

By: Burns

H.J.R. No. 116

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 political subdivisions to spend
5 revenue.

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

7 SECTION 1. Article III, Texas Constitution, is amended by
8 adding Section 71 to read as follows:

9 Sec. 71. (a) Except as provided by Subsections (b) and (c)
10 of this section, a state law enacted through a bill that takes
11 effect on or after January 1, 2022, and that requires a political
12 subdivision to establish, expand, or modify a duty or activity that
13 requires the political subdivision to spend revenue must provide
14 for reimbursement to each political subdivision affected by the
15 requirement in an amount equal to the estimated cost to the
16 political subdivision to comply with the requirement or rules
17 adopted under the requirement. The law may provide for
18 reimbursement by:

19 (1) appropriating an amount of money equal to the
20 estimated cost to each political subdivision affected by the
21 requirement;

22 (2) authorizing or requiring each political
23 subdivision affected by the requirement to impose a fee, charge,
24 assessment, or similar payment to reimburse the political

1 subdivision for the estimated cost; or
2 (3) otherwise providing from a source other than the
3 revenue of a political subdivision for the reimbursement of the
4 estimated cost to the affected political subdivision.

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

6 (1) a law that imposes a requirement only on one or
7 more of the following political subdivisions:

8 (A) an independent school district;

9 (B) a junior college district; or

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

13 (2) a law that imposes a requirement that is required
14 to be enacted by:

15 (A) this constitution;

16 (B) the United States Constitution;

17 (C) a federal law; or

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

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

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

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

1 (d) Notwithstanding Subsection (b) of this section, a
2 political subdivision is entitled to reimbursement under
3 Subsection (a) of this section regardless of whether the political
4 subdivision spends public money for membership fees and dues of a
5 nonprofit state association or organization of similar political
6 subdivisions that exists for the betterment of local government and
7 the benefit of all local officials.

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

10 TEMPORARY PROVISION. (a) This temporary provision applies
11 to the constitutional amendment proposed by the 87th Legislature,
12 Regular Session, 2021, to require the legislature to provide for
13 the reimbursement of certain political subdivisions for the
14 implementation of laws that establish, expand, or modify a duty or
15 activity that requires the political subdivisions to spend revenue.

16 (b) Section 71, Article III, of this constitution takes
17 effect January 1, 2022, and applies only to a state law enacted
18 through a bill in a regular or special session of the legislature
19 that is convened on or after that date.

20 (c) This temporary provision expires January 1, 2023.

21 SECTION 3. This proposed constitutional amendment shall be
22 submitted to the voters at an election to be held November 2, 2021.
23 The ballot shall be printed to permit voting for or against the
24 proposition: "The constitutional amendment to require the
25 legislature to provide for the reimbursement of certain political
26 subdivisions for the implementation of laws that establish, expand,
27 or modify a duty or activity that requires the political

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1 subdivisions to spend revenue."