

By: White of Tyler

H.B. No. 2164

Substitute the following for H.B. No. 2164:

By: Elkins

C.S.H.B. No. 2164

A BILL TO BE ENTITLED

AN ACT

1
2 relating to the applicability of certain unfunded mandates on
3 political subdivisions.

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

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

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

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

10 (2) "Mandate" [~~"mandate"~~] means a requirement made
11 by a statute enacted by the legislature on or after January 1, 2015
12 [~~1997~~], that requires a political subdivision to establish, expand,
13 or modify a duty or [~~an~~] activity in a way that requires the
14 expenditure of revenue by the political subdivision that would not
15 have been required in the absence of the statutory provision.

16 SECTION 2. Chapter 320, Government Code, is amended by
17 adding Sections 320.002, 320.003, and 320.004 to read as follows:

18 Sec. 320.002. UNFUNDED MANDATES INTERAGENCY WORK GROUP.

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

20 (1) the state auditor;

21 (2) the director of the Legislative Budget Board;

22 (3) the comptroller;

23 (4) a senator appointed by the lieutenant governor;

24 (5) a member of the house of representatives appointed

1 by the speaker of the house of representatives; and

2 (6) four elected local government officials appointed
3 by the governor.

4 (b) The governor shall designate a member appointed by the
5 governor as the chair of the interagency work group.

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

8 (d) A member of the interagency work group may use any
9 person employed by the member's agency to complete the member's work
10 on the interagency work group.

11 (e) The members of the interagency work group may enter into
12 an interagency memorandum of understanding regarding the
13 completion of the work required by this chapter.

14 Sec. 320.003. ADVISORY LIST OF UNFUNDED MANDATES. (a) On
15 or before the September 1 following a regular session of the
16 legislature and on or before the 90th day after the last day of a
17 special session of the legislature, the interagency work group
18 shall publish an advisory list of unfunded mandates for which the
19 legislature has not provided reimbursement under Subsection (b) and
20 that were enacted by the legislature during that legislative
21 session. By that same date the interagency work group shall:

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

27 (2) add to the advisory list a mandate from a previous

1 legislative session for which reimbursement was provided under
2 Subsection (b) in the previous session but for which reimbursement
3 was not provided in the most recent regular session or in any
4 subsequent special sessions.

5 (b) A mandate is considered to be a mandate for which the
6 legislature has provided reimbursement if the legislature:

7 (1) by statute enacted by a record vote of two-thirds
8 of the members elected to each house expressly provides that the
9 mandate is not subject to reimbursement under this section; or

10 (2) appropriates or otherwise provides for the payment
11 or reimbursement, from a source other than revenue of the political
12 subdivision, of the costs incurred in the calendar year by the
13 political subdivision in complying with the mandate.

14 (c) This section does not apply to a mandate:

15 (1) imposed by the legislature or a state agency to
16 comply with a requirement of the Texas Constitution, federal law,
17 or a court order or to maximize the receipt of federal funds by the
18 state in areas such as education, health and human services, and
19 criminal justice;

20 (2) approved by the voters of this state at a general
21 election; or

22 (3) affecting employee pensions and benefits.

23 Sec. 320.004. APPLICABILITY OF MANDATES. (a) A political
24 subdivision is only required to comply with a mandate for which the
25 legislature has provided reimbursement under Section 320.003(b).

26 (b) For purposes of determining compliance with a mandate, a
27 political subdivision may act in reliance on the advisory list of

1 unfunded mandates published under Section 320.003(a).

2 SECTION 3. This Act takes effect immediately if it receives
3 a vote of two-thirds of all the members elected to each house, as
4 provided by Section 39, Article III, Texas Constitution. If this
5 Act does not receive the vote necessary for immediate effect, this
6 Act takes effect September 1, 2015.