

TITLE 3. LEGISLATIVE BRANCH

SUBTITLE B. LEGISLATION

CHAPTER 320. UNFUNDED MANDATES ON POLITICAL SUBDIVISIONS

Sec. 320.001. DEFINITION. In this chapter, "mandate" means a requirement made by a statute enacted by the legislature on or after January 1, 1997, that requires a political subdivision to establish, expand, or modify 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.

Added by Acts 1997, 75th Leg., ch. 673, Sec. 1, eff. June 16, 1997. Amended by Acts 1999, 76th Leg., ch. 864, Sec. 1, eff. Sept. 1, 1999; Acts 2003, 78th Leg., ch. 785, Sec. 1, eff. Sept. 1, 2003.

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

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has provided reimbursement under Subsection (b), those that are no longer subject to reimbursement, and those that are no longer in effect; and

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

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

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

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

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

(1) not included in the appropriate list of mandates published by the interagency work group under this section;

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

(3) approved by the voters of this state at a general election; or

(4) affecting employee pensions and benefits.

Added by Acts 1997, 75th Leg., ch. 673, Sec. 1, eff. June 16, 1997. Amended by Acts 1999, 76th Leg., ch. 864, Sec. 2, eff. Sept. 1, 1999.

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

(1) review the legislative history of the mandate;

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

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

(b) During the regular session immediately following the issuance of a report under Subsection (a), the legislature by law may continue the mandate for a period not to exceed three years, by law may repeal the mandate, or may take no action on the mandate.

Added by Acts 1997, 75th Leg., ch. 673, Sec. 1, eff. June 16, 1997.