

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 81ST LEGISLATIVE REGULAR SESSION

April 20, 2009

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

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

IN RE: HB1061 by Jackson, Jim (Relating to the requirement of citizenship or lawful presence in the United States for issuance or renewal of certain occupational licenses, driver's licenses, and identification certificates.), **As Introduced**

Estimated Two-year Net Impact to General Revenue Related Funds for HB1061, As Introduced: an impact of \$0 through the biennium ending August 31, 2011.

The bill would make no appropriation but could provide the legal basis for an appropriation of funds to implement the provisions of the bill.

General Revenue-Related Funds, Five-Year Impact:

Fiscal Year	Probable Net Positive/(Negative) Impact to General Revenue Related Funds
2010	\$0
2011	\$0
2012	\$0
2013	\$0
2014	\$0

All Funds, Five-Year Impact:

Fiscal Year	Probable Savings/ (Cost) from <i>GENERAL REVENUE</i> <i>FUND</i> 1	Probable Revenue Gain/(Loss) from <i>GENERAL REVENUE</i> <i>FUND</i> 1	Probable Savings/ (Cost) from <i>Public Accountancy</i> <i>Trust Fund</i> 858	Probable Revenue Gain/(Loss) from <i>Public Accountancy</i> <i>Trust Fund</i> 858
2010	(\$2,805,264)	\$2,805,264	(\$448,379)	\$448,379
2011	(\$2,020,521)	\$2,020,521	(\$2,140)	\$2,140
2012	(\$1,870,592)	\$1,870,592	(\$2,140)	\$2,140
2013	(\$1,901,690)	\$1,901,690	(\$2,140)	\$2,140
2014	(\$1,888,814)	\$1,888,814	(\$2,140)	\$2,140

Fiscal Year	Probable Savings/ (Cost) from <i>Insurance Maint Tax</i> <i>Fees</i> 8042	Probable Revenue Gain/(Loss) from <i>Insurance Maint Tax</i> <i>Fees</i> 8042	Change in Number of State Employees from FY 2007
2010	(\$180,130)	\$180,130	46.0
2011	(\$158,235)	\$158,235	43.8
2012	(\$158,235)	\$158,235	38.0
2013	(\$158,235)	\$158,235	34.0
2014	(\$158,235)	\$158,235	34.0

Fiscal Analysis

ARTICLE 1 of the bill would amend the Occupations Code to prohibit a licensing authority to issue an occupational license, certificate, registration, permit, or other authorization unless an applicant establishes employment eligibility. The applicant would establish employment eligibility by providing an original or a copy of one or two documents specific documents, or a document verifying that the applicant provided to their current or most recent employer a true and correct Form I-9 along with authentic supporting documents.

Each licensing agency would need to adopt the necessary rules not later than January 1, 2010 and the article would apply only to an application for the issuance or renewal of a license filed with a licensing authority on or after March 1, 2010.

ARTICLE 2 of the bill would amend the Transportation Code to direct the Department of Public Safety (DPS) to require each applicant for an original, renewal, or duplicate driver's license, commercial driver's license, or identification certificate to furnish proof of U.S. citizenship, or documents issued by the U.S. agency responsible for authorizing the person to be in the U.S. A license or identification certificate could not be issued to a person who failed or refused to comply with the requirements, or whose lawful admission period in the U.S. expired before the 180th day after the application date.

DPS would set by rule the fee for a driver's license, including a commercial driver's license or commercial driver learner's permit, or a personal identification certificate, issued to a person not a citizen of the U.S. in an amount not to exceed the fee amount otherwise imposed in Subchapter R of Chapter 521, or that exceed actual costs to DPS of issuing the license or certificate.

A drivers license would have to include a statement as to whether the person was a citizen of the U.S., and DPS would maintain an index of the citizenship status for each holder of a license or personal identification certificate. These changes would apply only to licenses issued on or after the effective date of the bill.

Methodology

It is assumed that the licensing agencies in Article 8 of the General Appropriations Act would adjust license fees to cover any additional costs associated with the implementation of this bill.

Based on information provided by the Article 8 agencies listed below, it is assumed staff costs would include: \$1,547,000 for 46.0 full-time-equivalent positions (FTEs) in fiscal year 2010; \$1,560,000 for 43.3 FTEs in fiscal year 2011; \$1,367,000 for 38.0 FTEs in fiscal year 2012, and \$1,267,000 for 34.0 FTEs in each fiscal year from 2013 to 2014.

By administrative rule DPS currently requires proof of lawful presence before issuing a drivers license to non-citizens.

It is assumed that the Private Security Board (PSB) within DPS would need to have the employment eligibility verified for all original and renewal licensing applicants. It is also assumed that DPS would incur costs to update drivers licenses with a citizenship field and to update licensing applications. It is estimated that these costs would be absorbed by DPS.

It is assumed there would be costs associated with this bill for other state agencies that are not listed below, but that these costs could be absorbed within existing agency resources.

Technology

Technology costs, including programming costs and the purchase of necessary hardware and software for several agencies, are estimated to be: \$164,000 in fiscal year 2010; \$22,000 in fiscal year 2011; and \$16,000 in each fiscal year from 2012 to 2014.

Local Government Impact

No significant fiscal implication to units of local government is anticipated.

Source Agencies: 304 Comptroller of Public Accounts, 312 Securities Board, 329 Real Estate Commission, 370 Residential Construction Commission, 405 Department of Public Safety, 450 Department of Savings and Mortgage Lending, 451 Department of Banking, 452 Department of Licensing and Regulation, 454 Department of Insurance, 456 Board of Plumbing Examiners, 457 Board of Public Accountancy, 464 Board of Professional Land Surveying, 476 Racing Commission, 503 Texas Medical Board, 504 Texas State Board of Dental Examiners, 507 Texas Board of Nursing, 508 Board of Chiropractic Examiners, 512 Board of Podiatric Medical Examiners, 513 Funeral Service Commission, 514 Optometry Board, 515 Board of Pharmacy, 533 Executive Council of Physical Therapy & Occupational Therapy Examiners, 551 Department of Agriculture

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