

- SUBJECT:** Prohibiting unfunded state mandates on a municipality or county
- COMMITTEE:** State Affairs — favorable, without amendment
- VOTE:** 9 ayes — Cook, Giddings, Craddick, Geren, Guillen, Kuempel, Meyer, Paddie, Smithee
- 3 nays — Farrar, Oliveira, E. Rodriguez
- 1 absent — K. King
- WITNESSES:** For — Paul Sugg, Texas Association of Counties; (*Registered, but did not testify*: Tom Tagliabue, City of Corpus Christi; Guadalupe Cuellar, City of El Paso; Claudia Russell, El Paso County; Donna Warndof, Harris County Commissioners Court; Bobby Gutierrez and Jama Pantel, Justices of the Peace and Constables Association of Texas; Henry Trochesset, T. Michael O'Connor, Donald Sowell, Patrick Toombs, Dennis D. Wilson, and AJ Louderback, Sheriffs' Association of Texas; Julia Parenteau, Texas Association of Realtors; Windy Johnson, Texas Conference of Urban Counties; Joseph Green, Travis County Commissioners Court)
- Against — (*Registered, but did not testify*: Nicole Hudgens, Texas Values Action)
- DIGEST:** HJR 73 would amend the Texas Constitution to prevent any law enacted by the Legislature on or after January 1, 2018, from taking effect if the law required a municipality or county to establish, expand, or modify a duty or activity that required the expenditure of its own revenue. This restriction would not apply if the Legislature appropriated or otherwise provided, from a source other than the revenue of the municipality or county, for the payment or reimbursement of the costs for the biennium in complying with the requirement.
- The ballot proposal would be presented to voters at an election on November 7, 2017. The proposal would read: "The constitutional amendment to restrict the power of the legislature from mandating

unfunded requirements on a municipality or county."

**SUPPORTERS
SAY:**

HJR 73 would prevent the Legislature from burdening cities and counties with unfunded mandates. Cities and counties already are struggling with hundreds of millions of dollars in expenses related to state requirements such as providing lawyers for indigent defendants, housing state prisoners in county jails, and appointing lawyers in Child Protective Services cases. This proposed constitutional amendment would prevent the state from imposing additional requirements on local jurisdictions without providing an appropriation or revenue source. If the Legislature is genuinely concerned about rising local property taxes, it needs to stop enacting laws that create unreimbursed expenses for cities and counties.

The proposed constitutional amendment would not limit the ability of the Legislature to craft public policy but would ensure that any new requirements were appropriately funded. The restriction on unfunded mandates would not need to extend to school districts because the state already pays a large share of the costs for public education.

**OPPONENTS
SAY:**

HJR 73 would limit the ability of the Legislature to enact policies that could appropriately require cities and counties to provide certain services. It is impossible to predict what issues might arise in the future that could involve these political subdivisions, and the Legislature must retain the ability to respond to those issues.

**OTHER
OPPONENTS
SAY:**

HJR 73 should apply to other political subdivisions such as school districts and utility districts that also receive unfunded mandates from the Legislature.

NOTES:

According to the Legislative Budget Board's fiscal note, HJR 73 would cost \$114,369 to publish the resolution.