

SENATE APPROPRIATIONS COMMITTEE FISCAL NOTE

BILL NO. Senate Bill 9

PRINTER'S NO. 356

AMOUNT

FUND

\$469,000 to \$719,000 – First Year Costs General
Motor License

DATE INTRODUCED

PRIME SPONSOR

Feb. 20, 2009

Senator Scarnati

HISTORY OF BILL

Referred to STATE GOVERNMENT, Feb. 20, 2009
Reported as committed, March 24, 2009
First consideration, March 24, 2009
Re-reported to APPROPRIATIONS, March 25, 2009
Re-reported as committed, March 30, 2009

DESCRIPTION AND PURPOSE OF BILL

An Act requiring identification of lawful presence in the United States as a prerequisite to the receipt of public benefits.

Senate Bill 9 is the Proof of Citizenship for Receipt of Public Benefits Act.

The Act requires persons applying directly to a government agency for public benefits¹ to provide identification to the agency. Acceptable forms of identification include:

¹ Public Benefits – a grant, contract, loan, professional license or commercial license provided by an agency of the Commonwealth or local government. The term also includes any retirement, welfare, health, disability, public or assisted housing, postsecondary education, food assistance, unemployment benefit or any other similar benefits for which payments or assistance are provided to an individual, household or family eligibility unit by an agency of the Commonwealth or local government.

SENATE APPROPRIATIONS COMMITTEE

FISCAL NOTE

- A valid driver's license or identification card issued by the Department of Transportation;
- A valid identification card issued by any other agency of the Commonwealth;
- A valid identification card issued by the United States Government, a state government or the Canadian Government;
- A valid United States passport;
- A valid armed forces identification card; or a
- A form of identification as listed in the United States Attorney General's Order No. 2129-97.

Persons applying for public benefits would also be required to execute an affidavit stating that they are a United States citizen, a legal permanent resident or are otherwise lawfully present in the United States pursuant to Federal Law. Agencies would be required to maintain affidavits in accordance with applicable records retention schedules. The identification and affidavit requirements would not apply to persons under 18 years of age or older, persons receiving supplemental security income (SSI) or persons entitled to or enrolled in Medicare Parts A or B.

Agencies would be required to verify through the Department of Homeland Security's Systematic Alien Verification of Entitlement program (SAVE) that each non-citizen applicant who has executed an affidavit is legally present in the United States. Agencies would be authorized to accept affidavits as verification of lawful presence until verification is made.

A person who directly applies to an agency for public benefits in violation of Section 3 of the Act, commits an offense under 18 Pa.C.S. § 4904 (relating to unsworn falsification to authorities).

FISCAL IMPACT:

Individual Commonwealth agencies are not expected to incur significant costs for the implementation of this legislation. The cost to develop an affidavit would be minimal. It is assumed that a central policy making entity such as the Office of General Counsel (OGC)

SENATE APPROPRIATIONS COMMITTEE FISCAL NOTE

would develop the affidavit and make it available to all Commonwealth agencies. In lieu of OGC, the Administration could simply copy the electronic affidavit used by the Department of Public Welfare (DPW).

Agencies may incur costs to incorporate the identification requirement and affidavit requirement into their respective application processes for grants and public benefits as it would require modification of current practices and the training of personnel. Agencies are not expected to incur costs to maintain affidavits as it is assumed that affidavits would be maintained with the application materials in accordance with existing record retention policies. Aggregate costs for all Commonwealth agencies to implement the identification and affidavit requirements are estimated to range between \$250,000 and \$500,000.

According to a letter dated April 8, 2008 from the Administration, the Department of Public Welfare currently performs the tasks outlined in S.B. 9. Further, DPW is able to accomplish the requirements via their online COMPASS system – including the affidavit requirement. Given the example set by DPW, we assume the administrative costs will be minimal and focus on training employees.

Commonwealth agencies will also incur costs to verify affidavits of non-citizens via the Department of Homeland Security's Systematic Alien Verification of Entitlement program (SAVE). Census data indicates that there are approximately 284,000 foreign-born non-citizens age 18 or older legally residing in the Commonwealth. In addition it is estimated that there may be as many as 300,000 undocumented foreign born persons residing in Pennsylvania.

Aggregate costs associated with SAVE program verifications are estimated at \$219,000. This estimate assumes that one-half or approximately 292,000 of the foreign born persons residing in Pennsylvania may apply for public benefits requiring a SAVE program verification. It is further assumed that one-half of such applicants would require a follow-up SAVE program verification.

Information from the Department of Homeland Security indicates that the cost for SAVE inquiries is approximately \$0.50.