

BILL ANALYSIS

Senate Research Center
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S.B. 62
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Finance
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AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Texas shares 1,254 miles with the border of Mexico and is home to an estimated 1.8 million illegal immigrants. The latest Texas Border Security Dashboard report available from the Department of Public Safety of the State of Texas (DPS) indicates that 56,443 unaccompanied alien children entered Texas between October 2013 and August 2014. Because the federal government has failed to live up to its responsibility to secure the border and provide for the rule of law through a functioning system of legal immigration, Texas taxpayers are required to bear the costs of border security, education, health care, and incarceration. The House Select Committee on Fiscal Impact of Texas Border Support Operations in the 83rd Legislature compiled an invoice stating that various state agencies, such as the Texas Education Agency, DPS, and others, spent up to \$559,196,063 during the 2012-2013 biennium. Because illegal immigration is a growing problem throughout the state, taxpayers should not be required to shoulder the fiscal costs that should be paid by the federal government.

S.B. 62 directs the Comptroller of Public Account of the State of Texas (comptroller) to write a report 30 days before a regular session estimating the costs Texas taxpayers bear as a result of illegal immigration. S.B. 62 requires the comptroller and the attorney general to publicly submit an invoice to the federal government for the full amount of the costs estimated.

As proposed, S.B. 62 amends current law 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.

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Subchapter B, Chapter 403, Government Code, by adding Section 403.0112, as follows:

Sec. 403.0112. ACCOUNTING FOR AND RECOVERY OF COSTS OF ILLEGAL IMMIGRATION. (a) Requires the comptroller of public accounts of the State of Texas (comptroller) to issue to the speaker of the house of representatives, the lieutenant governor, the governor, and the attorney general an estimation of the financial costs to this state incurred during the preceding two-year period that resulted from the presence in this state of persons who are not lawfully present in the United States not later than the 30th day before the first day of each regular legislative session.

(b) Requires that the estimation include a separate accounting for the estimated costs to the state incurred in specific categories of state spending as determined by the comptroller. Requires that the categories include costs of education, health care, and incarceration of persons described by Subsection (a).

(c) Requires the comptroller and the attorney general jointly to make a public submission to the federal government of an invoice requesting payment to the

state of an amount equal to the total of the costs as estimated, not later than the 60th day after the last day of each regular legislative session. Requires the comptroller and the attorney general to use every means available, after the submission, to collect from the federal government the amount requested by the invoice, including by withholding any payments of money this state owes to the federal government in a total amount not to exceed the amount requested. Requires the comptroller to deposit any money received as a result of the efforts described to the credit of the general revenue fund.

(d) Requires the comptroller to deposit any money received as a result of the efforts described by Subsection (c) to the credit of the general revenue fund.

(e) Provides that, in the event the comptroller has not submitted the estimation required by the Subsection (a) by the date required by that subsection, appropriations for operating the Office of the Comptroller of the State of Texas for the then current fiscal year are reduced by the amount of \$25,000 each subsequent day until the date the estimation is submitted.

SECTION 2. Effective date: September 1, 2015.