

By: Coleman, Farabee, Kuempel, Homer,  
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H.J.R. No. 84

A JOINT RESOLUTION

1 proposing a constitutional amendment allowing a state mandate  
2 imposed on a county to have effect only if the state provides for  
3 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 68 to read as follows:

7 Sec. 68. (a) A mandate adopted on or after January 1, 2010,  
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 comptroller to have aggregated

1 costs to be incurred by the counties of this state in complying with  
2 the mandate that are less than \$1 million in a state fiscal year.

3 SECTION 2. This proposed constitutional amendment shall be  
4 submitted to the voters at an election to be held November 3, 2009.  
5 The ballot shall be printed to permit voting for or against the  
6 proposition: "The constitutional amendment allowing a state  
7 mandate imposed on a county to have effect only if the state  
8 provides for payment to the county of the cost of the mandate."