

**LEGISLATIVE BUDGET BOARD**  
**Austin, Texas**

**FISCAL NOTE, 80TH LEGISLATIVE REGULAR SESSION**

**April 11, 2007**

**TO:** Honorable Wayne Smith, Chair, House Committee on County Affairs

**FROM:** John S. O'Brien, Director, Legislative Budget Board

**IN RE: HJR61** by Smith, Wayne (Proposing a constitutional amendment allowing a state mandate imposed on a county to have effect only if the state provides for payment to the county of the cost of the mandate. ), **Committee Report 1st House, Substituted**

The cost to the state for publication of the resolution is \$77,468. Costs associated with implementing the provisions of the resolution, if it is adopted by the voters, would vary depending on what requirements would be absorbed by the state, but at a minimum would start at \$1 million per each mandate that meets the resolution's criteria.

The resolution proposes a constitutional amendment that, unless the state provides funding to cover the costs of a mandate, would prevent a state mandate on a county from taking effect, whether the mandate is through legislation or agency rule. If the resolution passes, the provisions of the amendment would apply only to mandates adopted on or after January 1, 2008.

The resolution provides exceptions to the prohibition. The state would be authorized to impose mandates without providing funding if the mandate (1) is imposed to comply with a requirement of the Texas constitution, federal law, or a court order; (2) is approved by the voters of the state at a general election; (3) is a statute enacted by a record vote of two-thirds of the members elected in each legislative house that expressly provides that the mandate is not subject to the proposed Section 67, Article III, Texas Constitution; or (4) would in the aggregate cause counties to incur costs that are less than \$1 million in a fiscal year (as estimated by the Comptroller of Public Accounts).

The proposed amendment would be submitted to the voters at an election to be held November 6, 2007.

The initial cost to the state if the resolution were to pass would be for publication costs, as indicated in the box above. If the amendment were to be adopted by the voters, the state would be required, with certain exceptions, to fund all mandates placed on counties by the state unless those mandates meet the criteria for one of the four exceptions. This would result in additional costs to the state that would vary, depending on what the requirements might be and how many such mandates there might be.

**Local Government Impact**

If the resolution were to pass and the voters were to adopt the constitutional amendment, counties would avoid incurring additional expenses for unfunded mandates that exceed aggregated costs of \$1 million, which would result in a savings that cumulatively would likely be significant. The level of savings would depend on what requirements would have been otherwise imposed. For mandates for which the aggregated costs are less than \$1 million and therefore do not require the state to pay the costs, if \$1 million were to be spread evenly among the 254 counties, the additional cost for the mandate to the counties would be \$3,937 each.

**Source Agencies:** 304 Comptroller of Public Accounts

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