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## FISCAL IMPACT REPORT

<b>SPONSOR</b>	<u>SPAC</u>	<b>ORIGINAL DATE</b>	02/11/11	
		<b>LAST UPDATED</b>	02/18/11	<b>HB</b>
<b>SHORT TITLE</b>	<u>Essential Services Access Act</u>			<b>SB</b> <u>151/SPACS/aSJC</u>
		<b>ANALYST</b>	<u>Daly</u>	

Relates to SB 152.

### ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT (dollars in thousands)

	FY11	FY12	FY13	3 Year Total Cost	Recurring or Non-Rec	Fund Affected
<b>Total</b>	NFI	NFI	NFI			

(Parenthesis ( ) Indicate Expenditure Decreases)

### SOURCES OF INFORMATION

LFC Files

#### Responses Received From

Administrative Office of the District Attorneys (AODA)  
 Attorney General's Office (AGO)  
 Homeland Security & Emergency Management Department (HSEMD)

### SUMMARY

#### Synopsis of SJC Amendment

The Senate Judiciary Committee amendment removes language expressly requiring provision of emergency assistance and services during an emergency and makes changes to make subsection A apply to all emergency situations (not just disasters).

#### Synopsis of Original Bill

The Senate Public Affairs Committee substitute for Senate Bill 151 directs state and local agency emergency responders to render assistance to victims and evacuees to alleviate suffering and meet their basic needs during a disaster or other emergency and elicit only that information or documentation from victims or evacuees as necessary to determine eligibility for services under state and federal laws. SB 151 requires a law enforcement officer, emergency medical technician or firefighter responding to an emergency or call for assistance to render aid and assistance without asking the immigration status of persons at the scene. SB 151 bars any law enforcement officer from inquiry into the immigration status of any person within three hundred

yards of a school or institution of higher learning, a hospital or medical center or place of worship.

This bill contains an emergency clause.

### **FISCAL IMPLICATIONS**

DHSEM does not anticipate any fiscal implications to the agency or state government by the passage of this bill.

### **SIGNIFICANT ISSUES**

The AGO comments:

The bill may be considered to be consistent with the generally held view that immigration issues are the sole responsibility of the federal government. In that sense, this bill confirms proper limitations on what state and local law enforcement and emergency responders should do with respect to immigration issues.

The bill might also be considered to be a helpful statement of the law so that victims or persons in need of assistance will feel safe in contacting emergency and disaster relief agencies to seek needed assistance.

### **PERFORMANCE IMPLICATIONS**

HSEMD reports that it has not asked victims or evacuees for documentation other than that necessary to determine eligibility for services under state and federal law and does not ask immigration status prior to rendering aid or assistance.

### **RELATIONSHIP**

SB 151 relates to SB 152, which generally bars the use of state or local law enforcement resources to detect and charge persons whose sole violation of law appears to be an immigration law matter.

### **WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL**

HSEMD states that it will continue to coordinate emergency response and provide emergency aid and assistance without asking immigration status of those in need.

MD/bym:mew