

By: Burns

H.J.R. No. 122

A JOINT RESOLUTION

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

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

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

21 (2) by authorizing or requiring each political
22 subdivision affected by the requirement to impose a fee, charge,
23 assessment, or similar payment for the express purpose of
24 reimbursing the political subdivision for the estimated cost for

1 the period that begins on the date the bill takes effect; or

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

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

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

10 (A) an independent school district;

11 (B) a junior college district; or

12 (C) a political subdivision that employs in any
13 capacity a person required to register as a lobbyist under Chapter
14 305, Government Code; or

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

17 (A) this constitution;

18 (B) the United States Constitution;

19 (C) a federal law; or

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

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

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

27 (2) providing the fiscal implications and probable

1 cost of each bill described by Subsection (a) of this section to the
2 members of the legislature.

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

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

10 (2) the association or organization does not:

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

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

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

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

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

25 (b) Section 68, Article III, of this constitution takes
26 effect January 1, 2020, and applies only to a provision of law
27 enacted by the legislature through a bill that passes during a

1 regular or special session of the legislature that is convened on or
2 after that date.

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

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