

BILL ANALYSIS

C.S.H.J.R. 61
By: Smith, Wayne
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 increase local taxes or reduce other services. As state mandated requirements take up more of county budgets, it has been a challenge to many counties to keep taxes low and provide public services.

C.S.H.J.R. 61 would create some limitations upon state mandates imposed by legislative statute or agency rules. Mandates adopted on or after January 1, 2008 would be effective only if the legislature provides payment or reimbursement of the costs.

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

C.S.H.J.R. 61 amends the Texas Constitution to require that any mandate imposed on a county that requires expenditure of money and is adopted after January 1, 2008 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.

The resolution excludes any mandate that is imposed to comply with the Texas Constitution, federal law, or a court order. It also excludes any mandate approved by the voters of Texas at a general election or any mandate 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. Finally, this resolution excludes any mandate where the aggregate costs incurred by the counties of this state to comply with the mandate exceeds \$1 Million within the state fiscal year. The comptroller will make the decision on the estimated aggregate cost.

EFFECTIVE DATE

This proposed constitutional amendment shall be submitted to the voters at an election to be held November 6, 2007. If the voters approve the amendment, House Joint Resolution 61 takes effect on January 1, 2008.

COMPARISON OF ORIGINAL TO SUBSTITUTE

In the original version of H.J.R. 61, counties are exempt from mandates estimated by the comptroller to have an aggregated cost of less than \$1 Million. C.S.H.J.R. 61 corrects language so that counties are exempt from mandates, unless funding is provided, estimated by the comptroller to have an aggregated cost of more than \$1 Million.