

BILL ANALYSIS

H.J.R. 89
By: Coleman
County Affairs
Committee Report (Unamended)

BACKGROUND AND PURPOSE

Current law authorizes a legislative enactment or a state agency rule to impose a mandate on a county. If this mandate is not accompanied by payment or reimbursement of the costs to a county, the county is forced to either increase local taxes or reduce services. As state mandated requirements take up more of a county's budget, it is increasingly difficult for a county to keep taxes low and provide public services.

H.J.R. 89 creates a limitation upon a state mandate imposed by legislative statute or agency rule. The resolution provides that certain mandates adopted on or after January 1, 2012, are effective only if the legislature provides payment or reimbursement of 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. 89 proposes an amendment to the Texas Constitution to make a mandate adopted on or after January 1, 2012, either 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 a county expenditure of revenue 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 exempts from this provision a mandate that is imposed by the legislature or a state agency to comply with a requirement of the Texas Constitution, federal law, or a court order; is approved by the voters of this state at a general election; is imposed by a statute enacted by a record vote of two-thirds of the members elected to each house that expressly exempts the mandate from this provision; or is estimated by the comptroller of public accounts to have aggregated costs to be incurred by the counties of this state in complying with the mandate that are less than \$1 million in a state fiscal year. 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.