

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 82nd LEGISLATURE 1st CALLED SESSION - 2011

June 10, 2011

TO: Honorable Tommy Williams, Chair, Senate Committee on Transportation & Homeland Security

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

IN RE: SB9 by Williams (Relating to the enforcement of state and federal laws governing immigration by certain governmental entities and the administration of certain documentation of citizenship status and other lawful admittance by the Department of Public Safety.), **As Introduced**

Estimated Two-year Net Impact to General Revenue Related Funds for SB9, As Introduced: an impact of \$0 through the biennium ending August 31, 2013.

General Revenue-Related Funds, Five-Year Impact:

Fiscal Year	Probable Net Positive/(Negative) Impact to General Revenue Related Funds
2012	\$0
2013	\$0
2014	\$0
2015	\$0
2016	\$0

All Funds, Five-Year Impact:

Fiscal Year	Probable Revenue Gain from <i>Texas Mobility Fund</i> 365
2012	\$0
2013	\$1,432,595
2014	\$1,461,247
2015	\$1,490,467
2016	\$1,520,278

Fiscal Analysis

The bill would amend the Code of Criminal Procedure to require a law enforcement agency with custody of a person to verify the immigration status of persons by use of the federal Secure Communities program. The bill would amend the Transportation Code to establish expiration dates for driver's licenses issued to people who are not citizens, nationals, or legal permanent residents of the United States or a refugee or asylee lawfully admitted into the United States. The bill also would establish fee amounts for various issuances of the license or personal identification certificate issued to applicants who are not citizens of the United States. The bill would require DPS to designate certain driver's license offices as temporary visitor stations employing a least two staff who have completed certain specialized training.

The bill would amend the Local Government Code to prohibit the governing body of a municipality, county, special district or authority, an officer or employee of that entity, or a district or criminal district attorney from adopting a policy under which the entity would not fully enforce state or federal laws, including laws relating to immigrants or immigration. This provision would not apply to certain school districts, or a hospital or hospital district. A local government would be prohibited from restricting their officers, employees, or other bodies from inquiring or maintaining information related to the immigration status of any individual and sending that information to the United States (U.S.) Citizenship and Immigration Services, the U.S. Immigration and Customs Enforcement, or from assisting, cooperating with, or providing access to a municipal or county jail to a federal immigration officer.

A local government or any officer or employee of that entity would be prohibited from receiving state grant funds if a rule or ordinance is adopted that would not fully enforce state and federal immigration laws.

Any citizen residing in the jurisdiction of an entity defined by Subsection (a) would be authorized to file a complaint with the attorney general if the citizen has evidence that the entity violated or prohibited state or federal laws. The attorney general would be permitted to file a petition for a writ of mandamus or other appropriate equitable relief and to recover reasonable expenses. According to the Office of the Attorney General, any additional work to implement the provisions of the bill could be absorbed within current resources.

Methodology

The provisions of the bill related to expiration dates and fee amounts for driver's licenses or personal identification certificates issued to applicants who are not citizens of the United States would result in a revenue gain to the Texas Mobility Fund. The CPA indicates the impact on revenue cannot be determined, but DPS estimates a gain to the Texas Mobility Fund of \$1,432,595 in fiscal year (FY) 2013, \$1,461,247 in FY 2014, \$1,490,467 in FY 2015, and \$1,520,278 in FY 2016. This analysis assumes DPS could implement the provisions of the bill within existing appropriations.

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 revenue loss would vary depending on what grant funds had been available and otherwise awarded to the entity.

According to the Texas Association of Counties (TAC), the Harris County Sheriff's Office reported the fiscal impact would not be significant due to the sheriff's office currently using federal secure community guidelines in the jail operations. However, TAC also noted that the majority of counties, especially smaller counties, could experience a significant fiscal impact to implement the provisions of the bill.

According to the Texas Municipal League, costs associated with implementing the provisions of the bill could be significant.

The City of Houston Police Department reported the fiscal impact associated with implementing the provisions of the bill would be moderate to significant. Costs would include salaries for 58 new personnel (22 local officers designated to perform immigration functions; 33 guards for additional prisoners beds; 3 identification officers) (\$3.75 million); increased time for housing inmates in jail (currently Houston houses for 12 hours; federal law requires 48 hours); 100-120 additional jail beds (\$419,147); one Automated Fingerprint Identification System (AFIS) machine (\$39,000); software and programming for AFIS (\$5,000); and other costs (\$280,752).

Source Agencies:

LBB Staff: JOB, KJG, ESi