

BILL ANALYSIS

C.S.H.J.R. 91
By: Lewis
County Affairs
Committee Report (Substituted)

BACKGROUND AND PURPOSE

Legislative enactments and state agency rules may impose mandates upon counties. If these mandates are not accompanied by payment or reimbursement of the costs to the county, the county is forced to either 1) increase local taxes or 2) reduce other services. As the county tax rate increases, it becomes increasingly difficult to absorb state mandated requirements.

C.S.H.J.R. 91 would create some limitations upon state mandates imposed by legislative statute or agency rules. Mandates adopted on or after January 1, 2004 would be effective only if the legislature provides payment or reimbursement of the costs. The amendment would provide exceptions for certain mandates:

- 1) to comply with a requirement of the state constitution, federal law, or court order;
- 2) a mandate approved by the voters at a general election;
- 3) a mandate enacted by a two-thirds vote of each house that expressly exempted the mandate from their election;
- 4) a mandate that incurred less than \$1,000,000 in costs per state fiscal year.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

Section 1 amends Article III of the Texas Constitution by adding Section 66. (a) The joint resolution requires that any mandate imposed on a county that requires expenditure of money and is adopted after January 1, 2004 by the legislature or by rule of a state agency can only take effect if the legislature appropriates or provides for payment or reimbursement of the costs incurred by that county. (b) The resolution excludes from (a) any mandate: (1) imposed by the legislature or a state agency to comply with a requirement of the constitution, federal law, or a court order; (2) approved by the voters of this state at a general election; (3) imposed by a statute enacted by a record vote of two-thirds of the members elected to each house that expressly provides that the mandate is not subject to this section; or (4) if the aggregate costs incurred by the counties of this state to comply with the mandate does not exceed One Million Dollars (\$1,000,000) within the state fiscal year.

FOR ELECTION

This proposed constitutional amendment shall be submitted to the voters at an election to be held November 4, 2003. If the voters approve the amendment, House Joint Resolution 91 takes effect on or after January 1, 2004.

COMPARISON OF ORIGINAL TO SUBSTITUTE

Originally, H.J.R. 91 gave two exemptions by which Section 66(a), Article III, Texas Constitution would not apply. C.S.H.J.R. 91 adds two more exemptions. (b)(3) A mandate would be exempted if it was imposed by a statute enacted by a record vote of two-thirds of the members elected to each house that expressly provided that the mandate is not subject to Section 66. (b)(4) Section 66 would not apply if the aggregate costs the counties incurred by complying with the mandate did not exceed one million dollars within each state fiscal year.

