

By: Watson

S.J.R. No. 24

A JOINT RESOLUTION

1 proposing a constitutional amendment exempting political
2 subdivisions from unfunded legislative mandates and authorizing
3 the legislature to provide funding for legislative mandates on
4 political subdivisions.

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

6 SECTION 1. Article III, Texas Constitution, is amended by
7 adding Section 68 to read as follows:

8 Sec. 68. (a) In this section, "legislative mandate" means
9 a statutory provision enacted by the legislature that requires a
10 political subdivision to establish, expand, or modify an activity
11 in a way that requires an expenditure of revenue that would not have
12 been required in the absence of the provision.

13 (b) For purposes of this section, a legislative mandate is
14 considered to be unfunded during any period for which the
15 legislature has not appropriated money, if authorized by this
16 constitution to do so, or otherwise provided a source of funding
17 other than revenue of the political subdivision that is estimated
18 to be sufficient to meet the cost of financing the expenditure, as
19 determined by law. The legislature by general law or appropriation
20 may provide for reimbursement or other payment of the costs
21 incurred by political subdivisions in complying with an unfunded
22 legislative mandate.

23 (c) A political subdivision is exempt from a legislative
24 mandate during a period in which the mandate is unfunded. The

1 legislature by general law may authorize a commission or other
2 body, which may include members of the legislature, to identify
3 legislative mandates and determine whether a legislative mandate is
4 considered unfunded for a specific period.

5 (d) The legislature by general law may provide a method by
6 which an unfunded legislative mandate is suspended or expires.

7 (e) This section does not apply to:

8 (1) a legislative mandate enacted before January 1,
9 2011;

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

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

15 SECTION 2. This proposed constitutional amendment shall be
16 submitted to the voters at an election to be held November 8, 2011.
17 The ballot shall be printed to permit voting for or against the
18 proposition: "The constitutional amendment exempting political
19 subdivisions from unfunded legislative mandates."