

Examples of Unfunded Mandates from Past Legislative Sessions

Unfunded mandates are not a new creation. They did not begin with the most recent legislative session but have occurred in years past.

Two glaring examples stem from 1985 and 2001 respectively:

- Prior to the enactment of the *Indigent Health Care Act* (Health & Safety Code), counties had a general obligation to care for paupers. The Act, passed in 1985, established 138 counties and all public hospitals as the payer of last resort and statutorily set out specific duties and responsibilities. The mostly unfunded state mandate provided for a county spending limit of \$30,000.00 per person and statutory list of mandated health care services and medication regimen. The state did provide for a reimbursement threshold for funds expended by a county on indigent health care in excess of 10% of the county budget (since been lowered to 8%). However, the reimbursement is limited and subject to funds being available.
- County governments continue to wrestle with the fiscal impacts of *Senate Bill 7* from the 77th Legislature. The law, passed in 2001, requires counties to provide criminal defense services to indigent defendants but was only partially funded by state lawmakers. Its continuing impact on county budgets showed up in a resolution passed by the County Judges and Commissioners Association of Texas at its annual conference in October 2003. Resolution No. 13: Indigent Criminal Defense asked that the 78th Legislature address the issue in any upcoming special session and states:
 - WHEREAS, Senate Bill 7 has required additional county taxpayer expense to provide indigent criminal defense services; and
 - WHEREAS, Senate Bill 7 has added administrative duties and reporting requirements to county offices; and
 - WHEREAS, the current appropriation is insufficient to reimburse counties for these mandated costs; now
 - THEREFORE, BE IT RESOLVED that the County Judges and Commissioners Association of Texas urges the Legislature, during special session, to revise the provisions of Senate Bill 7 to simplify the administrative and reporting requirements and improve the efficiency of the indigent criminal defense program; and
 - BE IT FURTHER RESOLVED that the Legislature, during special session, either 1) authorize sufficient funds to commensurate counties for the full costs of implementing the mandates of the indigent criminal defense program or 2) repeal the mandatory, unfunded and/or under-funded provisions of Senate Bill 7.