

By: Hilderbran

H.B. No. 67

A BILL TO BE ENTITLED

AN ACT

relating to compliance by political subdivisions with unfunded legislative mandates.

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

SECTION 1. Chapter 322, Government Code, is amended by adding Section 322.019 to read as follows:

Sec. 322.019. UNFUNDED LEGISLATIVE MANDATES. (a) In this section, "legislative mandate" has the meaning assigned by Section 67, Article III, Texas Constitution.

(b) On or before the September 1 following a regular session of the legislature and on or before the 90th day after the last day of a special session of the legislature, the board shall publish a list of legislative mandates for which the legislature has not provided reimbursement as provided by Subsection (c) and that were enacted by the legislature during that legislative session. By that same date the board shall:

(1) remove from the list of legislative mandates for a previous legislative session a legislative mandate:

(A) for which the legislature has provided reimbursement as provided by Subsection (c); or

(B) that is no longer in effect; and

(2) add to the list a legislative mandate from a previous legislative session for which reimbursement was provided as provided by Subsection (c) in the previous session but for which

1 reimbursement was not provided in the most recent regular session
2 or in any subsequent special session.

3 (c) A legislative mandate is considered to be a mandate for
4 which the legislature has provided reimbursement if the legislature
5 appropriates or otherwise provides funds for a state fiscal year,
6 other than revenue of the political subdivision, estimated to be
7 sufficient to meet the cost incurred by all affected political
8 subdivisions in the fiscal year of financing the expenditure.

9 (d) The board shall deliver the list prepared under
10 Subsection (b) to the secretary of state for publication in the
11 Texas Register.

12 (e) This section does not apply to a legislative mandate to
13 which Section 67, Article III, does not apply.

14 SECTION 2. Chapter 320, Government Code, is repealed.

15 SECTION 3. This Act takes effect January 1, 2005, but only
16 if the constitutional amendment proposed by __.J.R. No. __, 78th
17 Legislature, 4th Called Session, 2004, is approved by the voters.
18 If that amendment is not approved by the voters, this Act has no
19 effect.