

By: Bonnen

H.B. No. 1634

A BILL TO BE ENTITLED

AN ACT

relating to the applicability of certain unfunded mandates on political subdivisions.

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

SECTION 1. Section 320.001, Government Code, is amended to read as follows:

Sec. 320.001. DEFINITIONS [~~DEFINITION~~]. In this chapter:

(1) "Interagency work group" means the unfunded mandates interagency work group.

(2) "Mandate" [~~"mandate"~~] means a requirement made by a statute enacted by the legislature on or after January 1, 2011 [~~1997~~], that requires a political subdivision to establish, expand, or modify a duty or [~~an~~] activity in a way that requires the expenditure of revenue by the political subdivision that would not have been required in the absence of the statutory provision.

SECTION 2. 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;

and

1 (5) a member of the house of representatives appointed
2 by the speaker of the house of representatives.

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

5 (c) A member of the interagency work group may use any
6 person employed by the member's agency to complete the member's work
7 on the interagency work group.

8 (d) The members of the interagency work group may enter into
9 an interagency memorandum of understanding regarding the
10 completion of the work required by this chapter.

11 SECTION 3. The heading to Section 320.003, Government Code,
12 is amended to read as follows:

13 Sec. 320.003. ADVISORY LIST OF UNFUNDED MANDATES.

14 SECTION 4. Section 320.003(a), Government Code, is amended
15 to read as follows:

16 (a) On or before the September 1 following a regular session
17 of the legislature and on or before the 90th day after the last day
18 of a special session of the legislature, the interagency work group
19 shall publish an advisory [a] list of mandates for which the
20 legislature has not provided reimbursement under Subsection (b) and
21 that were enacted by the legislature during that legislative
22 session. By that same date the interagency work group shall:

23 (1) remove from the advisory list of mandates for a
24 previous legislative session those mandates for which the
25 legislature has provided reimbursement under Subsection (b), those
26 that are no longer subject to reimbursement, and those that are no
27 longer in effect; and

1 (2) add to the advisory list a mandate from a previous
2 legislative session for which reimbursement was provided under
3 Subsection (b) in the previous session but for which reimbursement
4 was not provided in the most recent regular session or in any
5 subsequent special sessions.

6 SECTION 5. Chapter 320, Government Code, is amended by
7 adding Section 320.005 to read as follows:

8 Sec. 320.005. APPLICABILITY OF MANDATES. (a) A political
9 subdivision is only required to comply with a mandate for which the
10 legislature has provided reimbursement under Section 320.003(b).

11 (b) For purposes of determining compliance with a mandate, a
12 political subdivision may act in reliance on the advisory list of
13 unfunded mandates published under Section 320.003(a).

14 SECTION 6. Section 320.004, Government Code, is repealed.

15 SECTION 7. This Act takes effect immediately if it receives
16 a vote of two-thirds of all the members elected to each house, as
17 provided by Section 39, Article III, Texas Constitution. If this
18 Act does not receive the vote necessary for immediate effect, this
19 Act takes effect September 1, 2011.