

Amendment No. 1

Commissioner Hogan offered the following:

Amendment (with ballot statement and title amendments)

Remove lines 23-120 and insert:

SECTION 18. Laws requiring counties or municipalities to spend funds or limiting their ability to raise revenue or receive state tax revenue.--

(a) No county or municipality shall be bound by any general law that is an unfunded mandate. An unfunded mandate, for purposes of this section, is a general law requiring such county or municipality to spend funds or to take an action requiring the expenditure of funds, to accept the transfer of a responsibility or function performed by the state, or to accept an increase in a responsibility or function performed by the state. However, an unfunded mandate does not include a general law for which funds are appropriated at the time of enactment and annually thereafter to fund the law; or the legislature authorizes or has authorized a county or municipality to enact a funding source not then available for such county or municipality that can be used to generate the amount of funds estimated to be sufficient to fund the law by a simple majority vote of the governing body of such county or municipality. The legislature may not enact a law containing an unfunded mandate, unless the legislature has determined that such law fulfills an important a compelling state interest and unless: funds have been appropriated that have been estimated at the time of enactment to be sufficient to fund such expenditure; the

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~~legislature authorizes or has authorized a county or municipality to enact a funding source not available for such county or municipality on February 1, 1989, that can be used to generate the amount of funds estimated to be sufficient to fund such expenditure by a simple majority vote of the governing body of such county or municipality; the law requiring such expenditure is approved by three-fourths ~~two-thirds~~ of the membership in each house of the legislature; the expenditure is required to comply with a law also ~~that~~ applies to all persons similarly situated, including the state and local governments; private parties; or the law is either required to comply with a federal requirement or required for eligibility for a federal entitlement, which federal requirement specifically contemplates actions by counties or municipalities for compliance. Such law shall state with specificity the state interest sought to be served by the law and shall be no broader than that necessary to accomplish the stated interest of the law. Such law may be enacted only after it is heard at a public legislative hearing in each house of the legislature, duly noticed to the public no less than 24 hours before the hearing. Such law shall not be considered at the public hearing unless an analysis identifying each unfunded mandate contained in the law and containing an estimate of the fiscal impact of each unfunded mandate contained in the law is prepared by the legislature and is available at the time of the hearing. An unfunded mandate shall stand repealed October 1 in the eighth fiscal year after its enactment, unless reenacted by the legislature in accordance with this section.~~

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56 (b) ~~Except upon approval of each house of the legislature~~
57 ~~by two thirds of the membership,~~ The legislature may not enact,
58 amend, or repeal any general law if the anticipated effect of
59 doing so would be to reduce the then existing authority that
60 municipalities or counties have to raise revenues in the
61 aggregate, ~~as such authority exists on February 1, 1989~~ unless
62 such law fulfills a compelling state interest and the law is
63 approved by three-fourths of the membership in each house of the
64 legislature. Such law shall state with specificity the state
65 interest sought to be served by the law and shall be no broader
66 than that necessary to accomplish the stated interest of the
67 law. Such law may be enacted only after it is heard at a public
68 legislative hearing in each house of the legislature, and duly
69 noticed to the public no less than 24 hours before the hearing.
70 Such law shall not be considered at the public hearing unless an
71 analysis containing an estimate of the fiscal impact that the
72 law will have on counties and municipalities is prepared by the
73 legislature and is available at the time of the hearing.

74 (c) ~~Except upon approval of each house of the legislature~~
75 ~~by two thirds of the membership,~~ The legislature may not enact,
76 amend, or repeal any general law if the anticipated effect of
77 doing so would be to reduce the percentage of a state tax in the
78 aggregate then shared with counties or ~~and~~ municipalities, ~~as an~~
79 ~~aggregate on February 1, 1989~~ unless such law fulfills a
80 compelling state interest and the law is approved by three-
81 fourths of the membership in each house of the legislature. Such
82 law shall state with specificity the state interest sought to be
83 served by the law and shall be no broader than that necessary to

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84 accomplish the stated interest of the law. Such law may be
85 enacted only after it is heard at a public legislative hearing
86 in each house of the legislature, duly noticed to the public no
87 less than 24 hours before the hearing. Such law shall not be
88 considered at the public hearing unless an analysis containing
89 an estimate of the fiscal impact the law will have on counties
90 and municipalities is prepared by the legislature and is
91 available at the time of the hearing. The provisions of this
92 subsection shall not apply to enhancements to state tax sources
93 enacted after January 5, 2009, February 1, 1989, to state tax
94 sources, or during a fiscal emergency declared in a written
95 joint proclamation issued by the president of the senate and the
96 speaker of the house of representatives, or where the
97 legislature provides additional state-shared revenues which are
98 anticipated to be sufficient to replace the anticipated
99 aggregate loss of state-shared revenues resulting from the
100 reduction of the percentage of the state tax shared with
101 counties or ~~and~~ municipalities, which source of replacement
102 revenues shall be subject to the same requirements for repeal or
103 modification as provided herein for the replaced ~~a~~ state-shared
104 tax source ~~existing on February 1, 1989.~~

105 (d) Laws adopted to require funding of pension benefits
106 existing on the effective date of this section, criminal laws,
107 ~~election laws,~~ the general appropriations act, or special
108 appropriations acts, ~~laws reauthorizing but not expanding then-~~
109 ~~existing statutory authority, laws having insignificant fiscal~~
110 ~~impact, and laws creating, modifying, or repealing noncriminal~~
111 ~~infractions,~~ are exempt from the requirements of this section.

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112 However, should the legislature, through the general
113 appropriations act or through a special appropriations act,
114 reduce an appropriation used to satisfy subsection (a), no
115 county or municipality shall be bound by the general law that
116 was the subject of the appropriation.

117 (e) No general law shall require a county or municipality
118 to provide a benefit to its employees unless such law equally
119 applies to all private employers. No law shall require binding
120 interest arbitration or its equivalent between a county or a
121 municipality and its employees. A department, agency, or
122 commission of the state charged with the implementation of a law
123 in existence on the effective date of this section that requires
124 a county or municipality to provide a benefit to its employees
125 shall interpret such law on or after the effective date of this
126 section in a manner that is least costly to the counties and
127 municipalities.

128 (f)(e) The legislature may enact laws to assist in the
129 implementation and enforcement of this section. This section or
130 laws affected by this section shall not create a private cause
131 of action.

132 (g) This section shall apply to the reinterpretation,
133 expansion, reenactment, or application of laws in effect on the
134 date this section takes effect as well as laws enacted on or
135 after the date this section takes effect.

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== B A L L O T S T A T E M E N T A M E N D M E N T ==

Remove lines 125-134 and insert:

UNFUNDED MANDATES.--This amendment increases the restrictions on the Legislature to: require counties and municipalities to spend funds or take an action requiring the expenditure of funds; reduce the percentage of a state tax shared with counties or municipalities or reduce their authority to raise revenue. The vote to enact laws addressing the foregoing is increased to three-fourths, from two-thirds, of each house of the Legislature. Such laws must serve a compelling state interest.

===== T I T L E A M E N D M E N T =====

Remove lines 2-12 and insert:

A resolution proposing an amendment to Section 18 of Article VII of the State Constitution to increase the restrictions on the power of the Legislature to impose unfunded mandates on counties and municipalities.