

### Fiscal Estimate - 2017 Session

Original     
  Updated     
  Corrected     
  Supplemental

<b>LRB Number</b> <b>17-1205/1</b>	<b>Introduction Number</b> <b>AB-0190</b>	
<b>Description</b> 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		
<b>Fiscal Effect</b>  <b>State:</b> <input type="checkbox"/> No State Fiscal Effect <input 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		
<b>Local:</b> <input type="checkbox"/> No Local Government Costs <input 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		
<b>Fund Sources Affected</b> <b>Affected Ch. 20 Appropriations</b> <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    20.835(1)(db), 20.835(1)(e), 20.835(1)(dm), 20.835(1)(c)		
<b>Agency/Prepared By</b> DOR/ Craig Steinfeldt (608) 266-5705	<b>Authorized Signature</b> Robert Schmidt (608) 266-5773	<b>Date</b> 4/4/2017

## Fiscal Estimate Narratives

DOR 4/4/2017

LRB Number	17-1205/1	Introduction Number	AB-0190	Estimate Type	Original
<b>Description</b> 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, defined as a city, village, town, or county, from enacting an ordinance, adopting a resolution, or establishing a policy that prohibits the enforcement of a federal or state law relating to illegal aliens or ascertaining whether an individual has a satisfactory immigration status. The bill also requires a political subdivision to comply with any lawful detainer issued by U.S. immigration and customs enforcement.

Upon the bill's effective date, ordinances, resolutions, or policies inconsistent with the bill may not be enforced. Under the bill's enforcement provision, the attorney general, or a district attorney or sheriff with the appropriate jurisdiction, may file a writ of mandamus with the circuit court in the county where the alleged violations occurred. If a circuit court concludes a violation occurred, the Department of Revenue must reduce Chapter 79, Subchapter I, payments based on the penalty schedule outlined below. A violation finding by the court also makes the political subdivision liable for damages to an individual or property caused by an illegal alien. The liability provision first applies to damages that are caused on the day the court makes a violation finding.

#### 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 penalty and liability provisions in the bill are indeterminate and dependent on the actions of municipalities, circuit court decisions, and individuals.

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 956 political subdivisions with populations under 10,000 to \$0. The average 90 day penalty for the top 10 populated cities in Wisconsin equals 1.00% of their total shared revenue payments, while the average 365 day penalty equals 4.05%.

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**