

February 15, 2012

The Honorable Steve Brunk, Chairperson
House Committee on Federal and State Affairs
Statehouse, Room 149-S
Topeka, Kansas 66612

Dear Representative Brunk:

SUBJECT: Fiscal Note for HB 2578 by House Committee on Federal and State Affairs

In accordance with KSA 75-3715a, the following fiscal note concerning HB 2578 is respectfully submitted to your committee.

HB 2578 would prohibit any official or agency of the state or a municipality from adopting a policy that limits the enforcement of federal immigration laws or limits communication between its officers and federal immigration officials. State agencies and municipalities would comply with and support the enforcement of the federal immigration law. When a lawful stop, detention, or arrest is made by a state, county or city law enforcement officer and reasonable suspicion exists that the person is an illegal alien, a determination would be made through verification provided by the federal government only.

Any person who is taken into custody would have to have his or her immigration status determined before release. If an illegal immigrant is convicted of a violation of state law, the U.S. Bureau of Immigration and Customs Enforcement would have to be notified. Also, law enforcement officials would have the authority to transport illegal aliens to a federal facility or to federal custody. A law enforcement officer would be indemnified by the officer's agency against reasonable costs and expenses incurred in connection with any action, suit, or proceedings.

The Attorney General would quickly enter into an agreement with the U.S. Department of Homeland Security to designate specific state law enforcement offices as qualified to exercise the enforcement powers of federal immigration officers.

If any provisions of the bill are held to be unconstitutional under the U.S. or Kansas Constitutions, that provision would be severed for this act, and the other provisions and amendments would remain valid and in effect.

The Attorney General states that the cost of HB 2578 cannot be determined. If the statute is challenged, the cost to defend changes to the law could be in the hundreds of thousands of dollars.

The League of Kansas Municipalities notes that the bill would place an additional obligation upon law enforcement officers to review and verify immigration status. Cities would incur expenditures to train police officers in the verification and detection process. They may also require additional personnel to do verifications and transfer illegal immigrants to federal facilities. It is also the Leagues opinion that HB 2578 heightens the exposure of cities to litigation and liability in a number of areas that do not now exist.

The Kansas Bureau of Investigation states that local agencies that conduct continuous patrols and make regular traffic stops will have a substantially larger costs from the bill, both from waiting for a response from federal agencies and litigation. In addition, it can safely be assumed that local jails will be used to hold identified violators for days awaiting federal response, which would affect jail space and costs. Any fiscal effect associated with HB 2578 is not reflected in *The FY 2013 Governor's Budget Report*.

Sincerely,



Steven J. Anderson, CPA, MBA
Director of the Budget

cc: Mary Rinehart, Judiciary
Larry Baer, League of Kansas Municipalities
Linda Durand, KBI
Megan Henry, Attorney General's Office