

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 82ND LEGISLATIVE REGULAR SESSION

March 1, 2011

TO: Honorable Byron Cook, Chair, House Committee on State Affairs

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

IN RE: HB18 by Riddle (Relating to the enforcement by certain governmental entities of laws governing immigration.), **As Introduced**

No significant fiscal implication to the State is anticipated.

The bill would amend the Local Government Code to prohibit the governing body of a municipality, county, special district or authority, or any officer or employee of that entity from adopting a policy under which the entity would not fully enforce state or federal laws, including laws relating to immigrants or immigration.

A local government or any officer or employee of that entity would be prohibited from receiving or retaining state funds if a rule or ordinance is adopted that would not fully enforce state and federal immigration laws. The bill would permit the attorney general to make a determination of eligibility of state funds and notify the entity of the determination; requiring the entity to forfeit and repay all unexpended state money.

According to the Office of the Attorney General, the provisions of the bill could result in new litigation raising constitutional challenges or seeking declaratory judgments; however, any additional legal work could be absorbed within current resources.

Local Government Impact

A local governmental 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 majority of counties, especially smaller counties, could experience a significant fiscal impact to implement the provisions of the bill.

Harris County reported the fiscal impact would not be significant unless the county would be responsible for transporting offenders to other state or federal facilities. Harris County reported over 130,000 such bookings in a typical year, not including prisoners taken into custody on bail offenses by city agencies which maintain a jail at some level within the county.

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

The City of Houston reported the fiscal impact could be significant, but would vary depending on the type of program the city chose to participate in. One program available is the Secure Communities program that the city estimated would cost \$75,000 as a one-time fee for software that allows a fingerprint to be taken and sent in for verification through Homeland Security.

Source Agencies: 302 Office of the Attorney General

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