

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 88TH LEGISLATIVE REGULAR SESSION

April 2, 2023

TO: Honorable Paul Bettencourt, Chair, Senate Committee on Local Government

FROM: Jerry McGinty, Director, Legislative Budget Board

IN RE: SB2018 by Flores (Relating to prohibitions on camping in a public place.), **As Introduced**

The fiscal implications of the bill cannot be determined due to the number of potential violating entities, the amount spent on law enforcement in those entities, and any interest earnings being unknown.

Under the bill's provisions, a local entity that failed to take action to address complaints regarding public camping would be deemed a violating local entity by the Office of the Attorney General (OAG). The bill would authorize the OAG and the Department of Public Safety (DPS) to initiate an action to enforce the prohibition against public camping and recover any costs from a violating local entity and would prohibit the Comptroller of Public Accounts (CPA) from sending a violating local entity its share of municipal sales and use tax revenue without deducting the amount of money the state spent to provide law enforcement services in the local entity. The bill would require the CPA to credit that deducted amount to the General Revenue Fund and would authorize its appropriation to the OAG and DPS.

According to the CPA, should there be violating entities, the bill could result in an increase in the balance of the Local Sales and Use Tax Trust Fund Account 0882 as some municipal sales tax revenues would not be allocated in the usual manner, but remain in trust for some period. The additional balance could result in an indeterminate amount of interest earnings deposited to General Revenue. In addition, and prior to allocation, some municipal sales tax would be retained for the amount spent on law enforcement in the violating entities, also to be deposited to General Revenue.

As the number of potential violating entities, the amount spent on law enforcement in those entities, and any interest earnings are unknown; the fiscal implications of the bill cannot be determined.

It is assumed that any administrative costs associated with the bill could be absorbed using existing resources.

Local Government Impact

There could be an impact on certain local entities related to developing a process for a person to file a complaint regarding public camping. If a local entity is found to be in violation of the provisions of the bill, there would be a loss of municipal sales and use tax revenue equal to the amount reported spent by the OAG or DPS on law enforcement services in the entity.

Source Agencies: 302 Office of the Attorney General, 304 Comptroller of Public Accounts, 405 Department of Public Safety

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