

SENATE APPROPRIATIONS COMMITTEE FISCAL NOTE

BILL NO. Senate Bill 9

PRINTER'S NO. 152

AMOUNT

\$496,000 to \$746,000 – First Year Costs

FUND

General & Motor Licenses

DATE INTRODUCED

January 19, 2011

PRIME SPONSOR

Senator Scarnati

HISTORY OF BILL

Referred to STATE GOVERNMENT, Jan. 19, 2011

Reported as committed, Feb. 8, 2011

First consideration, Feb. 8, 2011

Re-referred to APPROPRIATIONS, March 1, 2011

Re-reported as committed, May 9, 2011

DESCRIPTION AND PURPOSE OF BILL

Senate Bill 9 requires identification of lawful presence in the United States as a prerequisite to the receipt of public benefits.

In summary, the bill:

Requires a person who applies directly to a government agency for public benefits to provide one of the following forms of identification:

1. A valid driver's license or DOT identification card.
2. A valid identification card from another agency.
3. A valid identification card from the United States Government, Canada or another state.
4. A valid U.S. passport.
5. A valid Armed Forces identification card.
6. Identification listed in United States Attorney General's Order Number 2129-97 Interim Guidance on Verification of Citizenship.

Requires the person to also execute an affidavit stating that the person is a United States citizen, legal permanent resident or otherwise lawfully present in the United States.

Identification and the affidavit may be provided in person, by mail or by electronic means.

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Identification requirements shall not apply to:

1. A person under 18 years of age.
2. A person currently receiving Supplemental Security Income or SSI disability.
3. A person in Medicare Part A or Part B or both.
4. A person applying for public benefits on behalf of a person under 18 years of age.

Requires an agency that administers public benefits to verify that an individual is legally present in the United States through the Systematic Alien Verification of Entitlement (SAVE) program or other program designated by the Department of Homeland Security.

Until verification is made, the affidavit may be presumed to be proof of lawful presence.

A person who directly applies for public benefits in violation of the act commits the offense of unsworn falsification to authorities.

Applies to applications for or renewal of public benefits filed after the effective date.

Public benefits include:

1. A grant, contract or loan from a State or local government.
2. Welfare, health, disability, public or assisted housing, postsecondary education, food assistance, unemployment or similar benefits.

The term does not include:

1. Benefits under the Personal Responsibility and Work Opportunity Reconciliation Act.
2. A contract, professional license or commercial license for a nonimmigrant whose visa for entry to the U.S. is related to employment or to a citizen of a freely associated state.
3. Benefits for an alien who is a work-authorized nonimmigrant or lawfully admitted alien under the Immigration and Nationality Act pursuant to reciprocal treaty agreements.
4. A professional license.
5. A Federal public benefit under the Personal Responsibility and Work Opportunity Reconciliation Act.
6. Services provided to women, infants and children under the Special Supplemental Nutrition Program.

The Act takes effect in 120 days.

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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) 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 517,000 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 140,000 un-documented foreign born persons residing in Pennsylvania.

Aggregate costs associated with SAVE program verifications are estimated at \$246,000. This estimate assumes that one-half or approximately 328,000 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.