

BILL ANALYSIS

H.J.R. 84
By: Coleman
County Affairs
Committee Report (Unamended)

BACKGROUND AND PURPOSE

Current law authorizes legislative enactments and state agency rules to 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 a county's budget, the county finds it increasingly difficult to keep taxes low and provide public services.

H.J.R. 84 creates limitations upon state mandates imposed by legislative statute or agency rules. Mandates adopted on or after January 1, 2010, are effective only if the legislature provides payment or reimbursement of the costs.

RULEMAKING AUTHORITY

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

ANALYSIS

H.J.R. 84 proposes an amendment to the Texas Constitution to make a mandate adopted on or after January 1, 2010, by the legislature or by rule of a state agency that requires a county to establish, expand, or modify an activity in any way that requires the expenditure of revenue by the county that would not have been required in the absence of the statute or rule effective only if the legislature appropriates or otherwise provides for payment or reimbursement to the county of the costs incurred by the county in complying with the requirement. The resolution makes this provision inapplicable to a mandate imposed by the legislature or a state agency to comply with a requirement of the Texas Constitution, federal law, or a court order; a mandate approved by the voters of Texas at a general election; a 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 provision; or a mandate estimated by the comptroller of public accounts to have aggregated costs to be incurred by the counties of Texas in complying with the mandate that are less than \$1 million in a state fiscal year. The resolution sets forth the required language for the ballot.

ELECTION DATE

The constitutional amendment proposed by this joint resolution will be submitted to the voters at an election to be held November 3, 2009.