86R12467 SLB-F

By:  Burns H.J.R. No. 122

A JOINT RESOLUTION

proposing a constitutional amendment to require the legislature to provide for the reimbursement of certain political subdivisions for the implementation of laws that establish, expand, or modify a duty or activity that requires the expenditure of revenue.

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

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

Sec. 68.  (a) Except as provided by Subsections (b) and (c) of this section, a provision of law enacted by the legislature through a bill that becomes law on or after January 1, 2020, that requires a political subdivision to establish, expand, or modify a duty or activity that requires the expenditure of revenue by the political subdivision shall provide for one of the following methods for the reimbursement to each political subdivision affected by the requirement of the estimated cost to the political subdivision to comply with the requirement or rules adopted under the requirement:

(1)  by appropriating the total estimated cost to all political subdivisions affected by the requirement for the period that begins on the date the bill takes effect;

(2)  by authorizing or requiring each political subdivision affected by the requirement to impose a fee, charge, assessment, or similar payment for the express purpose of reimbursing the political subdivision for the estimated cost for the period that begins on the date the bill takes effect; or

(3)  by otherwise providing from a source other than the revenue of a political subdivision for the reimbursement of the estimated cost to each affected political subdivision for the period that begins on the date the bill takes effect.

(b)  Subsection (a) of this section does not apply to:

(1)  a provision of law that imposes a requirement described by that subsection only on one or more of the following political subdivisions:

(A)  an independent school district;

(B)  a junior college district; or

(C)  a political subdivision that employs in any capacity a person required to register as a lobbyist under Chapter 305, Government Code; or

(2)  a provision of law that imposes a requirement described by that subsection that is required to be enacted by:

(A)  this constitution;

(B)  the United States Constitution;

(C)  a federal law; or

(D)  an order of a state or federal court.

(c)  Subsection (a) of this section is not effective unless the legislature by general law has prescribed procedural requirements applicable to the consideration of a bill described by Subsection (a) of this section, including requirements related to:

(1)  identifying each bill that includes a requirement described by Subsection (a) of this section; and

(2)  providing the fiscal implications and probable cost of each bill described by Subsection (a) of this section to the members of the legislature.

(d)  A political subdivision entitled to reimbursement under Subsection (a) of this section may spend public money for membership fees and dues of a nonprofit state association or organization of similar political subdivisions only if:

(1)  the association or organization exists for the betterment of local government and the benefit of all local officials; and

(2)  the association or organization does not:

(A)  employ in any capacity a person required to register as a lobbyist under Chapter 305, Government Code;

(B)  directly or indirectly contribute money, services, or other thing of value to a political campaign; or

(C)  endorse a candidate or group of candidates for public office.

SECTION 2.  The following temporary provision is added to the Texas Constitution:

TEMPORARY PROVISION. (a) This temporary provision applies to the constitutional amendment proposed by the 86th Legislature, Regular Session, 2019, to require the legislature to provide for the reimbursement of certain political subdivisions for the implementation of laws that establish, expand, or modify a duty or activity that requires the expenditure of revenue.

(b)  Section 68, Article III, of this constitution takes effect January 1, 2020, and applies only to a provision of law enacted by the legislature through a bill that passes during a regular or special session of the legislature that is convened on or after that date.

(c)  This temporary provision expires January 1, 2021.

SECTION 3.  This proposed constitutional amendment shall be submitted to the voters at an election to be held November 5, 2019. The ballot shall be printed to permit voting for or against the proposition: "The constitutional amendment to require the legislature to provide for the reimbursement of certain political subdivisions for the implementation of laws that establish, expand, or modify a duty or activity that requires the expenditure of revenue."