

Fiscal Estimate - 2019 Session

Original
 Updated
 Corrected
 Supplemental

LRB Number 19-2288/1	Introduction Number SB-151	
Description prohibiting local ordinances, resolutions, and policies that prohibit the enforcement of federal or state law relating to illegal aliens or immigration status, authorizing certain elective officeholders to commence an enforcement action, providing a reduction in shared revenue payments, and creating governmental liability for damages caused by illegal aliens		
Fiscal Effect State: <input type="checkbox"/> No State Fiscal Effect <input checked="" type="checkbox"/> Indeterminate <input type="checkbox"/> Increase Existing Appropriations <input type="checkbox"/> Increase Existing Revenues <input checked="" type="checkbox"/> Increase Costs - May be possible to absorb within agency's budget <input checked="" type="checkbox"/> Decrease Existing Appropriations <input type="checkbox"/> Decrease Existing Revenues <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Create New Appropriations <input type="checkbox"/> Decrease Costs		
Local: <input type="checkbox"/> No Local Government Costs <input checked="" type="checkbox"/> Indeterminate 1. <input type="checkbox"/> Increase Costs 3. <input type="checkbox"/> Increase Revenue 5. Types of Local Government Units Affected <input type="checkbox"/> Permissive <input type="checkbox"/> Mandatory <input type="checkbox"/> Permissive <input type="checkbox"/> Mandatory <input checked="" type="checkbox"/> Towns <input checked="" type="checkbox"/> Village <input checked="" type="checkbox"/> Cities 2. <input type="checkbox"/> Decrease Costs 4. <input checked="" type="checkbox"/> Decrease Revenue <input checked="" type="checkbox"/> Counties <input type="checkbox"/> Others <input type="checkbox"/> Permissive <input type="checkbox"/> Mandatory <input type="checkbox"/> Permissive <input checked="" type="checkbox"/> Mandatory <input type="checkbox"/> School Districts <input type="checkbox"/> WTCS Districts		
Fund Sources Affected Affected Ch. 20 Appropriations <input checked="" type="checkbox"/> GPR <input type="checkbox"/> FED <input type="checkbox"/> PRO <input type="checkbox"/> PRS <input type="checkbox"/> SEG <input type="checkbox"/> SEGS		
Agency/Prepared By DOR/ Craig Steinfeldt (608) 266-5705	Authorized Signature Jamie Adams (608) 266-6785	Date 4/4/2019

Fiscal Estimate Narratives

DOR 4/4/2019

LRB Number 19-2288/1	Introduction Number SB-151	Estimate Type Original
Description prohibiting local ordinances, resolutions, and policies that prohibit the enforcement of federal or state law relating to illegal aliens or immigration status, authorizing certain elective officeholders to commence an enforcement action, providing a reduction in shared revenue payments, and creating governmental liability for damages caused by illegal aliens		

Assumptions Used in Arriving at Fiscal Estimate

The bill prohibits a political subdivision (city, village, town, or county) from enacting or enforcing an ordinance, resolution, or policy that prohibits the enforcement of a federal or state law relating to illegal aliens or ascertaining whether the individual has satisfactory immigration status. The bill also requires a political subdivision comply with a lawful detainer issued by U.S. Immigration and Customs Enforcement. The bill authorizes the attorney general, appropriate district attorney, or sheriff to file a writ of mandamus with the circuit court to require compliance with the bills requirements.

Upon notification by the circuit court of a violation, the Department of Revenue must reduce Chapter 79, Subchapter I, payments based the following penalty schedule.

Population (Penalty amount)

0 - 10,000 (\$500 each day)

10,000 - 100,000 (1,000 each day)

100,000- 250,000 (\$2,000 each day)

250,000 and above (\$5,000 each day)

90 Day Penalty

\$ 45,000 (\$500 each day)

\$ 90,000 (\$1,000 each day)

\$180,000 (\$2,000 each day)

\$450,000 (\$5,000 each day)

365 Day Penalty

\$ 182,500 (\$500 each day)

\$ 365,000 (\$1,000 each day)

\$ 730,000 (\$2,000 each day)

\$1,825,000 (\$5,000 each day)

Fiscal Effect

Under current law, political subdivisions receive shared revenue payments under Chapter 79, Subchapter I, for county and municipal aid, public utility aids, payments for the expenditure restraint program, and payments for computers exempt from local property taxes. A court determined violation under the bill's penalty provision creates varying fiscal impacts due the allocation of Subchapter I shared revenue payments.

The actual fiscal effect of the bill is indeterminate and dependent on the actions of political subdivisions and circuit court decisions.

Political subdivisions with smaller populations generally receive smaller shared revenue payments, while more populated political subdivisions receive higher shared revenue payments. The penalty provision impacts local governments differently based on the total shared revenue payments. A 90 day penalty of \$45,000 would reduce shared revenue payments for 958 political subdivisions with populations under 10,000 to \$0. The average 90 day penalty for the top 10 populated cities in Wisconsin equals 1.12% of their total shared revenue payments, while the average 365 day penalty equals 4.54%.

Any payment reductions due to the penalty would reduce State GPR costs. The administrative costs for implementing the bill can be absorbed within existing budget authority.

Long-Range Fiscal Implications