

By: Hilderbran

H.J.R. No. 20

A JOINT RESOLUTION

1 proposing a constitutional amendment providing that political  
2 subdivisions are exempt from unfunded legislative mandates.

3 BE IT RESOLVED BY THE LEGISLATURE OF THE STATE OF TEXAS:

4 SECTION 1. Article III, Texas Constitution, is amended by  
5 adding Section 67 to read as follows:

6 Sec. 67. (a) In this section, "legislative mandate" means  
7 a statutory provision enacted by the legislature that requires a  
8 political subdivision to establish, expand, or modify an activity  
9 in a way that requires an expenditure of revenue that would not have  
10 been required in the absence of the provision.

11 (b) For purposes of this section, a legislative mandate is  
12 considered to be unfunded during any period for which the  
13 legislature has not appropriated or otherwise provided funds, other  
14 than revenue of the political subdivision, estimated to be  
15 sufficient to meet the cost of financing the expenditure, as  
16 determined by law.

17 (c) A political subdivision is exempt from a legislative  
18 mandate during a period in which the mandate is unfunded. The  
19 legislature by general law shall authorize a state officer or state  
20 agency, which may include members of the legislature, to identify  
21 legislative mandates and determine whether a legislative mandate is  
22 considered unfunded for a specific period.

23 (d) This section does not apply to:

24 (1) a legislative mandate enacted before January 1,

1 2005;

2 (2) a legislative mandate that is necessary to comply  
3 with a requirement of the Texas Constitution, federal law, or a  
4 court order; or

5 (3) a legislative mandate that creates a criminal  
6 offense or changes the elements of a criminal offense.

7 SECTION 2. This proposed constitutional amendment shall be  
8 submitted to the voters at an election to be held November 8, 2005.  
9 The ballot shall be printed to permit voting for or against the  
10 proposition: "The constitutional amendment providing that  
11 political subdivisions are exempt from unfunded legislative  
12 mandates."