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OHIO LEGISLATIVE SERVICE COMMISSION

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Legislative Budget
Office

H.B. 42
136th General Assembly

Fiscal Note & Local Impact Statement

[Click here for H.B. 42's Bill Analysis](#)

Version: As Introduced

Primary Sponsors: Reps. Fischer and Williams

Local Impact Statement Procedure Required: Yes

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Highlights

- Local law enforcement agencies may incur one-time costs, potentially in excess of \$5,000 each, to modify existing records management systems to include citizenship status. Additional costs are expected to be incurred related to the bill's reporting requirements, however, those costs are likely to vary based on the size of the agency and the number of people the agency detains each year. Any costs incurred by the Ohio State Highway Patrol are expected to be negligible, as this information is already collected as part of existing reporting practices.
- The Attorney General could experience costs to update information technology (IT) systems. Cost estimates are unavailable at the time of this writing, but will depend on the complexity of the necessary updates.
- The Ohio Department of Job and Family Services (ODJFS) and county departments of job and family services (CDJFSs) will have costs to compile the reports on the citizenship status of households receiving cash and/or food assistance. There could be additional costs to collect data regarding the citizenship status of guardians for child-only cash assistance cases.
- The Ohio Department of Medicaid will incur administrative costs related to the bill's reporting requirements. These administrative expenses will be evenly split between the state and federal governments.
- The Department of Rehabilitation and Correction (DRC) expects that collecting, maintaining, and reporting data on the immigration status of each person in detention, as required by the bill, will require little, if any, changes to current operations or additional costs.

- School districts and other public schools may incur additional staffing costs to collect and report additional data to the Department of Education and Workforce (DEW). Such costs will likely depend on the size of the district, with larger school districts being more likely to require additional staff. In turn, DEW may incur minimal administrative costs to incorporate this data into its primary data collection IT system and comply with the bill's reporting requirements.

Detailed Analysis

The bill requires certain agencies, both state and local, to collect and report data concerning the citizenship or immigration status of persons with whom they come into contact. It names several state agencies as the collection point for this data who are then required to forward the data for inclusion in an annual report to be compiled by the Governor and then sent to the General Assembly. For a complete list of the reporting requirements, see the [LSC bill analysis](#).

Law enforcement agencies

The bill requires state and local law enforcement agencies to collect and maintain citizenship and immigration status of every person detained by the agency, if available, and requires each law enforcement agency to submit a report containing specified information to the Attorney General (AGO) by January 31 of each year.¹ As a result, local law enforcement agencies will likely incur additional costs, including modification of existing record management systems to include citizenship and immigration status as a mandatory reporting field and to generate and submit a report containing that information to the state annually. Based on conversations with local law enforcement representatives, the one-time costs incurred to modify an existing record management system could exceed \$5,000 per agency. Actual costs will likely be variable and depend on several factors, including the size of the systems, age, and vendor quotes if the systems are not maintained internally. Likewise, the costs a local law enforcement agency incurs to investigate and record the citizenship and immigration status of every person that the agency detains is likely to vary based on the size of the agency and the number of people it detains each year.

The Ohio State Highway Patrol expects any additional costs related to the bill's data collection and reporting requirements to be negligible, as the required information is already collected as part of existing reporting practices.

The AGO will experience increased costs to compile the annual report to the Governor on this information, in addition to some costs associated with making rules concerning the format of the information collected by law enforcement which is to be submitted to the Attorney General. This includes costs to update the information technology (IT) systems used for law enforcement reporting, such as the Ohio Law Enforcement Gateway (OHLEG). Although costs are unavailable at the time of this writing, they will depend on the complexity of the necessary updates. According to the AGO, if OHLEG's involvement is limited to hosting the required form,

¹ The bill permits the Attorney General to adopt rules establishing the format of the information collected and the annual reports, thus the magnitude of any report-related costs may depend on the rules that are ultimately adopted.

the primary cost would be associated with its development. However, if OHLEG is responsible for data management, report generation, and monitoring agency compliance, additional personnel resources would be necessary.

Public assistance and Medicaid

The bill requires county departments of job and family services (CDJFSs) to collect data on the citizenship and immigration status of members in households receiving cash or food assistance.² Each CDJFS is then required to submit an annual report to the Ohio Department of Job and Family Services (ODJFS) containing data on the number of households receiving benefits which include all citizens or nationals, those that have at least one member who is not a citizen or national but is lawfully present, and the monetary value of benefits provided to households that have at least one member who is not a citizen or national but is lawfully present. Additionally, for child-only cash assistance cases,³ the data must be collected and reported indicating one of the following regarding each assistance group: (1) that each parent, guardian, custodian, or specified relative residing with and caring for the child is a citizen or national of the U.S. or (2) that at least one of these individuals is not a citizen or national but is lawfully present. ODJFS will then submit its own annual report to the Governor summarizing this information.

ODJFS and CDJFSs use the Ohio Benefits website to enroll possible recipients for public assistance programs including cash and food assistance and Medicaid. Ohio Benefits currently collects data on the immigration status of actual benefit recipients. However, for child-only cash assistance groups, Ohio Benefits does not currently collect data on the child recipient's guardians, as would be required by the bill. Therefore, there may be additional administration costs to collect this information for these specific assistance groups. It is also possible that there could be possible IT costs if any adjustments to Ohio Benefits is necessary to collect this data. In terms of the reporting requirements, data from Ohio Benefits is accessible to the state agency and CDJFSs. There will be costs to CDJFSs to collect this data and to compile the yearly annual report regarding this information. ODJFS may also have similar costs in compiling its annual report to the Governor summarizing CDJFSs' reports. ODJFS may also have minimal costs to promulgate any necessary rules.

The Ohio Department of Medicaid (ODM) will incur administrative expenses to create and submit the reports the bill requires ODM to submit annually to the Governor. As with most administrative expenses incurred in administering the state's Medicaid Program, ODM will receive 50% federal match for these expenses. These costs may be mitigated if to some extent the requirements of the bill can be handled by ODM's existing administrative workforce.

Department of Rehabilitation and Correction

The bill requires the Department of Rehabilitation and Correction (DRC) to collect and maintain, as part of its official records for each person in detention, the person's citizenship or immigration status, if available, and requires DRC to submit a report containing specified

² In Ohio, these programs are Ohio Works First and the Supplemental Nutrition Assistance Program (SNAP), respectively.

³ Child-only cases are cases in which benefits are provided to a child but not an adult. These cases make up the majority of the cash assistance caseload.

information to the Governor by February 28 of each year. At DRC's request, a prosecuting attorney, law enforcement agency, or court clerk must provide any available citizenship or immigration status information to DRC. DRC expects to be able to comply with these data collection and reporting requirements with little, if any, changes to current operations or additional costs.

Department of Education and Workforce and public schools

The bill requires public schools to collect data regarding the immigration status of their students, including the number of students who are U.S. citizens or nationals, the number of students who are not U.S. citizens or nationals but are lawfully present in the U.S., disaggregated by specific immigration status, and the number of students who are not lawfully present in the U.S. School districts and other public schools must report this data to the Department of Education and Workforce (DEW) in the Education Management Information System (EMIS) by January 31 of each year. DEW must then submit a report to the Governor by February 28 of each year summarizing the data.

According to the Buckeye Association of School Administrators (BASA), school districts and other public schools may incur more than minimal additional costs to collect and report the additional data. The extent of these costs will likely depend on district size. Larger districts may need to hire an additional full-time staff member to meet the new data collection and reporting requirements while smaller districts would likely manage with existing staff.

The bill may result in minimal costs for DEW to incorporate the additional student records into EMIS. EMIS is DEW's primary system for collecting student, staff, course, program, and financial data from Ohio's public schools. In FY 2025, \$8.1 million in GRF funding is appropriated to DEW for EMIS operations, including support for staff that operate and maintain it and IT costs. There also may be minimal costs for DEW to produce and submit the annual report with this data.

Report to the General Assembly

The bill requires the Governor to submit a report to the General Assembly by March 31 of every year that summarizes the citizenship and immigration information provided by the AGO, DRC, DEW, ODJFS, and ODM. It is unclear whether the Office of the Governor has the existing staff and resources necessary to comply with the bill's reporting requirements.