

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 84TH LEGISLATIVE REGULAR SESSION

April 27, 2015

TO: Honorable Donna Campbell, Chair, Senate Committee on Veteran Affairs & Military Installations

FROM: Ursula Parks, Director, Legislative Budget Board

IN RE: **SB1252** by Hall (Relating to an interstate compact on border security and immigration enforcement.), **Committee Report 1st House, Substituted**

The fiscal implications of the bill cannot be determined at this time because information regarding variables such as when the interstate compact for border security would take effect is not available.

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

Fiscal Analysis

The bill would amend Government Code to require the governor to coordinate, develop, and execute an Interstate Compact for Border Security among interested states. After another state adopts the compact, the governor would be required to call a special session of the legislature to adopt the compact, and seek the approval of the United States Congress for the compact. The bill would require the compact to provide for action among compacting states for the operational control of Texas' border with Mexico and enforcing federal immigration laws, including detecting, apprehending, detaining, prosecuting, releasing, and monitoring of persons unlawfully present in the United States.

The bill would take effect immediately upon receiving two-thirds majority vote in each house. Otherwise, the bill would take effect September 1, 2015.

Methodology

The Office of the Governor indicates that the duties and responsibilities associated with implementing the provisions of the bill could be accomplished within existing resources. There would be a cost for the legislature to meet in a special session. The overall cost of this provision cannot be determined at this time because the number of days the legislature would remain in special session to implement the provisions of the bill is unknown. Costs associated with a special session, including per diem of members of the Legislature and staffing expenses, are estimated to be \$1,125,000 for a 30-day special session.

Because the Texas Department of Public Safety (DPS), Texas Military Department (TMD), and Texas Parks and Wildlife Department (TPWD) currently provide personnel and equipment for border security, it is assumed provisions of the bill relating to action among compacting states for

operational control of Texas' border with Mexico could be implemented within existing resources. If other states that are members of the Compact were to also participate, it is assumed there could be savings as a result of needing fewer resources from DPS, TMD, or TPWD for border security.

Enforcement of federal immigration laws, including actions such as apprehension, detention, and prosecution of persons unlawfully present in the United States, are currently activities undertaken by the Federal government. Based on current state law that provides primary jurisdiction to locals, it is assumed these cases would be prosecuted by district or county attorney's and therefore there would not be a significant fiscal impact to the state court system. Whether the bill would result in a significant fiscal impact as a result of apprehensions or detentions is indeterminate due to the lack of data on the number of times the state would enforce federal immigration law and whether the enforcement of federal immigration laws would result in incarceration within state correctional institutions.

Local Government Impact

Because state law would grant primary jurisdiction to county and district attorney's in prosecutions, it is assumed these cases would be tried by local prosecutors for purposes of this fiscal note. Because locals do not currently prosecute most offenses related to federal immigration law, it is assumed there could be costs to local courts, prosecutors, and law enforcement entities associated with prosecuting these cases.

Source Agencies: 301 Office of the Governor, 405 Department of Public Safety

LBB Staff: UP, FR, EP, LBe, JJ, MMe