

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 82ND LEGISLATIVE REGULAR SESSION
Revision 1

May 6, 2011

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

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

IN RE: HB12 by Solomons (Relating to the enforcement of state and federal laws governing immigration by certain governmental entities.), **Committee Report 1st House, Substituted**

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, an officer or employee of that entity, or a district or criminal district attorney from adopting a policy under which the entity would not fully enforce state or federal laws, including laws relating to immigrants or immigration. This provision would not apply to a school district, open-enrollment charter school or a junior college district, but would not exclude a commissioned peace officer employed or commissioned by a school district, open-enrollment charter school or junior college district.

A local government also would be prohibited from restricting their officers, employees, or other bodies from inquiring or maintaining information related to the immigration status of any individual and sending that information to the United States (U.S.) Citizenship and Immigration Services, the U.S. Immigration and Customs Enforcement, or from assisting, cooperating with, or providing access to a municipal or county jail to a federal immigration officer.

A local government or any officer or employee of that entity would be prohibited from receiving state grant funds if a rule or ordinance is adopted that would not fully enforce state and federal immigration laws. The governor's office would be allowed to issue guidelines to implement the provisions uniformly among state agencies that receive state grant funds. The Office of the Governor reported there would be no fiscal impact to implement the provisions of the bill.

The bill would authorize any citizen residing in the jurisdiction of an entity defined by Subsection (a) to file a complaint with the attorney general if the citizen has evidence supporting the allegation that the entity violated or prohibited the enforcement of state or federal laws. The attorney general would be permitted to file a petition for a writ of mandamus or other appropriate equitable relief and to recover reasonable expenses incurred in obtaining relief. An appellate court would be required to render a final order or judgment with the least possible delays.

According to the Office of the Attorney General, any additional work to implement the provisions of the bill could be absorbed within current resources.

The bill would take effect immediately if it receives a vote of two-thirds of all members elected to each house. If the bill does not receive the votes required to pass, the bill would take effect September 1, 2011.

Local Government Impact

A local 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 Harris County Sheriff's Office reported the fiscal impact would not be significant due to the sheriff's office currently using federal secure community guidelines in the jail operations. However, TAC also noted that the majority of counties, especially smaller counties, could experience a significant fiscal impact to implement the provisions of the bill.

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

The City of Houston Police Department reported the fiscal impact associated with implementing the provisions of the bill would be moderate to significant. Costs would include salaries for 58 new personnel (22 local officers designated to perform immigration functions; 33 for guards for additional prisoners beds; 3 identification officers) (\$3.75 million); increased time for housing inmates in jail (currently Houston houses for 12 hours; federal law requires 48 hours); 100-120 additional jail beds (\$419,147); one Automated Fingerprint Identification System (AFIS) machine (\$39,000); software and programming for AFIS (\$5,000); and other costs (\$280,752).

Source Agencies: 301 Office of the Governor, 302 Office of the Attorney General

LBB Staff: JOB, KJG, TP, SD