

BILL ANALYSIS

C.S.H.B. 276
By: Zerwas
State Affairs
Committee Report (Substituted)

BACKGROUND AND PURPOSE

Currently, Texas does not require state agencies to report the costs and services provided to undocumented workers and residents. Rider 59, H.B. 1, 80th Legislature, Regular Session, 2007 (the General Appropriations Act), directed the Health and Human Services Commission to report the costs of services provided to undocumented immigrants to the U.S. Congress and the legislature. The findings of this reporting directive demonstrated the need to expand reporting requirements to all state agencies.

C.S.H.B. 276 requires each state agency to submit to the comptroller of public accounts a report on the cost of services and benefits provided to undocumented immigrants. The bill authorizes an agency to determine a recipient's immigration status by specified means, and requires the comptroller to use the information to produce a biennial report to the legislature regarding the estimated financial impact of undocumented immigrants on the state budget and economy.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

C.S.H.B. 276 amends the Government Code to require each state agency, not later than December 31 of each year, to submit to the comptroller of public accounts a report of the cost of services and benefits provided to undocumented immigrants. The bill specifies means for determining the extent to which an agency serves such immigrants, either by considering statements and other information that identifies the recipient as undocumented, including place of birth, Social Security registration, and work history, or using an aggregated statistical method if it is not practical for the agency to directly determine whether each recipient is an unlawfully present immigrant.

C.S.H.B. 276 requires the comptroller to use the information from such agency reports to produce a biennial report to the legislature regarding the estimated financial impact of undocumented immigrants on the state budget and economy.

C.S.H.B. 276 requires a report, under provisions of the bill, to be produced using aggregated statistical data that does not contain personally identifiable information. The bill prohibits information sought for the preparation of such a report from violating any federal or state laws, including rules, regarding privacy.

C.S.H.B. 276 defines "undocumented immigrant" to mean an individual who is not a U.S. citizen, a legal permanent resident of the United States, or a qualified alien or nonimmigrant under the Immigration and Nationality Act.

EFFECTIVE DATE

September 1, 2009.

COMPARISON OF ORIGINAL AND SUBSTITUTE

C.S.H.B. 276 differs from the original by requiring each state agency to submit to the comptroller of public accounts a separate report of the cost of services and benefits provided to undocumented immigrants not later than December 31 of each year, rather than including such information in such an agency's annual report.

C.S.H.B. 276 differs from the original by using the term "undocumented immigrant" rather than "unlawfully present immigrant" as in the original, although the definitions of those terms are identical.

C.S.H.B. 276 removes a provision in the original that includes asking each recipient of a service or benefit whether the individual is an unlawfully present immigrant as a means of determining the extent to which an agency serves such immigrants. The substitute differs from the original, in other provisions establishing those means, by referring to use of an aggregate statistical method, rather than to a statistical method as in the original.

C.S.H.B. 276 adds a provision not in the original requiring the comptroller to produce a biennial report to the legislature regarding the estimated financial impact of undocumented immigrants on the state budget and economy.

C.S.H.B. 276 adds provisions not in the original requiring a report to be produced using aggregated statistical data that does not contain personally identifiable information and prohibiting information sought for the preparation of a report from violating any federal or state laws, including rules, regarding privacy.

C.S.H.B. 276 removes a provision in the original requiring a state agency to submit the annual report portion relating to unlawfully present immigrants to the lieutenant governor, speaker of the house of representatives, and members of the legislature.