

REFERENCE TITLE: law enforcement budget; reduction; certification

State of Arizona
House of Representatives
Fifty-fifth Legislature
First Regular Session
2021

HB 2420

Introduced by
Representatives Carroll: Wilmeth

AN ACT

AMENDING TITLE 9, CHAPTER 4, ARTICLE 8, ARIZONA REVISED STATUTES, BY ADDING SECTION 9-500.48; AMENDING TITLE 11, CHAPTER 2, ARTICLE 4, ARIZONA REVISED STATUTES, BY ADDING SECTION 11-269.27; AMENDING SECTIONS 42-5029 AND 43-206, ARIZONA REVISED STATUTES; RELATING TO LAW ENFORCEMENT.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Title 9, chapter 4, article 8, Arizona Revised Statutes,
3 is amended by adding section 9-500.48, to read:

4 9-500.48. Law enforcement agency budget; reduction;
5 certification; definition

6 A. ON OR BEFORE OCTOBER 15 OF EACH YEAR, A CITY OR TOWN SHALL
7 CERTIFY IN WRITING TO EACH STATE AGENCY THROUGH WHICH THE CITY OR TOWN
8 RECEIVES ANY STATE MONIES THAT THERE HAS BEEN NO DISPROPORTIONATE FUNDING
9 REDUCTIONS TO THE CITY'S OR TOWN'S LAW ENFORCEMENT AGENCY.

10 B. THE CERTIFICATION MUST INCLUDE A STATEMENT THAT ANY REDUCTION IN
11 FUNDING OR PROPOSED FUNDING TO THE LAW ENFORCEMENT AGENCY IS A RESULT OF
12 REDUCED REVENUE COLLECTION AND THE REDUCTION IN LAW ENFORCEMENT AGENCY
13 FUNDING IS PROPORTIONATE TO THE REDUCTION IN REVENUE. A REDUCTION IN LAW
14 ENFORCEMENT AGENCY FUNDING IS CONSIDERED PROPORTIONATE IF THE PORTION OF
15 THE CITY'S OR TOWN'S TOTAL BUDGET ALLOCATED TO THE LAW ENFORCEMENT AGENCY,
16 EXPRESSED AS A PERCENTAGE, REMAINS WITHIN THREE PERCENTAGE POINTS OF THE
17 PERCENTAGE DECREASE IN TOTAL REVENUE FROM THE PREVIOUS FISCAL YEAR.

18 C. A CITY OR TOWN THAT HAS DISPROPORTIONATELY REDUCED ITS LAW
19 ENFORCEMENT AGENCY FUNDING IS NOT ELIGIBLE TO RECEIVE STATE SHARED MONIES
20 PURSUANT TO SECTION 42-5029, SUBSECTION M AND SECTION 43-206,
21 SUBSECTION G. THE STATE TREASURER SHALL CONTINUE TO WITHHOLD STATE SHARED
22 MONIES UNTIL CERTIFICATION FROM THE CITY OR TOWN THAT THE REDUCTION IN THE
23 LAW ENFORCEMENT AGENCY'S BUDGET HAS BEEN RESTORED TO A PROPORTIONATE
24 AMOUNT AS PRESCRIBED BY SUBSECTION B OF THIS SECTION.

25 D. FOR THE PURPOSES OF THIS SECTION, "LAW ENFORCEMENT AGENCY" MEANS
26 A MUNICIPAL POLICE DEPARTMENT.

27 Sec. 2. Title 11, chapter 2, article 4, Arizona Revised Statutes,
28 is amended by adding section 11-269.27, to read:

29 11-269.27. Law enforcement agency budget; reduction;
30 certification; definition

31 A. ON OR BEFORE OCTOBER 15 OF EACH YEAR, A COUNTY SHALL CERTIFY IN
32 WRITING TO EACH STATE AGENCY THROUGH WHICH THE COUNTY RECEIVES ANY STATE
33 MONIES THAT THERE HAS BEEN NO DISPROPORTIONATE FUNDING REDUCTIONS TO THE
34 COUNTY'S LAW ENFORCEMENT AGENCY.

35 B. THE CERTIFICATION MUST INCLUDE A STATEMENT THAT ANY REDUCTION IN
36 FUNDING OR PROPOSED FUNDING IS A RESULT OF REDUCED REVENUE COLLECTION AND
37 THE REDUCTION IN LAW ENFORCEMENT AGENCY FUNDING IS PROPORTIONATE TO THE
38 REDUCTION IN REVENUE. A REDUCTION IN LAW ENFORCEMENT AGENCY FUNDING IS
39 CONSIDERED PROPORTIONATE IF THE PORTION OF THE COUNTY'S TOTAL BUDGET
40 ALLOCATED TO THE LAW ENFORCEMENT AGENCY, EXPRESSED AS A PERCENTAGE,
41 REMAINS WITHIN THREE PERCENTAGE POINTS OF THE PERCENTAGE DECREASE IN TOTAL
42 REVENUE FROM THE PREVIOUS FISCAL YEAR.

43 C. A COUNTY THAT HAS DISPROPORTIONATELY REDUCED ITS LAW ENFORCEMENT
44 AGENCY FUNDING IS NOT ELIGIBLE TO RECEIVE STATE SHARED MONIES PURSUANT TO
45 SECTION 42-5029, SUBSECTION M. THE STATE TREASURER SHALL CONTINUE TO

1 WITHHOLD STATE SHARED MONIES UNTIL CERTIFICATION FROM THE COUNTY THAT THE
2 REDUCTION IN THE LAW ENFORCEMENT AGENCY'S BUDGET HAS BEEN RESTORED TO A
3 PROPORTIONATE AMOUNT AS PRESCRIBED BY SUBSECTION B OF THIS SECTION.

4 D. FOR THE PURPOSES OF THIS SECTION, "LAW ENFORCEMENT AGENCY" MEANS
5 A COUNTY SHERIFF'S DEPARTMENT.

6 Sec. 3. Section 42-5029, Arizona Revised Statutes, is amended to
7 read:

8 42-5029. Remission and distribution of monies; withholding;
9 definitions

10 A. The department shall deposit, pursuant to sections 35-146 and
11 35-147, all revenues collected under this article and articles 4, 5 and 8
12 of this chapter pursuant to section 42-1116, separately accounting for:

13 1. Payments of estimated tax under section 42-5014, subsection D.

14 2. Revenues collected pursuant to section 42-5070.

15 3. Revenues collected under this article and article 5 of this
16 chapter from and after June 30, 2000 from sources located on Indian
17 reservations in this state.

18 4. Revenues collected pursuant to section 42-5010, subsection G and
19 section 42-5155, subsection D.

20 5. Revenues collected pursuant to section 42-5010.01 and section
21 42-5155, subsection E.

22 B. The department shall credit payments of estimated tax to an
23 estimated tax clearing account and each month shall transfer all monies in
24 the estimated tax clearing account to a fund designated as the transaction
25 privilege and severance tax clearing account. The department shall credit
26 all other payments to the transaction privilege and severance tax clearing
27 account, separately accounting for the monies designated as distribution
28 base under sections 42-5010, 42-5164 and 42-5205. Each month the
29 department shall report to the state treasurer the amount of monies
30 collected pursuant to this article and articles 4, 5 and 8 of this
31 chapter.

32 C. On notification by the department, the state treasurer shall
33 distribute the monies deposited in the transaction privilege and severance
34 tax clearing account in the manner prescribed by this section and by
35 sections 42-5164 and 42-5205, after deducting warrants drawn against the
36 account pursuant to sections 42-1118 and 42-1254.

37 D. Of the monies designated as distribution base, and subject to
38 the requirements of section 42-5041, the department shall:

39 1. Pay twenty-five percent to the various incorporated
40 municipalities in this state in proportion to their population to be used
41 by the municipalities for any municipal purpose.

42 2. Pay 38.08 percent to the counties in this state by averaging the
43 following proportions:

44 (a) The proportion that the population of each county bears to the
45 total state population.

(b) The proportion that the distribution base monies collected during the calendar month in each county under this article, section 42-5164, subsection B and section 42-5205, subsection B bear to the total distribution base monies collected under this article, section 42-5164, subsection B and section 42-5205, subsection B throughout the state for the calendar month.

3. Pay an additional 2.43 percent to the counties in this state as follows:

(a) Average the following proportions:

(i) The proportion that the assessed valuation used to determine secondary property taxes of each county, after deducting that part of the assessed valuation that is exempt from taxation at the beginning of the month for which the amount is to be paid, bears to the total assessed valuations used to determine secondary property taxes of all the counties after deducting that portion of the assessed valuations that is exempt from taxation at the beginning of the month for which the amount is to be paid. Property of a city or town that is not within or contiguous to the municipal corporate boundaries and from which water is or may be withdrawn or diverted and transported for use on other property is considered to be taxable property in the county for purposes of determining assessed valuation in the county under this item.

(ii) The proportion that the distribution base monies collected during the calendar month in each county under this article, section 42-5164, subsection B and section 42-5205, subsection B bear to the total distribution base monies collected under this article, section 42-5164, subsection B and section 42-5205, subsection B throughout the state for the calendar month.

(b) If the proportion computed under subdivision (a) of this paragraph for any county is greater than the proportion computed under paragraph 2 of this subsection, the department shall compute the difference between the amount distributed to that county under paragraph 2 of this subsection and the amount that would have been distributed under paragraph 2 of this subsection using the proportion computed under subdivision (a) of this paragraph and shall pay that difference to the county from the amount available for distribution under this paragraph. Any monies remaining after all payments under this subdivision shall be distributed among the counties according to the proportions computed under paragraph 2 of this subsection.

4. After any distributions required by sections 42-5030, 42-5030.01, 42-5031, 42-5032, 42-5032.01 and 42-5032.02, and after making any transfer to the water quality assurance revolving fund as required by section 49-282, subsection B, credit the remainder of the monies designated as distribution base to the state general fund. From this amount the legislature shall annually appropriate to:

1 (a) The department of revenue sufficient monies to administer and
2 enforce this article and articles 5 and 8 of this chapter.

3 (b) The department of economic security monies to be used for the
4 purposes stated in title 46, chapter 1.

5 (c) The firearms safety and ranges fund established by section
6 17-273, ~~fifty thousand dollars~~ \$50,000 derived from the taxes collected
7 from the retail classification pursuant to section 42-5061 for the current
8 fiscal year.

9 E. If approved by the qualified electors voting at a statewide
10 general election, all monies collected pursuant to section 42-5010,
11 subsection G and section 42-5155, subsection D shall be distributed each
12 fiscal year pursuant to this subsection. The monies distributed pursuant
13 to this subsection are in addition to any other appropriation, transfer or
14 other allocation of public or private monies from any other source and
15 shall not supplant, replace or cause a reduction in other school district,
16 charter school, university or community college funding sources. The
17 monies shall be distributed as follows:

18 1. If there are outstanding state school facilities revenue bonds
19 pursuant to title 15, chapter 16, article 7, each month one-twelfth of the
20 amount that is necessary to pay the fiscal year's debt service on
21 outstanding state school improvement revenue bonds for the current fiscal
22 year shall be transferred each month to the school improvement revenue
23 bond debt service fund established by section 15-2084. The total amount
24 of bonds for which these monies may be allocated for the payment of debt
25 service shall not exceed a principal amount of eight hundred million
26 dollars exclusive of refunding bonds and other refinancing obligations.

27 2. After any transfer of monies pursuant to paragraph 1 of this
28 subsection, twelve per cent of the remaining monies collected during the
29 preceding month shall be transferred to the technology and research
30 initiative fund established by section 15-1648 to be distributed among the
31 universities for the purpose of investment in technology and
32 research-based initiatives.

33 3. After the transfer of monies pursuant to paragraph 1 of this
34 subsection, three per cent of the remaining monies collected during the
35 preceding month shall be transferred to the workforce development account
36 established in each community college district pursuant to section 15-1472
37 for the purpose of investment in workforce development programs.

38 4. After transferring monies pursuant to paragraphs 1, 2 and 3 of
39 this subsection, one-twelfth of the amount a community college that is
40 owned, operated or chartered by a qualifying Indian tribe on its own
41 Indian reservation would receive pursuant to section 15-1472, subsection
42 D, paragraph 2 if it were a community college district shall be
43 distributed each month to the treasurer or other designated depository of
44 a qualifying Indian tribe. Monies distributed pursuant to this paragraph
45 are for the exclusive purpose of providing support to one or more

1 community colleges owned, operated or chartered by a qualifying Indian
2 tribe and shall be used in a manner consistent with section 15-1472,
3 subsection B. For the purposes of this paragraph, "qualifying Indian
4 tribe" has the same meaning as defined in section 42-5031.01,
5 subsection D.

6 5. After transferring monies pursuant to paragraphs 1, 2 and 3 of
7 this subsection, one-twelfth of the following amounts shall be transferred
8 each month to the department of education for the increased cost of basic
9 state aid under section 15-971 due to added school days and associated
10 teacher salary increases enacted in 2000:

- 11 (a) In fiscal year 2001-2002, \$15,305,900.
- 12 (b) In fiscal year 2002-2003, \$31,530,100.
- 13 (c) In fiscal year 2003-2004, \$48,727,700.
- 14 (d) In fiscal year 2004-2005, \$66,957,200.
- 15 (e) In fiscal year 2005-2006 and each fiscal year thereafter,
16 \$86,280,500.

17 6. After transferring monies pursuant to paragraphs 1, 2 and 3 of
18 this subsection, seven million eight hundred thousand dollars is
19 appropriated each fiscal year, to be paid in monthly installments, to the
20 department of education to be used for school safety as provided in
21 section 15-154 and two hundred thousand dollars is appropriated each
22 fiscal year, to be paid in monthly installments to the department of
23 education to be used for the character education matching grant program as
24 provided in section 15-154.01.

25 7. After transferring monies pursuant to paragraphs 1, 2 and 3 of
26 this subsection, no more than seven million dollars may be appropriated by
27 the legislature each fiscal year to the department of education to be used
28 for accountability purposes as described in section 15-241 and title 15,
29 chapter 9, article 8.

30 8. After transferring monies pursuant to paragraphs 1, 2 and 3 of
31 this subsection, one million five hundred thousand dollars is appropriated
32 each fiscal year, to be paid in monthly installments, to the failing
33 schools tutoring fund established by section 15-241.

34 9. After transferring monies pursuant to paragraphs 1, 2 and 3 of
35 this subsection, twenty-five million dollars shall be transferred each
36 fiscal year to the state general fund to reimburse the general fund for
37 the cost of the income tax credit allowed by section 43-1072.01.

38 10. After the payment of monies pursuant to paragraphs 1 through 9
39 of this subsection, the remaining monies collected during the preceding
40 month shall be transferred to the classroom site fund established by
41 section 15-977. The monies shall be allocated as follows in the manner
42 prescribed by section 15-977:

- 43 (a) Forty per cent shall be allocated for teacher compensation
44 based on performance.

(b) Twenty per cent shall be allocated for increases in teacher base compensation and employee related expenses.

(c) Forty per cent shall be allocated for maintenance and operation purposes.

F. The department shall credit the remainder of the monies in the transaction privilege and severance tax clearing account to the state general fund, subject to any distribution required by section 42-5030.01.

G. Notwithstanding subsection D of this section, if a court of competent jurisdiction finally determines that tax monies distributed under this section were illegally collected under this article or articles 5 and 8 of this chapter and orders the monies to be refunded to the taxpayer, the department shall compute the amount of such monies that was distributed to each city, town and county under this section. Each city's, town's and county's proportionate share of the costs shall be based on the amount of the original tax payment each municipality and county received. Each month the state treasurer shall reduce the amount otherwise distributable to the city, town and county under this section by one thirty-sixth of the total amount to be recovered from the city, town or county until the total amount has been recovered, but the monthly reduction for any city, town or county shall not exceed ten percent of the full monthly distribution to that entity. The reduction shall begin for the first calendar month after the final disposition of the case and shall continue until the total amount, including interest and costs, has been recovered.

H. On receiving a certificate of default from the greater Arizona development authority pursuant to section 41-2257 or 41-2258 and to the extent not otherwise expressly prohibited by law, the state treasurer shall withhold from the next succeeding distribution of monies pursuant to this section due to the defaulting political subdivision the amount specified in the certificate of default and immediately deposit the amount withheld in the greater Arizona development authority revolving fund. The state treasurer shall continue to withhold and deposit the monies until the greater Arizona development authority certifies to the state treasurer that the default has been cured. In no event may the state treasurer withhold any amount that the defaulting political subdivision certifies to the state treasurer and the authority as being necessary to make any required deposits then due for the payment of principal and interest on bonds of the political subdivision that were issued before the date of the loan repayment agreement or bonds and that have been secured by a pledge of distributions made pursuant to this section.

I. Except as provided by sections 42-5033 and 42-5033.01, the population of a county, city or town as determined by the most recent United States decennial census plus any revisions to the decennial census certified by the United States bureau of the census shall be used as the basis for apportioning monies pursuant to subsection D of this section.

1 J. Except as otherwise provided by this subsection, on notice from
2 the department of revenue pursuant to section 42-6010, subsection B, the
3 state treasurer shall withhold from the distribution of monies pursuant to
4 this section to the affected city or town the amount of the penalty for
5 business location municipal tax incentives provided by the city or town to
6 a business entity that locates a retail business facility in the city or
7 town. The state treasurer shall continue to withhold monies pursuant to
8 this subsection until the entire amount of the penalty has been withheld.
9 The state treasurer shall credit any monies withheld pursuant to this
10 subsection to the state general fund as provided by subsection D,
11 paragraph 4 of this section. The state treasurer shall not withhold any
12 amount that the city or town certifies to the department of revenue and
13 the state treasurer as being necessary to make any required deposits or
14 payments for debt service on bonds or other long-term obligations of the
15 city or town that were issued or incurred before the location incentives
16 provided by the city or town.

17 K. On notice from the auditor general pursuant to section 9-626,
18 subsection D, the state treasurer shall withhold from the distribution of
19 monies pursuant to this section to the affected city the amount computed
20 pursuant to section 9-626, subsection D. The state treasurer shall
21 continue to withhold monies pursuant to this subsection until the entire
22 amount specified in the notice has been withheld. The state treasurer
23 shall credit any monies withheld pursuant to this subsection to the state
24 general fund as provided by subsection D, paragraph 4 of this section.

25 L. Except as otherwise provided by this subsection, on notice from
26 the attorney general pursuant to section 41-194.01, subsection B,
27 paragraph 1 that an ordinance, regulation, order or other official action
28 adopted or taken by the governing body of a county, city or town violates
29 state law or the Constitution of Arizona, the state treasurer shall
30 withhold the distribution of monies pursuant to this section to the
31 affected county, city or town and shall continue to withhold monies
32 pursuant to this subsection until the attorney general certifies to the
33 state treasurer that the violation has been resolved. The state treasurer
34 shall redistribute the monies withheld pursuant to this subsection among
35 all other counties, cities and towns in proportion to their population as
36 provided by subsection D of this section. The state treasurer shall not
37 withhold any amount that the county, city or town certifies to the
38 attorney general and the state treasurer as being necessary to make any
39 required deposits or payments for debt service on bonds or other long-term
40 obligations of the county, city or town that were issued or incurred
41 before committing the violation.

42 M. EXCEPT AS OTHERWISE PROVIDED BY THIS SUBSECTION, ON
43 CERTIFICATION FROM THE GOVERNING BODY OF A COUNTY, CITY OR TOWN THAT AN
44 OFFICIAL ACTION ADOPTED OR TAKEN BY THE GOVERNING BODY OF A COUNTY, CITY
45 OR TOWN CREATES A DISPROPORTIONATE REDUCTION IN A LAW ENFORCEMENT AGENCY'S

BUDGET FROM THE PREVIOUS YEAR'S BUDGET PURSUANT TO SECTION 9-500.48, SUBSECTION B OR SECTION 11-269.27, SUBSECTION B, THE STATE TREASURER SHALL WITHHOLD THE DISTRIBUTION OF MONIES PURSUANT TO THIS SECTION TO THE AFFECTED COUNTY, CITY OR TOWN AND SHALL CONTINUE TO WITHHOLD MONIES PURSUANT TO THIS SUBSECTION UNTIL CERTIFICATION BY THE GOVERNING BODY OF THE COUNTY, CITY OR TOWN THAT THE REDUCTION HAS BEEN RESTORED TO A PROPORTIONATE AMOUNT AS PRESCRIBED BY SECTION 9-500.48, SUBSECTION B OR SECTION 11-269.27, SUBSECTION B. THE STATE TREASURER SHALL NOT WITHHOLD ANY AMOUNT THAT THE COUNTY, CITY OR TOWN CERTIFIES AS BEING NECESSARY TO MAKE ANY REQUIRED DEPOSITS OR PAYMENTS FOR DEBT SERVICE ON BONDS OR OTHER LONG-TERM OBLIGATIONS OF THE COUNTY, CITY OR TOWN THAT WERE ISSUED OR INCURRED BEFORE THE REDUCTION IN THE LAW ENFORCEMENT AGENCY'S BUDGET. THIS SUBSECTION DOES NOT APPLY TO A PROPORTIONATE REDUCTION IN BUDGET DUE TO A DECREASE IN REVENUE PURSUANT TO SECTION 9-500.48, SUBSECTION B OR SECTION 11.269.27, SUBSECTION B.

~~M.~~ N. For the purposes of this section: ~~;~~

1. "Community college district" means a community college district that is established pursuant to sections 15-1402 and 15-1403 and that is a political subdivision of this state and, unless otherwise specified, includes a community college tuition financing district established pursuant to section 15-1409.

2. "LAW ENFORCEMENT AGENCY" MEANS A MUNICIPAL POLICE DEPARTMENT OR COUNTY SHERIFF'S DEPARTMENT.

Sec. 4. Section 43-206, Arizona Revised Statutes, is amended to read:

43-206. Urban revenue sharing fund; allocation; distribution; withholding; definition

A. The urban revenue sharing fund is established. The fund shall consist of an amount equal to fifteen percent of the net proceeds of the state income taxes for the fiscal year two years preceding the current fiscal year. The fund shall be distributed to incorporated cities and towns as provided in this section, except that a city or town shall receive at least an amount equal to what a city or town with a population of fifteen hundred or more persons would receive. The transfer of net proceeds prescribed by section 49-282, subsection B does not affect the calculation of net proceeds prescribed by this subsection.

B. Each city or town shall share in the urban revenue sharing fund in the proportion that the population of each bears to the population of all. Except as provided by sections 42-5033 and 42-5033.01, the population of a city or town as determined by the most recent United States decennial census plus any revisions to the decennial census certified by the United States bureau of the census shall be used as the basis for apportioning monies pursuant to this subsection.

C. The treasurer, on instruction from the department, shall transmit, ~~no~~ NOT later than the tenth day of each month, to each city or

1 town an amount equal to one-twelfth of that city's or town's total
2 entitlement for the current fiscal year from the urban revenue sharing
3 fund as determined by the department.

4 D. A newly incorporated city or town shall share in the urban
5 revenue sharing fund beginning the first month of the first full fiscal
6 year following incorporation.

7 E. On receipt of a certificate of default from the greater Arizona
8 development authority pursuant to section 41-2257 or 41-2258, the state
9 treasurer, to the extent not otherwise expressly prohibited by law, shall
10 withhold from the next succeeding distribution of monies pursuant to this
11 section due to the city or town the amount specified in the certificate of
12 default and immediately deposit the amount withheld in the greater Arizona
13 development authority revolving fund. The state treasurer shall continue
14 to withhold and deposit the monies until the authority certifies to the
15 state treasurer that the default has been cured. In no event shall the
16 state treasurer withhold any amount that is necessary, as certified by the
17 defaulting political subdivision to the state treasurer and the authority,
18 to make any required deposits then due for the payment of principal and
19 interest on bonds of the political subdivision that were issued prior to
20 the date of the loan repayment agreement or bonds and that have been
21 secured by a pledge of distributions made pursuant to this section.

22 F. Except as otherwise provided by this subsection, on notice from
23 the attorney general pursuant to section 41-194.01, subsection B,
24 paragraph 1 that an ordinance, regulation, order or other official action
25 adopted or taken by the governing body of a city or town violates state
26 law or the Constitution of Arizona, the state treasurer shall withhold the
27 distribution of monies pursuant to this section to the affected city or
28 town and shall continue to withhold monies pursuant to this subsection
29 until the attorney general certifies to the state treasurer that the
30 violation has been resolved. The state treasurer shall redistribute the
31 monies withheld pursuant to this subsection among all other cities and
32 towns in proportion to their population as provided by subsection B of
33 this section. The state treasurer shall not withhold any amount that the
34 city or town certifies to the attorney general and the state treasurer as
35 being necessary to make any required deposits or payments for debt service
36 on bonds or other long-term obligations of the city or town that were
37 issued or incurred before committing the violation.

38 G. EXCEPT AS OTHERWISE PROVIDED BY THIS SUBSECTION, ON
39 CERTIFICATION FROM THE GOVERNING BODY OF A CITY OR TOWN THAT AN OFFICIAL
40 ACTION ADOPTED OR TAKEN BY THE GOVERNING BODY OF THE CITY OR TOWN CREATES
41 A DISPROPORTIONATE REDUCTION IN A LAW ENFORCEMENT AGENCY'S BUDGET FROM THE
42 PREVIOUS YEAR'S BUDGET PURSUANT TO SECTION 9-500.48, SUBSECTION B, THE
43 STATE TREASURER SHALL WITHHOLD THE DISTRIBUTION OF MONIES PURSUANT TO THIS
44 SECTION TO THE AFFECTED CITY OR TOWN AND SHALL CONTINUE TO WITHHOLD MONIES
45 PURSUANT TO THIS SUBSECTION UNTIL CERTIFICATION BY THE GOVERNING BODY OF

1 THE CITY OR TOWN THAT THE REDUCTION HAS BEEN RESTORED TO A PROPORTIONATE
2 AMOUNT AS PRESCRIBED BY SECTION 9-500.48, SUBSECTION B. THE STATE
3 TREASURER SHALL NOT WITHHOLD ANY AMOUNT THAT THE CITY OR TOWN CERTIFIES AS
4 BEING NECESSARY TO MAKE ANY REQUIRED DEPOSITS OR PAYMENTS FOR DEBT SERVICE
5 ON BONDS OR OTHER LONG-TERM OBLIGATIONS OF THE CITY OR TOWN THAT WERE
6 ISSUED OR INCURRED BEFORE THE REDUCTION IN THE LAW ENFORCEMENT AGENCY'S
7 BUDGET. THIS SUBSECTION DOES NOT APPLY TO A PROPORTIONATE REDUCTION IN
8 BUDGET DUE TO A DECREASE IN REVENUE PURSUANT TO SECTION 9-500.48,
9 SUBSECTION B.

10 H. FOR THE PURPOSES OF THIS SECTION, "LAW ENFORCEMENT AGENCY" MEANS
11 A MUNICIPAL POLICE DEPARTMENT.

12 Sec. 5. Retroactivity

13 This act applies retroactively to from and after December 31, 2020.