (A) monitoring the disbursement of grant money to ensure compliance with this section; and
- (B) the return of grant money that was not used by a county for a purpose authorized by this section.

Sec. 130.912. RURAL CONSTABLE'S OFFICE SALARY ASSISTANCE GRANT PROGRAM. (a) In this section:

(1) "Grant" means a grant authorized to be awarded by the comptroller under the rural constable's office salary assistance grant program established by this section.

(2) "Qualified constable" means a constable elected to an office created on or before January 1, 2023, who primarily makes motor vehicle stops in the routine performance of the constable's duties.

(3) "Qualified county" means a county with a population of 300,000 or less.

(b) The comptroller shall establish and administer the rural constable's office salary assistance grant program to support the state purpose of ensuring professional law enforcement throughout the state by providing financial assistance to constable's offices in qualified counties.

(c) Not later than the 30th day after the first day of a qualified county's fiscal year, the county may submit an application for a grant to the comptroller. A county may submit only one application each fiscal year.

(d) The comptroller shall award a grant to a qualified county that applies for the grant using money appropriated to the comptroller for that purpose. The comptroller may only award a grant to a county if the county agrees in writing to contribute at least 75 percent of the money required to meet the minimum annual salary requirement established under Subsection (e) for each qualified constable for which the county will also use grant money to provide that salary.

(e) Subject to Subsection (d), a county that is awarded a grant shall use or authorize the use of the grant money only to provide a minimum annual salary of \$45,000 to a qualified constable.

(f) A county may not reduce the amount of funds provided to the constable's office because of grant funds provided under this section.

(g) The comptroller shall adopt rules necessary to implement this section, including rules that establish:

(1) a standardized application process, including the form to be used to apply for a grant and the manner of submitting the form;

(2) deadlines for:

- (A) applying for the grant;
- (B) disbursement of grant money; and
- (C) spending grant money;

(3) procedures for:

- (A) monitoring the disbursement of grant money to ensure compliance with this section; and
- (B) the return of grant money that was not used by a county for a purpose authorized by this section; and

(4) standards to determine if a constable is a qualified constable.

Sec. 130.913. RURAL PROSECUTOR'S OFFICE SALARY ASSISTANCE GRANT PROGRAM. (a) In this section:

(1) "Grant" means a grant authorized to be awarded by the comptroller under the rural prosecutor's office salary assistance grant program established by this section.

(2) "Qualified prosecutor's office" means, in a jurisdiction with a population of 300,000 or less, the office of a district attorney, criminal district attorney, or county attorney.

with criminal prosecution duties.

(b) The comptroller shall establish and administer the rural prosecutor's office salary assistance grant program to support the state purpose of ensuring professional legal representation of the people's interests throughout the state by providing financial assistance to qualified prosecutor's offices.

(c) Not later than the 30th day after the first day of a qualified prosecutor's office's fiscal year, the prosecutor's office may submit an application for a grant to the comptroller. A prosecutor's office may submit only one application each fiscal year.

(d) The comptroller shall award a grant to a qualified prosecutor's office that applies for the grant using money appropriated to the comptroller for that purpose. The grant must be in the following applicable amount:

(1) \$100,000 if the prosecutor's office's jurisdiction has a population of less than 10,000;

(2) \$175,000 if the prosecutor's office's jurisdiction has a population of 10,000 or more and less than 50,000; or

(3) \$275,000 if the prosecutor's office's jurisdiction has a population of 50,000 or more and 300,000 or less.

(e) A prosecutor's office that is awarded a grant shall use or authorize the use of the grant money only:

(1) to increase the salary of an assistant attorney, an investigator, or a victim assistance coordinator employed at the office; or

(2) to hire additional staff for the office.

(f) A county may not reduce the amount of funds provided to a prosecutor's office because of grant funds provided under this section.

(g) The comptroller shall adopt rules necessary to implement this section, including rules that establish:

(1) a standardized application process, including the form to be used to apply for a grant and the manner of submitting the form;

(2) deadlines for:

(A) applying for the grant;

(B) disbursement of grant money; and

(C) spending grant money; and

(3) procedures for:

(A) monitoring the disbursement of grant money to ensure compliance with this section; and

(B) the return of grant money that was not used by a qualified prosecutor's office for a purpose authorized by this section.

SECTION 2. A qualified county or prosecutor's office, as defined by Section 130.911, 130.912, or 130.913, Local Government Code, as added by this Act, may not apply for a rural sheriff's office salary assistance grant, rural constable's office salary assistance grant, or rural prosecutor's office salary assistance grant before January 1, 2024.

SECTION 3. Not later than January 1, 2024, the comptroller of public accounts shall comply with the requirements of Sections 130.911, 130.912, and 130.913, Local Government Code, as added by this Act.

SECTION 4. This Act takes effect September 1, 2023.

President of the Senate

Speaker of the House

I hereby certify that S.B. No. 22 passed the Senate on March 28, 2023, by the following vote: Yeas 30, Nays 0; May 21, 2023, Senate refused to concur in House amendments and

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requested appointment of Conference Committee; May 23, 2023, House granted request of the Senate; May 28, 2023, Senate adopted Conference Committee Report by the following vote: Yeas 31, Nays 0.

Secretary of the Senate

I hereby certify that S.B. No. 22 passed the House, with amendments, on May 16, 2023, by the following vote: Yeas 139, Nays 0, one present not voting; May 23, 2023, House granted request of the Senate for appointment of Conference Committee; May 28, 2023, House adopted Conference Committee Report by the following vote: Yeas 140, Nays 0, two present not voting.

Chief Clerk of the House

Approved:

Date

Governor

requested appointment of Conference Committee; May 23, 2023, House granted request of the Senate; May 28, 2023, Senate adopted Conference Committee Report by the following vote: Yeas 31, Nays 0.

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Chief Clerk of the House

Approved:

Date

Governor

BILL ANALYSIS

C.S.S.B. 22
By: Springer
County Affairs
Committee Report (Substituted)

BACKGROUND AND PURPOSE

As workers develop more employee-like identities, it can be argued that they will follow patterns explicated in pay-for-performance theory. Pay predicts a number of goal-directed behaviors because it supports physiological and safety needs. The article "The Effects of Incentives on Workplace Performance" found that pay for performance leads employees to increased productivity. Furthermore, Alexandre Mas, in "Pay, Reference Points, and Police Performance," maintains that when police officers are awarded salaries below their desires and expectations, both arrest rates and average sentence length will decline, but when police receive their salary demands, arrests will rise. C.S.S.B. 22 seeks to help increase the productivity of rural sheriff's offices and rural prosecutor's offices and ensure professional law enforcement and legal representation of the people's interests throughout Texas by providing for the establishment of the rural sheriff's office salary assistance grant program and the rural prosecutor's office salary assistance grant program.

CRIMINAL JUSTICE IMPACT

It is the committee's opinion that this bill does not expressly create a criminal offense, increase the punishment for an existing criminal offense or category of offenses, or change the eligibility of a person for community supervision, parole, or mandatory supervision.

RULEMAKING AUTHORITY

It is the committee's opinion that rulemaking authority is expressly granted to the comptroller of public accounts in SECTION 1 of this bill.

ANALYSIS

C.S.S.B. 22 amends the Local Government Code to set out provisions that provide for a rural sheriff's office salary assistance grant program and a rural prosecutor's office salary assistance grant program.

Rural Sheriff's Office Salary Assistance Grant Program

C.S.S.B. 22 requires the comptroller of public accounts to establish and administer the rural sheriff's office salary assistance grant program, applicable only to a county with a population of 300,000 or less, to support the state purpose of ensuring professional law enforcement throughout Texas by providing financial assistance to sheriff's offices and constable's offices in qualified counties.

C.S.S.B. 22 authorizes a county, not later than the 30th day after the first day of the county's fiscal year, to submit an application for a grant to the comptroller and restricts a county to submitting only one application each fiscal year. The bill requires the comptroller to award a grant to a county that applies for the grant using money appropriated to the comptroller for that purpose and requires the grant to be in the following applicable amount:

- \$250,000 if the county has a population of less than 10,000.
- \$350,000 if the county has a population of 10,000 or more and less than 50,000; or
- \$500,000 if the county has a population of 50,000 or more and 300,000 or less

C.S.S.B. 22 restricts the purposes for which a county that is awarded a grant may use or authorize the use of the grant money to the following:

- the provision of a minimum annual salary of at least the following:
 - \$75,000 for the county sheriff;
 - \$45,000 for each deputy who makes motor vehicle stops in the routine performance of their duties; and
 - \$40,000 for each jailer whose duties include the safekeeping of prisoners and the security of a jail operated by the county;
- the increase of the salary of such persons;
- the hiring of additional deputies or staff for the sheriff's office;
- the purchase of vehicles, firearms, and safety equipment for the sheriff's office; or
- the provision of an aggregated maximum of \$25,000 to the constable's offices in the county for the purchase of vehicles, firearms, and safety equipment.

The bill prohibits a county that is awarded a grant from using or authorizing the use of the grant money for a purpose other than to meet the bill's prescribed minimum salary requirements until those requirements are satisfied.

Rural Prosecutor's Office Salary Assistance Grant Program

C.S.S.B. 22 requires the comptroller to establish and administer the rural prosecutor's office salary assistance grant program to support the state purpose of ensuring professional legal representation of the people's interests throughout Texas by providing financial assistance to qualified prosecutor's offices, defined by the bill as the office of a district attorney, criminal district attorney, or county attorney with criminal prosecution duties in a jurisdiction with a population of 300,000 or less.

C.S.S.B. 22 authorizes a qualified prosecutor's office, not later than the 30th day after the first day of the prosecutor's office's fiscal year, to submit an application for a grant to the comptroller and restricts a prosecutor's office to submitting only one application each fiscal year. The bill requires the comptroller to award a grant to a qualified prosecutor's office that applies for the grant using money appropriated to the comptroller for that purpose and requires the grant to be in the following applicable amount:

- \$100,000 if the prosecutor's office's jurisdiction has a population of less than 10,000;
- \$175,000 if the prosecutor's office's jurisdiction has a population of 10,000 or more and less than 50,000; or
- \$275,000 if the prosecutor's office's jurisdiction has a population of 50,000 or more and 300,000 or less.

C.S.S.B. 22 restricts the purposes for which a prosecutor's office that is awarded a grant may use or authorize the use of the grant money to the following:

- the supplementation of the salary of a district attorney, criminal district attorney, or county attorney with criminal prosecution duties, as applicable to the county, in addition to any other supplement authorized by law;
- the increase of the salary of an assistant attorney, an investigator, or a victim assistance coordinator employed at the office; or
- the hiring of additional staff for the office.

- \$250,000 if the county has a population of less than 10,000;
- \$350,000 if the county has a population of 10,000 or more and less than 50,000; or
- \$500,000 if the county has a population of 50,000 or more and 300,000 or less.

C.S.S.B. 22 restricts the purposes for which a county that is awarded a grant may use or authorize the use of the grant money to the following:

- the provision of a minimum annual salary of at least the following:
 - \$75,000 for the county sheriff;
 - \$45,000 for each deputy who makes motor vehicle stops in the routine performance of their duties; and
 - \$40,000 for each jailer whose duties include the safekeeping of prisoners and the security of a jail operated by the county;
- the increase of the salary of such persons;
- the hiring of additional deputies or staff for the sheriff's office;
- the purchase of vehicles, firearms, and safety equipment for the sheriff's office; or
- the provision of an aggregated maximum of \$25,000 to the constable's offices in the county for the purchase of vehicles, firearms, and safety equipment.

The bill prohibits a county that is awarded a grant from using or authorizing the use of the grant money for a purpose other than to meet the bill's prescribed minimum salary requirements until those requirements are satisfied.

Rural Prosecutor's Office Salary Assistance Grant Program

C.S.S.B. 22 requires the comptroller to establish and administer the rural prosecutor's office salary assistance grant program to support the state purpose of ensuring professional legal representation of the people's interests throughout Texas by providing financial assistance to qualified prosecutor's offices, defined by the bill as the office of a district attorney, criminal district attorney, or county attorney with criminal prosecution duties in a jurisdiction with a population of 300,000 or less.

C.S.S.B. 22 authorizes a qualified prosecutor's office, not later than the 30th day after the first day of the prosecutor's office's fiscal year, to submit an application for a grant to the comptroller and restricts a prosecutor's office to submitting only one application each fiscal year. The bill requires the comptroller to award a grant to a qualified prosecutor's office that applies for the grant using money appropriated to the comptroller for that purpose and requires the grant to be in the following applicable amount:

- \$100,000 if the prosecutor's office's jurisdiction has a population of less than 10,000;
- \$175,000 if the prosecutor's office's jurisdiction has a population of 10,000 or more and less than 50,000; or
- \$275,000 if the prosecutor's office's jurisdiction has a population of 50,000 or more and 300,000 or less.

C.S.S.B. 22 restricts the purposes for which a prosecutor's office that is awarded a grant may use or authorize the use of the grant money to the following:

- the supplementation of the salary of a district attorney, criminal district attorney, or county attorney with criminal prosecution duties, as applicable to the county, in addition to any other supplement authorized by law;
- the increase of the salary of an assistant attorney, an investigator, or a victim assistance coordinator employed at the office; or
- the hiring of additional staff for the office.

Provisions Common to Both Grant Programs

C.S.S.B. 22 prohibits a county from reducing the amount of funds provided to a sheriff's office, constable's office, or prosecutor's office because of grant funds provided under the bill's provisions.

C.S.S.B. 22 requires the comptroller to adopt rules necessary to implement the grant programs, including rules that establish the following:

- a standardized application process, including the form to be used to apply for a grant and the manner of submitting the form.
- deadlines for applying for the grant, disbursement of grant money, and spending grant money; and
- procedures for the following:
 - monitoring the disbursement of grant money to ensure compliance with the bill's provisions; and
 - the return of grant money that was not used by a county for an authorized purpose.

C.S.S.B. 22 prohibits an applicable county or prosecutor's office from applying for a rural sheriff's office salary assistance grant or a rural prosecutor's office salary assistance grant before January 1, 2024. The bill requires the comptroller to comply with the bill's requirements not later than that date.

EFFECTIVE DATE

September 1, 2023.

COMPARISON OF SENATE ENGROSSED AND SUBSTITUTE

While C.S.S.B. 22 may differ from the engrossed in minor or nonsubstantive ways, the following summarizes the substantial differences between the engrossed and committee substitute versions of the bill.

While both the engrossed and substitute provide for financial assistance to sheriff's offices in qualified counties under the rural sheriff's office salary assistance grant program, the substitute also provides for financial assistance to constable's offices in those counties under the program and accordingly includes in the authorized uses of grant money the provision of an aggregated maximum of \$25,000 to the constable's offices in the county for the purchase of vehicles, firearms, and safety equipment, which was not included in the engrossed. Additionally, whereas the engrossed prohibited a county from reducing the amount of funds provided to the sheriff's office because of grant funds provided under the bill, the substitute also includes a reduction in the amount of funds provided to the constable's office in the scope of that prohibition.

The substitute includes a provision absent from the engrossed that includes as an authorized use of grant money under the rural prosecutor's office salary assistance grant program the supplementation of the salary of a district attorney, criminal district attorney, or county attorney with criminal prosecution duties, as applicable to the county, in addition to any other supplement authorized by law.