

TENNESSEE GENERAL ASSEMBLY
FISCAL REVIEW COMMITTEE



FISCAL MEMORANDUM

HB 1354 – SB 1310

June 3, 2009

SUMMARY OF AMENDMENT (009109): Deletes the original bill in its entirety. Prohibits local governments from adopting any ordinance or policy that expressly prohibits local entities, officials, and employees from complying with applicable federal law pertaining to persons residing in the state illegally. Allows an individual in a municipality or county who believes a local entity or official has violated such prohibition to file a complaint in chancery court. Requires the state Attorney General and all appropriate state and local law enforcement agencies to vigorously pursue all federal funds available for reimbursement of funds spent to enforce federal immigration laws.

FISCAL IMPACT OF ORIGINAL BILL:

(CORRECTED)

Increase State Expenditures – Not Significant

Increase Local Revenue – Exceeds \$100,000

Increase Local Expenditures – Exceeds \$100,000*

Other Fiscal Impact – An increase in revenue to the state due to increased federal funds for reimbursement of immigration expenditures. It is unknown how much assistance is available that is currently not received by the. Therefore, the magnitude of such increase cannot reasonably be quantified. Any decrease in state expenditures due to the potential restrictions on grants to local governments cannot reasonably be quantified because it is unknown how many local governments will not comply with the provisions of the bill and how much these local governments would have received in grant funds in the absence of this bill.

*Article II, Section 24 of the Tennessee Constitution provides that: *no law of general application shall impose increased expenditure requirements on cities or counties unless the General Assembly shall provide that the state share in the cost.*

FISCAL IMPACT OF BILL WITH PROPOSED AMENDMENT:

Increase State Expenditures – Not Significant

Increase Local Revenue – Exceeds \$100,000

Increase Local Expenditures – Not Significant

Other Fiscal Impact – An increase in revenue to the state due to increased federal funds for reimbursement of immigration expenditures. It is unknown how much assistance is available that is currently not received by the state. Therefore, the magnitude of such increase cannot reasonably be quantified.

Assumptions applied to amendment:

- Any increase in state expenditures to comply with the provisions of the bill is estimated to be not significant.
- Any increase in court costs to local governments associated with the bill is estimated to be not significant.
- There are federal funds available to local governments for the reimbursement of expenditures related to the enforcement of federal immigration laws. One example of such a program is the State Criminal Alien Assistance Program (SCAPP) which provides grant funds through the federal Bureau of Justice Assistance for expenditures related to the incarceration of qualifying illegal immigrants. In 2008 only 10 counties statewide received such grants. Total reimbursements ranged from \$2,113 in Hamblen County to \$275,366 in Davidson County. It is estimated that additional local governments statewide could experience an increase in revenue exceeding \$100,000 in association with such grants.

CERTIFICATION:

This is to duly certify that the information contained herein is true and correct to the best of my knowledge.



James W. White, Executive Director

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