

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 84TH LEGISLATIVE REGULAR SESSION

April 13, 2015

TO: Honorable Jane Nelson, Chair, Senate Committee on Finance

FROM: Ursula Parks, Director, Legislative Budget Board

IN RE: SB62 by Huffines (Relating to accounting for, and recovery from the federal government of, costs incurred by this state as a result of the presence of persons who are not lawfully present in the United States.), **As Introduced**

Estimated Two-year Net Impact to General Revenue Related Funds for SB62, As Introduced: a negative impact of (\$350,000) through the biennium ending August 31, 2017.

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
2016	(\$350,000)
2017	\$0
2018	(\$350,000)
2019	\$0
2020	(\$350,000)

All Funds, Five-Year Impact:

Fiscal Year	Probable Savings/(Cost) from General Revenue Fund
2016	(\$350,000)
2017	\$0
2018	(\$350,000)
2019	\$0
2020	(\$350,000)

Fiscal Analysis

The bill would amend the Government Code to require the Comptroller of Public Accounts, prior to each legislative session, to estimate costs incurred by the state as a result of the presence of persons who are not lawfully present in the U.S. The estimate would include at minimum an

estimate of the financial costs related to education, health care, and incarceration.

The bill would require the Comptroller and the Attorney General to attempt to recover from the federal government an amount equal to the total of the estimated costs. The bill would require the Comptroller and the Attorney General to use every means available to collect from the federal government the amount requested, including withholding any payments of money that the state owes to the federal government in a total amount not to exceed the amount requested. If the Comptroller did not submit the required estimate to certain officials by a specified time, appropriations to the Comptroller would be reduced by \$25,000 each subsequent day until the date the required estimation is submitted to certain officials. The bill would take effect on September 1, 2015.

Methodology

The office of the Comptroller estimates there would be a cost of \$350,000 associated with producing the estimate. This administrative cost estimate reflects the funds that would be necessary to hire contract staff to gather comprehensive data and prepare an analysis of the financial costs resulting from the presence in Texas of people who are not lawfully present in the United States. Cost categories must include education, health care, and incarceration. Based on the agency's previous experience publishing the 2006 immigration report, the agency found that the data was challenging to find and sometimes difficult to obtain due to privacy and public information laws.

The office of the Attorney General estimates that the bill could result in lawsuits against the federal government and legal challenges related to the constitutionality of the law itself. The agency estimates that costs associated with the bill could be absorbed within existing resources.

The bill's provisions could result in reimbursements by the federal government of costs incurred by the state as a result of the presence of persons who are not lawfully present in the U.S. The amount of reimbursements cannot be determined.

Local Government Impact

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

Source Agencies: 302 Office of the Attorney General, 304 Comptroller of Public Accounts

LBB Staff: UP, KK, EP, JHa, SD, LCO