

COMMITTEE ON LEGISLATIVE RESEARCH
OVERSIGHT DIVISION

FISCAL NOTE

L.R. No.: 4177-01
Bill No.: SB 473
Subject: State Attorney General; General Assembly; Immigration
Type: Original
Date: January 24, 2012

Bill Summary: This proposal requires the Attorney General to sue the federal government to enforce federal immigration laws.

FISCAL SUMMARY

ESTIMATED NET EFFECT ON GENERAL REVENUE FUND			
FUND AFFECTED	FY 2013	FY 2014	FY 2015
General Revenue	\$0	\$0 or (Up to \$200,000)	\$0
Total Estimated Net Effect on General Revenue Fund	\$0	\$0 or (Up to \$200,000)	\$0

ESTIMATED NET EFFECT ON OTHER STATE FUNDS			
FUND AFFECTED	FY 2013	FY 2014	FY 2015
Total Estimated Net Effect on <u>Other</u> State Funds	\$0	\$0	\$0

Numbers within parentheses: () indicate costs or losses.
This fiscal note contains 5 pages.

ESTIMATED NET EFFECT ON FEDERAL FUNDS			
FUND AFFECTED	FY 2013	FY 2014	FY 2015
Total Estimated Net Effect on <u>All</u> Federal Funds	\$0	\$0	\$0

ESTIMATED NET EFFECT ON FULL TIME EQUIVALENT (FTE)			
FUND AFFECTED	FY 2013	FY 2014	FY 2015
Total Estimated Net Effect on FTE	0	0	0

Estimated Total Net Effect on All funds expected to exceed \$100,000 savings or (cost).

Estimated Net Effect on General Revenue Fund expected to exceed \$100,000 (cost).

ESTIMATED NET EFFECT ON LOCAL FUNDS			
FUND AFFECTED	FY 2013	FY 2014	FY 2015
Local Government	\$0	\$0	\$0

FISCAL ANALYSIS

ASSUMPTION

Officials from the **Office of the Governor** and the **Department of Public Safety - Missouri Highway Patrol** each assume the proposal would not fiscally impact their respective offices.

Officials from the **Office of the Attorney General (AGO)** state the proposal, if enacted, would require the AGO to file a petition against the federal government when necessary to compel it to enforce federal immigration laws, or when directed to do so by executive order of the Governor, by concurrent resolution of the General Assembly, or by a petition approved by a majority of voters. The number of any resulting cases is unknown but AGO assumes would be small, and that any potential costs could be absorbed with existing resources.

Officials from the **Office of the Secretary of State (SOS)** assume unless a special election is called for the purpose, Referendums are submitted to a vote of the people at the next general election. If a special election is called to submit a Referendum to a vote of the people, section 115.063.2, RSMo requires the state to pay the costs. Article III section 52(b) of the Missouri Constitution authorizes the general assembly to order a special election for measures referred to the people.

The SOS is required to pay for publishing in local newspapers the full text of each statewide ballot measure as directed by Article XII, Section 2(b) of the Missouri Constitution and Section 116.230-116.290, RSMo. The SOS is provided with core funding to handle a certain amount of normal activity resulting from each year's legislative session. Funding for this item is adjusted each year depending upon the election cycle with \$1.3 million historically appropriated in odd numbered fiscal years and \$100,000 appropriated in even numbered fiscal years to meet these requirements. The appropriation has historically been an estimated appropriation because the final cost is dependent upon the number of ballot measures approved by the General Assembly and the initiative petitions certified for the ballot. In FY 2011, at the August and November elections, there were 6 statewide Constitutional Amendments or ballot propositions that cost \$1.02 million to publish (an average of \$170,000 per issue). Therefore, the Secretary of State's office assumes, for the purposes of this fiscal note, that it should have the full appropriation authority it needs to meet the publishing requirements. However, because these requirements are mandatory, we reserve the right to request funding to meet the cost of our publishing requirements if the Governor and the General Assembly change the amount or eliminate the estimated nature of our appropriation..

ASSUMPTION (continued)

Oversight assumes the proposal will be submitted to voters on the Tuesday following the first Monday in November, 2012 as stated (not at a special election). Therefore, Oversight assumes the SOS could absorb the cost of the proposal within core funding.

Officials from the **Office of the State Auditor (SAU)** state the legislation, as drafted, would require their office to obtain and analyze information from approximately 3,946 political subdivisions, as well as dozens of state agencies. Assuming full cooperation from the subdivisions and agencies, the estimated cost to the SAU would be up to \$200,000 per year. The SAU could develop this report in house or contract it out to a private firm. Under either scenario, compliance with the new legislative mandate would require an additional appropriation from the legislature.

Oversight assumes the SAU would only incur the estimated expense if the referendum is approved by Missouri voters; therefore, Oversight will reflect the costs as \$0 (referendum fails) or SAU's estimate of 'Up to \$200,000'. Oversight assumes if the measure is approved, the SAU would incur their estimated costs in FY 2014 and that the costs would be only for one year to develop the report. Oversight will assume the SAU will contract the work out. Oversight will not reflect a potential recovery of these costs to the state or political subdivision from the federal government since these proceeds would be speculative.

<u>FISCAL IMPACT - State Government</u>	FY 2013 (10 Mo.)	FY 2014	FY 2015
GENERAL REVENUE			
<u>Costs</u> - Office of the State Auditor			
to contract out the work of developing an itemized statement of costs incurred by the state and political subdivisions in regards to immigration	<u>\$0</u>	\$0 or (Up to <u>\$200,000</u>)	<u>\$0</u>
ESTIMATED NET EFFECT TO THE GENERAL REVENUE FUND	<u>\$0</u>	<u>\$0 or (Up to \$200,000)</u>	<u>\$0</u>

<u>FISCAL IMPACT - Local Government</u>	FY 2013 (10 Mo.)	FY 2014	FY 2015
	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>

FISCAL IMPACT - Small Business

No direct fiscal impact to small businesses would be expected as a result of this proposal.

FISCAL DESCRIPTION

Upon voter approval, the Attorney General shall be required to seek appropriate relief to compel the federal government to enforce federal immigration laws. The Attorney General shall also take such action after the passage of the act when he or she determines that the federal government is not enforcing federal immigration laws or when directed by the Governor, the General Assembly, or voters to do so. Costs incurred by the state and its political subdivisions due to the lack of enforcement shall be provided by the State Auditor and sought by the Attorney General.

This legislation is not federally mandated, would not duplicate any other program and would not require additional capital improvements or rental space.

SOURCES OF INFORMATION

Attorney General's Office
Department of Public Safety
Office of the Secretary of State
Office of the Governor
Office of the State Auditor



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Director
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