

By: Homer

H.B. No. 2103

A BILL TO BE ENTITLED

AN ACT

relating to the expiration of unfunded legislative mandates on local governments.

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

SECTION 1. Chapter 320, Government Code, is amended by adding Section 320.002 to read as follows:

Sec. 320.002. UNFUNDED MANDATES INTERAGENCY WORK GROUP.

(a) The unfunded mandates interagency work group consists of:

(1) the state auditor;

(2) the director of the Legislative Budget Board;

(3) the comptroller;

(4) a senator appointed by the lieutenant governor;

(5) a house member appointed by the speaker of the house of representatives;

(6) one officer or employee of a political subdivision appointed by the lieutenant governor; and

(7) one officer or employee of a political subdivision appointed by the speaker of the house of representatives.

(b) An appointed member of the interagency work group serves at the pleasure of the appointing authority.

(c) A member of the interagency work group is not entitled to additional compensation for service on the work group.

(d) A member of the interagency work group may use a person employed by the member or by the member's agency or political

1 subdivision to assist the interagency work group in performing its
2 duties.

3 (e) The members of the interagency work group may enter into
4 a memorandum of understanding regarding the members' work under
5 this chapter.

6 SECTION 2. Section 320.004, Government Code, is amended to
7 read as follows:

8 Sec. 320.004. REVIEW OF UNFUNDED MANDATES; EXPIRATION OF
9 MANDATES. (a) Before September 1 of the even-numbered year before
10 the third anniversary of the date of enactment of a mandate
11 identified by the interagency work group under Section 320.003, the
12 interagency work group shall:

13 (1) review the legislative history of the mandate;

14 (2) conduct an evaluation on the benefits of the
15 mandate and the costs of the mandate on affected political
16 subdivisions; and

17 (3) present a written report to the legislature and
18 the governor on the interagency work group's findings.

19 (b) During the regular session immediately following the
20 issuance of a report under Subsection (a), the legislature by law
21 may continue the mandate for a period not to exceed three years, by
22 law may repeal the mandate, or may take no action on the mandate.
23 The legislature may continue a mandate either by general law or by
24 identifying the mandate in the General Appropriations Act and
25 providing a mechanism to provide grants to political subdivisions
26 that may be used to comply with the mandates. If the legislature
27 does not continue or repeal the mandate, the mandate expires on

1 September 1 following the regular session. On and after that date,
2 a political subdivision may but is not required to comply with the
3 mandate.

4 SECTION 3. This Act takes effect immediately if it receives
5 a vote of two-thirds of all the members elected to each house, as
6 provided by Section 39, Article III, Texas Constitution. If this
7 Act does not receive the vote necessary for immediate effect, this
8 Act takes effect September 1, 2005.