

Senate Bill 22 - Legislative Intent

The 88th Texas Legislature established a grant program to provide financial assistance to counties in rural areas of the state to "support the state purpose of ensuring professional law enforcement throughout the state" (Senate Bill 22, 88th Legislature). This grant program provides financial assistance to sheriffs, constables and prosecutors, as outlined below, for counties with a population of 300,000 or less. Additionally, the state added \$381 million to the General Appropriations Act for 2024-2025 for rural law enforcement assistance.

County Budgets

Texas Association of Counties (TAC) provides a county budget and tax rate planning calendar. To assist counties in the budget and tax rate adoption process, TAC has prepared a [Budget and Tax Rate Planning Calendar](#) designed to aid officials as they develop their own localized calendar for their county. This calendar is based on a fiscal year beginning Oct. 1 and incorporates changes in law passed during the most recent legislative session. Referencing this calendar will be a good tool for eligible counties as they review the grant funding options available under SB 22. Remember that "one size does not fit all" and some statutes can be subject to interpretation. It's a good idea to consult with your county attorney to review how this planning calendar applies in your county.

Comptroller's Guidance

All eligible counties can apply for grant funds beginning Jan. 1, 2024, regardless of a particular county's fiscal year (FY) start date. For example, if a county's fiscal year begins Oct. 1, and the county has encumbered funds for fiscal year salaries before Jan. 1, 2024, then the county will be able to backfill its budgeted funds over the three months leading up to Jan. 1 using the SB 22 funds. The Comptroller's office will be disbursing funds to counties on a yearly basis, rather than monthly. Therefore, it will be up to the county whether to adjust law enforcement salaries at the start of its particular fiscal year or wait until grant funds are awarded to the county to adjust salaries.

This process of allowing eligible counties to apply on Jan. 1, 2024, regardless of FY start date will occur only during the first year of the grant program. According to statute, after the first year of the grant program, counties must apply within 30 days of the start of their fiscal year.

The Comptroller is currently developing the program rules. The formal rules process includes a public comment period, and in some instances, rules will change as a result of public comments. The Comptroller expects to publish the proposed rules for public comment in the Texas Register in September 2023.

Sheriffs

Rural Sheriff's Office Salary Assistance Grant Program. SB 22 provides the following grant amounts by county population size:

- \$250,000 for a county with a population less than 10,000.
- **\$350,000 for a county with a population of 10,000 and less than 50,000.**
- \$500,000 for a county with a population from 50,000 to 300,000 or less.

Allowable uses

A county that is awarded a grant is allowed to use the money for the following:

August 14, 2023 (Exhibit #3)

- To provide a minimum annual salary of at least:
 - \$75,000 for the sheriff.
 - \$45,000 for each deputy who makes motor vehicle stops in the routine performance of their duties (see endnote).
 - \$40,000 for each jailer whose duties include the safekeeping of prisoners and the security of a jail operated by the county.
- To increase the salary of a sheriff, deputy or jailer.
- To hire additional deputies or staff for the sheriff's office.
- To purchase vehicles, firearms and safety equipment for the sheriff's office.

Once minimum salaries are met for the sheriff, deputies and jailers, THEN grant funds can be used to further increase salaries for those positions, hire additional staff and/or purchase vehicles, firearms and safety equipment for the sheriff's office.

Grant Requirements

- To qualify, appropriate funding levels must be added to the Sheriff's budget before adoption for that fiscal year and grant submissions will need authorization of the Commissioners Court.
- A grant application must be submitted to the Comptroller within 30 days of the start of the county's fiscal year showing the funding appropriations, as stated in SB 22. However, the Comptroller has issued guidance, encouraging counties to apply for the grant funds in January, regardless of the county's fiscal year. Please see previous section on Comptroller's guidance.
- The bill stipulates that a county must first meet the minimum salary amounts listed for qualifying positions in a sheriff's office before applying grant funds elsewhere.
- Counties may use grant funds to increase salaries above the established minimum amounts listed.
- Existing dispatchers, evidence techs, administrators, etc. are not eligible under this program. However, the sheriff can request to create new grant funded positions for any position within the sheriff's office.

Constables

The Rural Constable's Office Salary Assistance Grant Program. The grant funding for constables under SB 22 must be used to provide a minimum salary of \$45,000 to a constable elected to an office created on or before Jan. 1, 2023, who primarily makes motor vehicle stops in the routine performance of the constable's duties.

Grant Requirements

- The Rural Constable's Office Salary Assistance Grant Program provides salary assistance for elected constables (\$45,000 minimum salary) only.
- No funds for equipment and other supporting services are addressed in this section of the bill.
- No specific dollar amount is listed in the bill for constables' grant allocations. However, the grant will be awarded only if the county agrees in writing to fund at least 75% of the amount required to meet the minimum salary.

Prosecutors

Rural Prosecutor's Office Salary Assistance Grant Program. SB 22 provides grants in the following dollar amounts based on jurisdiction size:

The Comptroller's office (CPA) has started work to support the Rural Law Enforcement Assistance Grant Program proposed in Senate Bill (SB) 22.

CPA is currently developing the program rules. The formal rules process includes a public comment period, and in some instances, rules are changed as a result of those comments. We expect to publish the proposed rules for public comment in the Texas Register in September 2023.

All eligible counties can apply for grant funds beginning Jan. 1, 2024 regardless of a particular county's fiscal year (FY) start-date. For example, if a county's fiscal year begins Oct. 1, and the county has encumbered funds for FY salaries prior to Jan. 1, 2024, then the county will be able to backfill its budgeted funds over the three months leading up to Jan. 1 using the SB 22 funds. CPA will be disbursing funds to counties on a yearly basis, rather than monthly. Therefore, it will be up to the county whether to adjust law enforcement salaries at the start of its particular fiscal year or wait until grant funds are awarded to the county to adjust salaries.

This process of allowing eligible counties to apply on Jan. 1, 2024, regardless of FY start date will only occur during the first year of the grant program. According to statute, after the first year of the grant program, counties must apply within 30 days of the start of their fiscal year.

We hope this information is helpful. Should you have further questions or require additional assistance, please contact the Comptroller's Legislative Affairs Division at 512-463-3861.

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

Grant Requirements

- The Local Prosecutor Offices Assistance Grant funding must be used to increase the salary of assistant attorneys, investigators and victim assistance coordinators, or to hire additional staff in the prosecutor's office.
- There is no mention of how a prosecutor's judicial district will be assessed when the office represents more than one county, particularly when those counties have different start dates for their respective fiscal years. Though unclear, until more clarification is provided by the Comptroller, it appears that each county within a common judicial district could independently apply for grant funds to provide raises or add staff to support the budgeted staff positions of a prosecutor's office within their respective counties.

More to Come

The information above does not address every question regarding SB 22. The answer to many questions won't be available until the Comptroller's rules are finalized in the fall. The Comptroller's office is working hard to ensure the guidelines it develops for the administration of this program best meet the needs of all eligible participants while conforming to legislative intent and the bill language. TAC is communicating with the office and providing input as requested.

Endnote: There is discussion among relevant county offices about a requirement to "work traffic." While there is a reference in (e)(1)(B) regarding deputies "who make motor vehicle stops in routine performance of their duties," this reference was not meant to specify a traffic enforcement role. During the drafting of SB 22, the bill's sponsors wanted to distinguish between a deputy who works patrol and/or investigations or other special assignments where they are expected take enforcement actions for crimes in view or emergency calls - actions that can, and regularly do, include vehicle stops and detentions - versus a peace officer (a deputy) who works in the jail and has no patrol/enforcement responsibilities. There is different wording in the constable section of the bill that requires a constable to "primarily make motor vehicle stops." The sheriff section does not have that same requirement.

Notes

1. SB-22 is designed to provide funding to rural sheriff's departments and Prosecutors departments to compete with metropolitan areas to keep staff from moving away.
2. This is a non-competitive grant
3. The initial grant is a Biennium
4. Brown County will have to re-apply each year beyond the next two years
5. Expected funds will be deposited in an annual lump sum expected in February
6. Any budgeted funds not spent will have to be reimbursed to the State of Texas
7. Funds budgeted for Fiscal year beginning October 1st may be back filled with grant monies made available in February.
8. Suggested accounting is to keep a separate line item in payroll for those receiving increased pay from SB 22 so if the funds get canceled, the employee will be reduced.
9. Currently there is no expectation of this grant terminating