

By: Casteel

H.J.R. No. 41

A JOINT RESOLUTION

1 proposing a constitutional amendment prohibiting the state from  
2 reducing the proportion of the costs paid by the state for a  
3 function imposed by the state on political subdivisions; from  
4 requiring political subdivisions to perform a new function or to  
5 perform an existing function in a more costly way unless the state  
6 pays for the new or additional costs; and from otherwise adopting a  
7 law that requires the expenditure of money by a political  
8 subdivision for any purpose unless state funding for the purpose is  
9 provided.

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

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

13 Sec. 67. (a) The state may not reduce the proportion of the  
14 costs paid by the state as of August 31, 2005, for an activity or  
15 service that a political subdivision is required by state law to  
16 perform unless the state reduces the required level of the activity  
17 or service in direct proportion to the proportionate reduction in  
18 state financing.

19 (b) The legislature or a state officer or agency in the  
20 executive branch of state government may not require a political  
21 subdivision to perform a new activity or service, or to increase the  
22 level of an existing activity or service above the level required by  
23 state law as of August 31, 2005, unless the legislature  
24 appropriates money to pay the political subdivision for the costs,

1 or for the increased costs, as applicable, of performing the  
2 activity or service.

3 (c) Except as provided by Subsection (b) of this section,  
4 the legislature may not enact a law after January 1, 2006, that  
5 requires the expenditure of money by a political subdivision for  
6 any purpose.

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 prohibiting the state  
11 from reducing the proportion of the costs paid by the state for a  
12 function imposed by the state on political subdivisions; from  
13 requiring political subdivisions to perform a new function or to  
14 perform an existing function in a more costly way unless the state  
15 pays for the new or additional costs; and from otherwise adopting a  
16 law that requires the expenditure of money by a political  
17 subdivision for any purpose unless state funding for the purpose is  
18 provided."