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FISCAL IMPACT REPORT

ORIGINAL DATE 2/3/06

SPONSOR Adair LAST UPDATED _____ HB _____

SHORT TITLE Local Enforcement Of Federal Immigration Law SB 745

ANALYST Peery

APPROPRIATION (dollars in thousands)

Appropriation		Recurring or Non-Rec	Fund Affected
FY06	FY07		
\$2,000.0		Recurring	General Fund
\$6,000.0		Recurring	General Fund

(Parenthesis () Indicate Expenditure Decreases)

REVENUE (dollars in thousands)

Estimated Revenue			Recurring or Non-Rec	Fund Affected
FY06	FY07	FY08		
\$6,000.0			Recurring	Federal Immigration Law Enforcement Grant Fund

(Parenthesis () Indicate Expenditure Decreases)

SOURCES OF INFORMATION

LFC Files

Response Received From

Administrative Office of the Courts (AOC)

No Responses Received From

Attorney General's Office (AGO)
 Governor's Office/Homeland Security
 Department of Public Safety (DPS)
 NM Municipal League
 NM Association of Counties

SUMMARY

Synopsis of Bill

Senate Bill 745 appropriates \$2,000.0 from the general fund to the Department of Public Safety for the purpose of equipment, personnel or resources for use in detecting or apprehending persons of foreign citizenship who have entered or are residing in the United States in violation of federal immigration laws in Title 8 of the United States Code; and \$6,000.0 from the general fund to the “Federal Immigration Law Enforcement Grant Fund” for the purpose of making grants to counties and municipalities for equipment, personnel or resources for use in detecting or apprehending persons of foreign citizenship who have entered or are residing in the United States in violation of federal immigration laws in Title 8 of the United States Code. The proposed legislation adds a new section to Chapter 29, Article 1 NMSA 1978 requiring law enforcement agencies of the state and their political subdivisions to employ all lawful means, including use of state or federal funds, equipment, personnel or resources, to detect or apprehend persons of foreign citizenship who have entered or are residing in the United States in violation of the federal immigration laws in Title 8 of the United States Codes. The proposed legislation also creates the “Federal Immigration Law Enforcement Grant Fund” in the State Treasury. The Department of Public Safety is to administer the fund and make grants to counties and municipalities.

The proposed legislation contains an emergency clause.

FISCAL IMPLICATIONS

The appropriation of \$2,000.0 contained in this bill is a recurring expense to the general fund. Any unexpended or unencumbered balance remaining at the end of a fiscal year shall not revert to the general fund.

The appropriation of \$6,000.0 contained in this bill is a recurring expense to the general fund. Any unexpended or unencumbered balance remaining at the end of a fiscal year shall not revert to the general fund.

This bill creates a new fund and provides for continuing appropriations. The LFC has concerns with including continuing appropriation language in the statutory provisions for newly created funds, as earmarking reduces the ability of the legislature to establish spending priorities.

ADMINISTRATIVE IMPLICATIONS

The Department of Public Safety would need to expand personnel in administrative support in order to administer the “Federal Immigration Law Enforcement Grant Fund” and award grants to the counties and municipalities. Also, the Department of Public Safety would need to increase the number of State Police officers. The State Police division is currently 71 officers short of its allotted strength. Currently, it would be difficult for the State Police division to implement the proposed legislation due to recruitment and retention issues.

CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP

The proposed legislation is a duplicate of House Bill 855.