

## **Unfunded Mandates from the 78<sup>th</sup> Legislative Session**

(Revised 12/10/03)

HB 401 relating to the testing of certain public safety personnel for accidental exposure to hepatitis B or hepatitis C. Requires the employer of EMS personnel, firefighters, peace officers or first responders to pay the cost of a Hepatitis B and Hepatitis C test on the patient who received services from the EMS personnel, firefighter, peace officer or first responder, if there is a belief of exposure to one of the providers. This would also apply to volunteers who are rendering assistance. While such services are essential to the well being of emergency personnel and should be rendered, the state elected not to help counties pay for the program.

HB 1 relating to the appropriations of money for the 2004-2005 Biennium.

### **Article I**

Historical Commission-Courthouse Preservation, loss of \$5 million for the biennium

### **Article II**

The Texas Department of Health, Indigent Health Services received fewer dollars for the 04-05 biennium to disburse to counties to administer this program. An estimated total of \$10.2 million will go to counties for the 04-05 biennium, which represents an approximate loss of \$4.7 million for the counties to administer the Indigent Health Care program.

Other areas of concern under Article II, possible fiscal impacts to counties.

- The CHIP Program keeps eligibility at 200% of the poverty level, but adds an asset limit to CHIP and eliminates most income disregards. Additionally, there are additional changes to the program which reduce benefits as follows: (1) a 90-day waiting period for enrollment, (2) reducing continuous eligibility to 6 months (from the current 12 months), and (3) requiring higher co-payments and premiums from clients. According to the Center for Public Policy Priorities these changes are projected to reduce the number of children enrolled by 169,295 below projected enrollment in 2005 (or, 166,897 below May 2003 enrollment). These kids will no longer be treated for acute care and will be treated in the emergency room of a hospital at a much higher cost. This will be in a public hospital or a hospital district, both of which are supported to a substantial extent by county tax dollars.
- Due to the cuts in Medicaid services such as mental health services and podiatry services the costs of these services will be shifted to the county either by using a public funded hospital or by using the county jail as the mental health facility. It is not possible to quantify the amount; however, county leaders expect the costs will be substantial.

### **Article IV**

**\*County dollars are not separated from state dollars in the losses shown below.**

Office of Court Administration, Texas Judicial Council

- Assistance to administrative judicial regions, loss of \$52,756 for the biennium (There was approximately a 12% reduction to the 04-05 budget)

(Article IV cont.)

Judiciary Section, Comptroller's Department

- Visiting retired judges, (regions) loss of \$5,499,934 for the biennium
- Witness expenses, loss of \$1 million for the biennium
- Statutory court judge GR supplement, loss of \$140,000 for the biennium
- Felony prosecutors travel, loss of \$23,500
- Prosecutors expenses, loss of \$213,924 for the biennium

**Article V**

As listed in the 2004-2005 State Appropriations Budget, counties will lose funding under the Challenge Grant and Non-Residential Program funding under the Juvenile Probation Commission's budget (funding for both programs was cut for fiscal years 2004 and 2005).

- The **Challenge Grant Program** assisted 24 counties (Bexar, Brazoria, Brazos, Comal, Dallas, El Paso, Gray, Guadalupe, Hale, Harris, Hidalgo, Jefferson, Lubbock, Montgomery, Nueces, Randall, San Patricio, Smith, Tarrant, Taylor, Tom Green, Travis, Van Zandt, Williamson) and was budgeted at **\$677,721.00** in 2002-2003.
- The **Non-Residential Program** assisted 11 counties (Coke, Dewitt, Hale, Harrison, Houston, Karnes, Kaufman, Lampasas, Milam, Polk, Rockwall) and was budgeted at **\$250,000.00** in 2002-2003.

Another area of concern under Article V, is the elimination of the Criminal Justice Policy Council. The Council served as great resource for counties when looking at jail overcrowding issues. The statistical data generated by the Policy Council that assisted counties in making financial projections and construction plans (jail contracts and personnel) is no longer available. It is not possible to estimate or quantify this loss to counties. However, the elimination of the Policy Council will most assuredly result in substantial financial adversities to counties, including inefficiencies and waste attributable to incarceration emergencies and jail inmate contingencies that were previously predictable.

**Article VII**

Texas Department of Transportation, Rider 18: Road Materials. A fiscal appropriation for counties is now transferred into a physical appropriation of road maintenance materials. Whereas Rider 22 of the 2002-2003 biennium provided for counties to receive a portion (\$4.1 million in calendar 2002) of Gross Weight and Axle Weight fees collected by the state (Transportation Code 621.353), Rider 18 of the 2004-2005 biennium provides for disbursement of double the amount of road materials, but no fiscal appropriations.