

BILL ANALYSIS

H.J.R. 53
By: Smith, Todd
County Affairs
Committee Report (Unamended)

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 increase local taxes or reduce other services. As they county tax rate increases, it becomes increasingly difficult to absorb state mandated requirements.

H.J.R. 53 would create some limitations upon state mandates imposed by legislative statute or agency rules. Mandates adopted on or after January 1, 2005, would be effective only if the legislature provides payment or reimbursement of the costs. The bill 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 exceeds \$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, Texas Constitution, by adding Section 67 which provides that any mandate imposed on a county that requires an expenditure of revenue by the county and is adopted after January 1, 2006, by the legislature or by rule of a state agency can only take effect if the legislature appropriates or provides for payment or reimbursement to the county of the costs incurred by that county. The exceptions are a mandate imposed by the legislature or a state agency to comply with a requirement of the constitution, federal law, or a court order; a mandate approved by the voters of this state at a general election; a mandate imposed by a statute enacted by a record vote of two-thirds of the members of each house that expressly provides that the mandate is not subject to this section; or a mandate estimated by the legislature to have aggregated costs to be incurred by the counties in complying with the mandate that exceed \$1 million in a fiscal year.

SECTION 2. Provides for election date of November 8, 2005 and specifies ballot language.

EFFECTIVE DATE

If approved by the voters, H.J.R. 53 could take effect November 8, 2005 or on the date the votes are canvassed.