

By: Lang

H.B. No. 3851

A BILL TO BE ENTITLED

AN ACT

relating to unfunded state educational mandates imposed on school districts.

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

SECTION 1. Subchapter A, Chapter 11, Education Code, is amended by adding Section 11.006 to read as follows:

Sec. 11.006. EXEMPTION FROM COMPLIANCE WITH UNFUNDED STATE EDUCATIONAL MANDATES. (a) In this section, "state educational mandate" means a statutory provision or agency rule the implementation of which requires an expenditure by a school district that would not have been required in the absence of the statutory provision or the rule adopted under that provision.

(b) The comptroller shall publish a list of state educational mandates for which the legislature has not provided payment or reimbursement under Subsection (d) and that were enacted by the legislature or were adopted by rule by the agency. The comptroller shall publish the list:

(1) on or before the August 15 following the regular session of the legislature, in the case of a state educational mandate enacted by the legislature at a regular session;

(2) on or before the 90th day after the last day of the special session of the legislature, in the case of a state educational mandate enacted by the legislature at a special session; or

1 (3) on or before the 90th day after the effective date
2 of the agency rule adopting the state educational mandate, in the
3 case of a mandate adopted by rule by the agency.

4 (c) By the same date specified by Subsection (b), the
5 comptroller shall:

6 (1) remove from the list of unfunded state educational
7 mandates those mandates for which the legislature has provided
8 payment or reimbursement under Subsection (d), those that are no
9 longer subject to payment or reimbursement, and those that are no
10 longer in effect; and

11 (2) add to the list any state educational mandate from
12 a previous period for which payment or reimbursement was provided
13 under Subsection (d) but for which payment or reimbursement was not
14 provided in the most recent regular session or in any subsequent
15 special sessions.

16 (d) A state educational mandate is considered to be a state
17 educational mandate for which the legislature has provided payment
18 or reimbursement if the legislature appropriates or otherwise
19 provides for the full payment or reimbursement, from a source other
20 than revenue of the district, for all expenditures that would be
21 accrued in the calendar year by the district in complying with the
22 state educational mandate.

23 (e) A school district is not required to comply with a state
24 educational mandate that appears on the list published by the
25 comptroller under Subsection (b) for as long as the mandate remains
26 on the list.

27 (f) Before September 1 of the even-numbered year before the

1 third anniversary of the date of enactment or adoption of a state
2 educational mandate identified by the comptroller under Subsection
3 (b), the comptroller shall:

4 (1) review any legislative history of the state
5 educational mandate;

6 (2) conduct an evaluation, in coordination with the
7 agency, on the benefits of the state educational mandate and the
8 costs of the mandate on affected districts; and

9 (3) present a written report to the legislature and
10 the governor on the comptroller's findings.

11 (g) This section does not apply to a state educational
12 mandate that:

13 (1) creates a criminal offense or changes an element
14 of a criminal offense;

15 (2) is 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

18 (3) is approved by the voters of this state at a
19 general election.

20 SECTION 2. 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, 2019.