

CHAPTER 864

H.B. No. 22

AN ACT

relating to the creation and duties of a crime control and prevention district.

Be it enacted by the Legislature of the State of Texas:

SECTION 1. Section 1.05, Crime Control and Prevention District Act (Article 2370c-4, Vernon's Texas Civil Statutes), is amended to read as follows:

Sec. 1.05. COUNTIES AUTHORIZED TO CREATE DISTRICTS. *The commissioners court in a county with a population of more than 130,000 may by majority vote propose the creation of a crime control district. The proposal is [A crime control district is established,] subject to a confirmation election held as provided by Article 3 of this Act[, in a county containing:*

- ~~[(1) a population of more than 750,000 according to the most recent federal census; and~~
- ~~[(2) more than 35 incorporated municipalities according to the most recent federal census].~~

SECTION 2. The Crime Control and Prevention District Act (Article 2370c-4, Vernon's Texas Civil Statutes) is amended by adding Section 1.05A to read as follows:

Sec. 1.05A. CREATION OF DISTRICT BY CERTAIN MUNICIPALITIES. *A municipality that is partially or wholly located in a county with a population of more than 1 million may create a crime control district in its jurisdiction in the same manner as a county under this Act. A crime control district created by a municipality under this section has the same relationship with the municipality as a crime control district created by the county under this Act has with the county. A municipality creating a district under this section shall pay the entire cost of creating the district but may be reimbursed for its costs under Section 3.10(d) of this Act.*

SECTION 3. Section 1.06, Crime Control and Prevention District Act (Article 2370c-4, Vernon's Texas Civil Statutes), is amended to read as follows:

Sec. 1.06. BOUNDARIES. *The county commissioners court may create a district composed of the whole county or a portion of the county [A district is composed of the geographical area of the county in which the district is created]. A district may not contain more than one county.*

SECTION 4. Section 2.01, Crime Control and Prevention District Act (Article 2370c-4, Vernon's Texas Civil Statutes), is amended to read as follows:

Sec. 2.01. TEMPORARY DIRECTORS. *The county commissioners court shall appoint seven persons that reside in the proposed district to [following persons] serve as temporary directors of a proposed district:*

~~[(1) a criminal district judge whose judicial district includes a part or all of the proposed district, selected by a majority of the judges of the district courts and criminal district courts of judicial districts that include a part or all of the proposed district;~~

~~[(2) the district attorney of the county;~~

~~[(3) the mayor or a city council member selected by the city council of the municipality having the largest population in the proposed district, according to the most recent federal census;~~

~~[(4) the mayor or a city council member selected by the city council of the municipality having the second largest population in the proposed district, according to the most recent federal census;~~

~~[(5) the mayor or a city council member of a municipality in the proposed district, other than the two municipalities in the proposed district having the largest populations, selected by a majority of the mayors of municipalities in the proposed district, other than the two municipalities having the largest populations;~~

~~[(6) the county judge or a county commissioner selected by the commissioners court of the county; and~~

~~[(7) a member of the general public, to be selected by a majority of the six temporary directors listed in Subdivisions (1) through (6) of this subsection].~~

SECTION 5. Section 2.02, Crime Control and Prevention District Act (Article 2370c-4, Vernon's Texas Civil Statutes), is amended to read as follows:

Sec. 2.02. TEMPORARY CHAIRMAN. The chairman of a temporary board shall be elected by the members of the temporary board from their membership not later than the 15th day after the date on which *the temporary directors are appointed under Section 2.01* ~~[the member of the general public is selected to the temporary board as provided by Subsection (e) of Section 2.03]~~ of this Act.

SECTION 6. Section 2.03, Crime Control and Prevention District Act (Article 2370c-4, Vernon's Texas Civil Statutes), is amended to read as follows:

Sec. 2.03. TIME RESTRICTION FOR APPOINTING BOARD MEMBERS. (a) Not later than the 60th day after the *date a district is proposed by the county commissioners court* ~~[effective date of this Act]~~, the *commissioners court* ~~[each group listed in Subdivisions (1), (3), (4), (5), and (6) of Section 2.01 of this Act]~~ shall make its *appointments* ~~[selection]~~ under *Section 2.01 of this Act* ~~[that section]~~.

(b) Not later than the 75th day after the *date a district is proposed by the county commissioners court* ~~[effective date of this Act]~~, a temporary board shall organize.

~~[(e) Not later than the 15th day after the date on which the board is organized under Subsection (b) of this section, a member of the general public shall be selected to the temporary board as provided by Subdivision (7) of Section 2.01 of this Act.]~~

SECTION 7. Section 3.01, Crime Control and Prevention District Act (Article 2370c-4, Vernon's Texas Civil Statutes), is amended to read as follows:

Sec. 3.01. CREATION ELECTION. A district *proposed by the county commissioners court* may be created and a tax may be authorized only if the creation and the tax are approved by a majority of the qualified voters of the proposed district voting at an election called and held for that purpose.

SECTION 8. Section 3.03, Crime Control and Prevention District Act (Article 2370c-4, Vernon's Texas Civil Statutes), is amended by adding Subsection (c) to read as follows:

(c) A sales and use tax approved under this Act may be charged in addition to any other sales and use tax authorized by law and is included in computing a combined sales and use tax rate for purposes of any limitation provided by law on the maximum combined sales and use tax rate of political subdivisions.

SECTION 9. Section 3.08, Crime Control and Prevention District Act (Article 2370c-4, Vernon's Texas Civil Statutes), is amended to read as follows:

Sec. 3.08. DISSOLUTION OF TEMPORARY BOARD. If a district has not been created under this Act before the fifth anniversary of the *date a district is proposed by the county commissioners court* ~~[effective date of this Act]~~, the temporary board is dissolved on that date and a district may not be created under this Act.

SECTION 10. Section 3.09, Crime Control and Prevention District Act (Article 2370c-4, Vernon's Texas Civil Statutes), is amended by adding Subsection (d) to read as follows:

(d) The temporary board shall coordinate its efforts with local law enforcement officials, the local community supervision and corrections department, and the local juvenile probation department in developing its crime control plan and budget plan.

SECTION 11. Section 3.10, Crime Control and Prevention District Act (Article 2370c-4, Vernon's Texas Civil Statutes), is amended to read as follows:

Sec. 3.10. FINANCING CREATION OF DISTRICT. (a) Except as provided by *Subsections* ~~[Subsection]~~ (b) and (c) of this section, the costs of creating a district shall be allocated as follows:

- (1) the county shall pay 40 percent;
- (2) the municipality having the largest population in the county shall pay 40 percent; and
- (3) the municipality having the second largest population in the county shall pay 20 percent.

(b) The county and the two municipalities may contract for a division of the costs of creating a district that is different from the division of costs described in Subsection (a) of this section.

(c) *If a district is proposed for only a portion of the county, the county shall pay the entire cost of creating the district.*

(d) *If a district is created, the district shall reimburse the county or [and] municipalities for actual expenses incurred in the creation of the district.*

SECTION 12. Section 5.01, Crime Control and Prevention District Act (Article 2370c-4, Vernon's Texas Civil Statutes), is amended by amending Subsection (b) and adding Subsections (d) and (e) to read as follows:

(b) *The district shall coordinate its efforts with the local community justice council in developing its crime control and crime prevention program [may not:*

~~(1) fund any program that significantly duplicates existing programs or programs scheduled to begin;~~

~~(2) fund any facility that unnecessarily duplicates existing facilities or facilities scheduled to begin operation or construction;~~

~~(3) fund any equipment that unnecessarily duplicates existing equipment or equipment scheduled to begin operation;~~

~~(4) spend on administration more than one percent of the amount of revenue that would be generated if the tax rate imposed under the sales and use tax under Section 323.105, Tax Code, were one-half percent;~~

~~(5) fund a program if sufficient state or other local funds are available to fund the program;~~

~~(6) fund a facility or equipment if sufficient state or other local funds are available to fund the facility or equipment; and~~

~~(7) continue to fund a program, facility, or equipment in a municipality or county if the municipality or county fails to maintain the same level of support for the program, facility, or equipment as it did the year before the district was created or in any following year, whichever is greater].~~

(d) The board of directors of the district may seek the assistance of the Office of State-Federal Relations in identifying and applying for federal grants for criminal justice programs. The board of directors shall notify the appropriate council of government of any intent to submit applications for federal funds and for inclusion in the regional criminal justice planning process.

(e) The district may apply for and receive grants for criminal and juvenile justice programs from the criminal justice division in the governor's office.

SECTION 13. Section 8.08(a), Crime Control and Prevention District Act (Article 2370c-4, Vernon's Texas Civil Statutes), is amended to read as follows:

(a) A county clerk shall, on request of any person, check each name on a petition to determine whether the signer is a registered voter of the *district* [county]. A person requesting verification by the county clerk shall pay the county clerk a sum equal to 20 cents per name before commencement of the verification.

SECTION 14. Section 9.08(a), Crime Control and Prevention District Act (Article 2370c-4, Vernon's Texas Civil Statutes), is amended to read as follows:

(a) A county clerk shall, on request of any person, check each name on a petition to determine whether the signer is a registered voter of the *district* [county]. A person requesting verification by the county clerk shall pay the county clerk a sum equal to 20 cents per name before commencement of the verification.

SECTION 15. Section 323.105, Tax Code, is amended to read as follows:

Sec. 323.105. CRIME CONTROL DISTRICT TAX. (a) Subject to an election held in accordance with the Crime Control and Prevention District Act, a county in which a crime control and prevention district is established shall adopt a sales and use tax *in the area of the district* for the purpose of financing the operation of the crime control and prevention district. The revenue from the tax may be used only for the purpose of financing the operation of the crime control and prevention district. The proposition for adopting a tax under this section and the proposition for creation of a crime control and prevention district shall be submitted

at the same election. For purposes of Subsection (c) of Section 323.101 of this code, a tax under this section is not a county sales and use tax.

(b) A tax adopted for [by] a *district [county]* under this section for financing the operation of the ~~[a crime control and prevention]~~ district ~~[in the county]~~ may be decreased in increments of one-fourth of one percent by order of the board of directors of the ~~[crime control and prevention]~~ district. The rate of a tax adopted for [by] a *district [county]* under this section may be increased in increments of one-fourth of one percent, not to exceed a total tax rate of one-half percent for financing the operation of the crime control and prevention district, by order of the board of directors of the crime control and prevention district if approved by a majority of the qualified voters voting at an election called by the board and held in the district on the question of increasing the tax rate. At the election, the ballot shall be printed to provide for voting for or against the following proposition: "The increase of the _____ County Crime Control and Prevention District sales and use tax rate to _____ percent." If there is an increase or decrease under this subsection in the rate of a tax imposed under this section, the new rate takes effect on the first day of the next calendar year after the expiration of one calendar quarter after the comptroller receives notice of the increase or decrease. However, if the comptroller notifies the president of the board of directors of the district in writing within 10 days after receipt of the notification that the comptroller requires more time to implement reporting and collection procedures, the comptroller may delay implementation of the rate change for one whole calendar quarter. In that event, the new rate takes effect on the first day of the next calendar quarter following the elapsed quarter.

(c) The comptroller shall remit to the county amounts collected at the rate imposed under this section as part of the regular allocation of county tax revenue collected by the comptroller. *The county shall, if the district is composed of an area less than the entire county, remit that amount to the district.* Retailers may not be required to use the allocation and reporting procedures in the collection of taxes under this section different from the procedures that retailers use in the collection of other sales and use taxes under this chapter. An item, transaction, or service that is taxable in a county under a sales or use tax authorized by another section of this chapter is taxable under this section. An item, transaction, or service that is not taxable in a county under a sales or use tax authorized by another section of this chapter is not taxable under this section.

(d) If, *in a county where a crime control and prevention district is composed of the whole county*, a county sales and use tax or a county sales and use tax rate increase for the purpose of financing a crime control and prevention district is approved, the county is responsible for distributing to the district that portion of the county sales and use tax revenue received from the comptroller that is to be used for the purposes of financing the crime control and prevention district. Not later than the 10th day after the date the county receives funds under this section from the comptroller, the county shall make the distribution in the proportion that the crime control and prevention portion of the tax rate bears to the total sales and use tax rate of the county. The amounts distributed to a crime control and prevention district are not considered to be sales and use tax revenue for the purpose of property tax reduction and computation of the county tax rate under Section 26.041, Tax Code.

(e) *For purposes of the tax imposed under this section, a reference in this chapter to the county as the territory in which the tax or an incident of the tax applies means only the territory located in the crime control and prevention district, if that district is composed of an area less than an entire county.*

(f) *The comptroller may adopt rules and the county commissioners court may adopt orders to administer this section.*

SECTION 16. The importance of this legislation and the crowded condition of the calendars in both houses create an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each house be suspended, and this rule is hereby suspended, and that this Act take effect and be in force from and after its passage, and it is so enacted.

Passed by the House on April 1, 1993: Yeas 129, Nays 4, 1 present, not voting; the House concurred in Senate amendments to H.B. No. 22 on May 27, 1993: Yeas 140,

Nays 0, 1 present, not voting; passed by the Senate, with amendments, on May 22, 1993: Yeas 31, Nays 0.

Approved June 18, 1993.

Effective June 18, 1993.