

By: Zaffirini

S.B. No. 1438

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, 2017 [~~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 Sections 320.002 and 320.003 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 Sec. 320.003. ADVISORY LIST OF UNFUNDED MANDATES. (a) Not
12 later than the September 1 following a regular session of the
13 legislature and not later than the 90th day after the last day of a
14 special session of the legislature, the interagency work group
15 shall publish an advisory list of mandates for which the
16 legislature has not provided reimbursement under Subsection (b) and
17 that were enacted by the legislature during that legislative
18 session. By that same date the interagency work group shall:

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

24 (2) add to the advisory list a mandate from a previous
25 legislative session for which reimbursement was provided under
26 Subsection (b) in the previous session but for which reimbursement
27 was not provided in the most recent regular session or in any

1 subsequent special sessions.

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

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

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

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

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

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

19 (3) affecting employee pensions and benefits.

20 SECTION 3. This Act takes effect immediately if it receives
21 a vote of two-thirds of all the members elected to each house, as
22 provided by Section 39, Article III, Texas Constitution. If this
23 Act does not receive the vote necessary for immediate effect, this
24 Act takes effect September 1, 2017.