

By: Smith of Tarrant

H.J.R. No. 53

A JOINT RESOLUTION

1 proposing a constitutional amendment allowing certain state
2 mandates imposed on a county to have effect only if the state
3 provides for the payment to the county of the cost of the mandate.

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

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

7 Sec. 67. (a) A mandate adopted on or after January 1, 2006,
8 by the legislature or by rule of a state agency that requires a
9 county to establish, expand, or modify an activity in any way that
10 requires the expenditure of revenue by the county that would not
11 have been required in the absence of the statute or rule is
12 effective only if the legislature appropriates or otherwise
13 provides for payment or reimbursement to the county of the costs
14 incurred by the county in complying with the requirement.

15 (b) This section does not apply to a mandate:

16 (1) imposed by the legislature or a state agency to
17 comply with a requirement of this constitution, federal law, or a
18 court order;

19 (2) approved by the voters of this state at a general
20 election;

21 (3) imposed by a statute enacted by a record vote of
22 two-thirds of the members elected to each house that expressly
23 provides that the mandate is not subject to this section; or

24 (4) estimated by the legislature or a legislative

1 agency to have aggregated costs to be incurred by the counties of
2 this state in complying with the mandate that exceed \$1 million in a
3 state fiscal year.

4 SECTION 2. This proposed constitutional amendment shall be
5 submitted to the voters at an election to be held November 8, 2005.
6 The ballot shall be printed to permit voting for or against the
7 proposition: "The constitutional amendment allowing certain state
8 mandates imposed on a county to have effect only if the state
9 provides for the payment to the county of the cost of the mandate."