

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 81ST LEGISLATIVE REGULAR SESSION

April 16, 2009

TO: Honorable Burt R. Solomons, Chair, House Committee on State Affairs

FROM: John S. O'Brien, Director, Legislative Budget Board

IN RE: HB404 by Harless (Relating to the enforcement of state and federal laws governing immigration by certain governmental entities.), **As Introduced**

<p>No significant fiscal implication to the State is anticipated.</p>
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The bill would amend the Local Government Code to prohibit a local government entity from adopting a policy under which the entity would not fully enforce state or federal laws, including laws relating to drugs, immigrants, or immigration. Local governments would also be prohibited from restricting their officers, employees, or other bodies from maintaining information related to immigration status of any individual and sending that information to the U.S. Citizenship and Immigration Services, or from assisting, cooperating with, or providing access to a municipal or county jail to a federal immigration officer.

If a local government entity were not in compliance with these prohibitions, that entity would be prohibited from receiving state grant funds for the fiscal year following the year in which the rule, order, ordinance, or policy is adopted or the determination is made that the entity intentionally failed to fully enforce state or federal laws related to immigration. The Governor's Office of Budget, Planning, and Policy (GOBPP) would be required to adopt rules to implement the requirements of the bill uniformly among the state agencies from which state grant funds are distributed to a local entity.

Based on analysis by the GOBPP, any administrative costs incurred in implementing provisions of the bill could be absorbed using existing resources.

Local Government Impact

A local entity that does not comply with the proposed changes in statute and that would otherwise qualify for and receive state funding would experience a revenue loss. The amount of the revenue loss would vary, depending on what grant funds had been available and otherwise awarded to the entity.

Source Agencies: 301 Office of the Governor

LBB Staff: JOB, DB, KJG