



SOUTH CAROLINA REVENUE AND FISCAL AFFAIRS OFFICE
STATEMENT OF ESTIMATED FISCAL IMPACT
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Bill Number: H. 3318 Introduced on January 10, 2017
Author: Pitts
Subject: Illegal Immigration Unit
Requestor: House Ways and Means
RFA Analyst(s): Gardner
Impact Date: March 28, 2017 - Updated for Additional Agency Response

Estimate of Fiscal Impact

	FY 2017-18	FY 2018-19
State Expenditure		
General Fund	\$0	\$0
Other and Federal	\$0	\$0
Full-Time Equivalent Position(s)	0.00	0.00
State Revenue		
General Fund	\$0	\$0
Other and Federal	\$0	\$0
Local Expenditure	\$0	\$0
Local Revenue	\$0	\$0

Fiscal Impact Summary

The bill transfers the Illegal Immigration Enforcement Unit from the Department of Public Safety to the State Law Enforcement Division. Transfer of the program will not have an overall expenditure impact, as employees, appropriations, assets, and liabilities transfer with the program, and transition costs are minimal and manageable within existing resources. This impact statement is updated for additional information from the State Law Enforcement Division.

Explanation of Fiscal Impact

Introduced on January 10, 2017

Updated for Additional Agency Response

State Expenditure

This bill moves the administration of the state's Illegal Immigration Enforcement Unit (unit) from the Department of Public Safety (DPS) to the South Carolina Law Enforcement Division (SLED) by repealing Section 23-6-60 and adding Article 18 to Chapter 3, Title 23 (Illegal Immigration Unit). The employees, authorized appropriations, assets, and liabilities of the unit transfer to SLED and fall under the administrative direction of the Chief of SLED. All personnel employed by the unit on the effective date of the act, either by contract or by employment at will, become employees of SLED and retain their employment status, compensation, classification, and grade level. The structure and responsibilities of the unit continue to include the enforcement of federal and state immigration laws and state criminal laws, as well as the offering of an illegal immigration enforcement training program for use by local law enforcement

agencies. The unit must be funded annually by a specific appropriation to the unit in the state general appropriations act, separate and distinct from SLED's other appropriations.

Department of Public Safety. The bill transfers the Illegal Immigration Enforcement Unit from DPS to SLED. As a result, DPS expenditures will decrease by the amount the unit would expend. For FY 2016-17, the amount appropriated from the General Fund for expenditure by the unit is \$426,544 in personal service for 12 FTEs, \$200,009 in employer contributions, and \$118,525 for operating expenses. In addition, within the Highway Patrol's budget, the unit is authorized to expend \$12,957 in Other Funds for its operations. The source of these funds is cash confiscated by the Highway Patrol during drug arrests, and any amount remaining would transfer with the unit as a non-recurring cash transfer. Also transferring would be the balance of a FY 2011-12 non-recurring appropriation to the unit in accordance with proviso 90.18. At March 16, 2017, this balance was \$99,779. These funds are used as needed to cover the unit's operating expenses.

South Carolina Law Enforcement Division. SLED expenditures would increase for the expenditures of the Illegal Immigration Enforcement Unit once the unit is transferred to SLED. Budgeted expenditures of the unit as part of DPS are reported above. SLED indicates including the unit within SLED would not create an additional expenditure impact for the agency, provided current appropriations and fund balances transfer as required by the bill. The division indicates SLED will not incur an expenditure impact to house the unit, as the staff are field officers. SLED also indicates transition costs will be minimal and managed within existing resources. This impact statement is updated for the information from SLED that there is no expenditure impact for transition expenses and physically locating the unit at SLED.

State Revenue

N/A

Local Expenditure

N/A

Local Revenue

N/A

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State Expenditure

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The unit will be funded annually by a specific appropriation to the unit in the state general appropriations act, separate and distinct from SLED's other appropriations. As soon as possible after the effective date of the act, the Chief of SLED shall negotiate the terms of a memorandum of agreement with U.S. Immigration and Customs Enforcement pursuant to Section 287(g) of the federal Immigration and Nationality Act.

Department of Public Safety. The bill transfers the Illegal Immigration Enforcement Unit from DPS to SLED. As a result, DPS' expenditures will decrease by the amount the unit would expend. For FY 2016-17, the amount appropriated from the General Fund for expenditure by the unit is \$426,544 in personal service for 12 FTEs, \$200,009 in employer contributions, and \$118,525 for operating expenses. In addition, within the Highway Patrol's budget, the unit is authorized to expend \$12,957 in Other Funds for its operations. The source of these funds is cash confiscated by the Highway Patrol during drug arrests, and any amount remaining would transfer with the unit as a non-recurring cash transfer. Also transferring would be the balance of a FY 2011-12 non-recurring appropriation to the unit in accordance with proviso 90.18. At March 16, 2017, this balance was \$99,779. These funds are used as needed to cover the unit's operating expenses.

South Carolina Law Enforcement Division. SLED's expenditures would increase for the expenditures of the Illegal Immigration Enforcement Unit once the unit is transferred to SLED. Budgeted expenditures of the unit as part of DPS are reported above. SLED indicates including the unit within SLED would not create an additional expenditure impact for the agency, provided current appropriations and fund balances transfer as required by the bill. The Revenue and Fiscal Affairs Office requested clarification as to whether additional expenditures would be incurred for any transition costs or costs of housing the unit in a new location. SLED has not responded. Therefore, we are estimating expenditures based only on information available from DPS budget and accounts, and SLED's initial response.

State Revenue

N/A

Local Expenditure

N/A

Local Revenue

N/A



Frank A. Rainwater, Executive Director