

LEGISLATIVE FISCAL OFFICE
Fiscal Note



Fiscal Note On: **HB 676** HLS 17RS 1571

Bill Text Version: **REENGROSSED**

Opp. Chamb. Action:

Proposed Amd.:

Sub. Bill For.: **HB 135**

Date: May 25, 2017 9:03 AM	Author: HODGES
Dept./Agy.: Attorney General	Analyst: Willis Brewer
Subject: Prohibits sanctuary policies	

ALIENS/ILLEGAL

RE SEE FISC NOTE GF EX

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Prohibits sanctuary policies by any state agency or political subdivision.

Proposed law defines "sanctuary policy" as any order, ordinance, rule, law, policy, regulation or guideline, formally adopted, that provides for any of the following: (1) Prohibits or discourages cooperation with I.C.E. in the enforcement of immigration laws. (2) Prohibits or discourages officers from sending, requesting, receiving, maintaining, or exchanging information with I.C.E. (3) Prevents law enforcement from asking any suspect, arrestee, or person in lawful custody about his name, date and place of birth, or immigration status. Proposed law prohibits a state agency or political subdivision from adopting a sanctuary policy. Proposed law provides that on or before Jan. 1, 2018, and on or before Jan. 1 of each year thereafter, a political subdivision shall certify to the division of administration by affidavit that it is in compliance with the provisions of proposed law regarding cooperation with federal immigration laws in order to be eligible for state grant funds or general appropriation funds. Proposed law provides that if the attorney general determines that the state agency or political subdivision has a sanctuary policy, the attorney general shall issue an opinion outlining the violation within 10 days of the determination and shall send the opinion to the head of the state agency or political subdivision, the governor, the treasurer, speaker of the House, president of the Senate, and each member of the Joint Legislative Committee on the Budget. Proposed law requires that upon notification by the attorney general of a violation of proposed law, the state agency or political subdivision shall have 90 days to repeal the sanctuary policy and failure to do so allows the attorney general to file action for declaratory and injunctive relief against the state agency or political subdivision in violation of proposed law. Proposed law allows the prevailing party to recover reasonable expenses, including court costs, reasonable attorney fees, investigative costs, witness fees, and deposition costs. Proposed law requires that the treasurer adopt rules to implement regarding proposed law.

EXPENDITURES	2017-18	2018-19	2019-20	2020-21	2021-22	5 -YEAR TOTAL
State Gen. Fd.	SEE BELOW					
Agy. Self-Gen.	SEE BELOW					
Ded./Other	\$0	\$0	\$0	\$0	\$0	\$0
Federal Funds	\$0	\$0	\$0	\$0	\$0	\$0
Local Funds	SEE BELOW					
Annual Total						

REVENUES	2017-18	2018-19	2019-20	2020-21	2021-22	5 -YEAR TOTAL
State Gen. Fd.	SEE BELOW					
Agy. Self-Gen.	\$0	\$0	\$0	\$0	\$0	\$0
Ded./Other	SEE BELOW					
Federal Funds	\$0	\$0	\$0	\$0	\$0	\$0
Local Funds	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>
Annual Total						

EXPENDITURE EXPLANATION

The Attorney General (AG) has stated there will be no impact to the agency's expenditures as a result of this legislation. However, the LFO estimates that the DOJ will likely incur expenses to the extent the AG responds to complaints, investigates, and litigates violations. Furthermore, the proposed legislation recognizes costs may be incurred and authorizes the attorney general to recover reasonable expenses incurred in obtaining relief including court costs, reasonable attorney fees, investigative costs, witness fees, and deposition costs from the state agency or political subdivision that is found to be in violation. The AG is funded primarily with a mix of SGF, SGR, and statutorily dedicated funds. Any increase in expenditures will likely be funded from these sources.

Upon receipt of a complaint, the AG will be required to review and determine the validity of the complaint. The AG will then offer an opinion on the complaint which will serve as the violation notice to the entity. After the opinion/notification, the entity found to be in violation has ninety (90) days to repeal the sanctuary policy. In the event the entity fails to comply within this timeframe, the AG may file a civil action for declaratory and injunctive relief. At this time, it is not known how many additional complaints the AG will receive in regards to potential violations (noncompliance) of this proposed legislation.

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REVENUE EXPLANATION

Proposed legislation requires political subdivisions on or before 1/1/18 and each January 1st thereafter to certify to the division of administration by affidavit that it is in compliance with the provisions of proposed law in regards to cooperation with federal immigration authorities in order to be eligible to receive state grant funds or general appropriation funds. Proposed legislation requires the AG to ensure by appropriate means that the state seeks to recover all state grant funds or general appropriation funds received by a state agency or political subdivision from the time it became noncompliant of this legislation's requirements. To the extent these general appropriation funds include statutory dedications and capital outlay projects, the applicable sources of funds will include but is not limited to any sales tax dedications, state aid to local government entities, and appropriated state capital projects with cash lines of credit.

While the Center for Immigration Studies labels New Orleans as the only "sanctuary" city in Louisiana, a recent memo from the United State Department of Justice defined sanctuary cities as jurisdictions that willfully refuse to comply with 8 U.S.C. 1373. Section 1373 prohibits jurisdictions from preventing any government entity or local official from exchanging information on an individual's immigration status with federal immigration agents. However, to the extent New Orleans is found noncompliant by the AG under the provisions of the proposed law, the AG could seek to recover statutory dedications and capital outlay funding that were appropriated to Orleans Parish.

Senate
 13.5.1 >= \$100,000 Annual Fiscal Cost {S&H}
 13.5.2 >= \$500,000 Annual Tax or Fee Change {S&H}

House
 6.8(F)(1) >= \$100,000 SGF Fiscal Cost {H & S}
 6.8(G) >= \$500,000 Tax or Fee Increase or a Net Fee Decrease {S}

Evan Brasseaux

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Staff Director

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CONTINUED EXPLANATION from page one:

To the extent the workload required by this legislation exceeds their initial expectation, the Attorney General may need to hire an additional investigator or assistant attorney general. The estimated cost for the salary and benefits would be \$84,000 or \$103,000, respectively. The LFO has requested additional information from the AG including the AG's average workload (number of hours) and expense to investigate a complaint but has not received the information as of this writing.

To the extent a state agency or political subdivision is found to be in violation of this legislation by the Attorney General, this entity will be subject to repay all monies received from state grant funds or general appropriation funds from the time it became non compliant. The Attorney General will be responsible for ensuring by appropriate means the state recovers these funds.

Senate

Dual Referral Rules

- 13.5.1 >= \$100,000 Annual Fiscal Cost {S&H}
- 13.5.2 >= \$500,000 Annual Tax or Fee Change {S&H}

House

- 6.8(F)(1) >= \$100,000 SGF Fiscal Cost {H & S}
- 6.8(G) >= \$500,000 Tax or Fee Increase or a Net Fee Decrease {S}

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