

By: Hilderbran

H.B. No. 115

A BILL TO BE ENTITLED

1 AN ACT

2 relating to compliance by political subdivisions with unfunded
3 legislative mandates.

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

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

7 Sec. 322.019. UNFUNDED LEGISLATIVE MANDATES. (a) In this
8 section, "legislative mandate" has the meaning assigned by Section
9 67, Article III, Texas Constitution.

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

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

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

21 (B) that is no longer in effect; and

22 (2) add to the list a legislative mandate from a
23 previous legislative session for which reimbursement was provided
24 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 Chapter 320, Government Code, is repealed.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, 2006, but only
16 if the constitutional amendment proposed by the 79th Legislature,
17 Regular Session, 2005, providing that political subdivisions are
18 exempt from unfunded legislative mandates, is approved by the
19 voters. If that amendment is not approved by the voters, this Act
20 has no effect.