

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 85TH LEGISLATIVE REGULAR SESSION

February 3, 2017

TO: Honorable Joan Huffman, Chair, Senate Committee on State Affairs

FROM: Ursula Parks, Director, Legislative Budget Board

IN RE: SB4 by Perry (Relating to the enforcement by certain local governmental entities and campus police departments of state and federal laws governing immigration and to related duties of certain law enforcement and judicial entities in the criminal justice system.),
Committee Report 1st House, Substituted

<p>No significant fiscal implication to the State is anticipated.</p>
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The bill would amend the Local Government Code to prohibit a municipality, county or special district, campus police department of an institution of higher education, an employee of certain local entities, and a district attorney or criminal district attorney from adopting rules, orders, ordinances, or policies that prohibit enforcement of state and federal immigration laws. Under the provisions of the bill, a local entity may not prohibit an individual employed or under the direction of the agency from participating in certain activities associated with the immigration status of certain individuals. The bill would deny state grants to an entity for the following year after a court finds that the entity adopted such rules or policies or prohibited the enforcement of immigration laws.

Any citizen residing in the jurisdiction of an entity described above would be allowed to file a complaint with the attorney general. After finding a complaint valid, the attorney general may file a petition for writ of mandamus or apply for other equitable relief to compel the entity to comply with the provisions of the bill. The attorney general may recover reasonable expenses incurred in the legal proceedings. The attorney general would develop and maintain a database listing of each local entity found in violation of the provisions of the bill and post the database on the attorney general's website.

It is assumed that the provisions of the bill resulting in costs to state agencies and institutions of higher education could be reasonably absorbed with current resources.

Local Government Impact

There could be a fiscal impact to local governmental entities depending on if the entity has such rules, ordinances, or policies relating to provisions in the bill, the number of complaints filed by individuals and the number of complaints investigated and pursued by the Attorney General.

According to the Texas Municipal League (TML), the cost of the bill cannot be determined.

According to the City of Houston, in fiscal year 2016 the city received \$43.7 million in state grant funds. If the city was deemed to be in violation of the bill, the result could be a forfeiture of the grant funds. Houston also noted that the processing time for increased number of arrests and housing detainees in secure correction facilities could have a cost but the cost could not be determined.

According to the City of Austin in fiscal year 2017 the city has received \$9.7 million in state grant funding and \$11.8 million in pass through federal funding. It is unclear to the City of Austin how the provisions of the bill would apply to these sources of grant funding.

According to the City of El Paso the additional arrests and processing requirements would cost the city an estimated \$130,000 each fiscal year.

According to the Texas Association of Counties (TAC) the bill could expand a county's liability but the cost of the bill cannot be determined at this time. Responses from specific counties were varied.

According to Harris County the provisions of the bill would cost \$5.2 million per year for staff and cost of housing detainees. Additionally, if the county was found to be in non-compliance an estimated \$62 million in grant funds could be forfeit.

According to Travis County, additional costs may be incurred due to population growth of the county jail and potential costs associated with litigation.

According to the City of Austin in fiscal year 2017 the city has received \$9.7 million in state grant funding and \$11.8 million in pass through federal funding. It is unclear to the City of Austin how the provisions of the bill would apply to these sources of grant funding.

According to the City of El Paso the additional arrests and processing requirements would cost the city an estimated \$130,000 each fiscal year.

According to Bexar County, Denton County, El Paso County, and the City of Galveston, no significant fiscal impact from the bill is anticipated.

Source Agencies: 212 Office of Court Administration, Texas Judicial Council, 302 Office of the Attorney General, 304 Comptroller of Public Accounts, 405 Department of Public Safety, 710 Texas A&M University System Administrative and General Offices, 719 Texas State Technical College System Administration, 720 The University of Texas System Administration, 768 Texas Tech University System Administration, 769 University of North Texas System Administration, 407 Commission on Law Enforcement

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