

## **BILL ANALYSIS**

C.S.H.J.R. 56  
By: Solomons  
State Affairs  
Committee Report (Substituted)

### **BACKGROUND AND PURPOSE**

Current law allows the legislature to impose mandates on a local government without necessarily providing the funds or reimbursement of the costs incurred by the local government in complying with the mandates. If these mandates are not accompanied by payment or reimbursement of the costs to the local government, the local government is forced either to increase local taxes or to reduce other services. C.S.H.J.R. 56 restricts the power of the legislature to impose unfunded state mandates on local government.

### **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**

C.S.H.J.R. 56 proposes an amendment to the Texas Constitution to establish that a law enacted by the legislature on or after January 1, 2012, that requires a local government to establish, expand, or modify a duty or activity that requires the expenditure of revenue by the local government is not effective unless the legislature appropriates or otherwise provides, from a source other than the revenue of the local government, for the payment or reimbursement of the costs incurred for the biennium by the local government in complying with that requirement. The resolution defines "local government" for purposes of its provisions to mean a municipality, county, hospital district, or junior college district or a special district created by the action of a municipality or county and specifically excludes a school district from the term. The resolution sets out the required ballot language.

### **ELECTION DATE**

The constitutional amendment proposed by this joint resolution will be submitted to the voters at an election to be held November 8, 2011.

### **COMPARISON OF ORIGINAL AND SUBSTITUTE**

C.S.H.J.R. 56 differs from the original in the definition of "local government" by including, among other entities, a special district created by the action of a municipality or county, whereas the original includes, among other entities, a special district created by the action of a county, city, hospital district, or community college. The substitute differs from the original in the definition by including, among other entities, a municipality and a junior college district, whereas the original includes, among other entities, a city and a community college district. The substitute contains a provision not in the original excluding a school district from the term "local government." The substitute differs from the original in nonsubstantive ways by using language reflective of certain bill drafting conventions.