




DATE: May 20, 2011

TO: Senator Julianne Ortman, Chair
Senator John Marty
Representative Greg Davids, Chair
Representative Ann Lenczewski

Senator Claire A. Robling, Chair
Senator Richard J. Cohen
Representative Mary Liz Holberg, Chair
Representative Lyndon Carlson Sr.

FROM: Margaret Kelly 
State Budget Director

RE: Local Impact Note: HF 358 (Barrett) Immigration law enforcement noncooperation ordinances and policies prohibited, and immigration-related data use provided.

On April 28th 2011, Minnesota Management and Budget (MMB) received a local impact note request on HF 358 (Barrett): Immigration law enforcement noncooperation ordinances and policies prohibited, and immigration-related data use provided. After an analysis of the bill, discussion with local units of government, and review of committee discussions, MMB was unable to establish a cost analysis in which it had sufficient confidence to report to the legislature. Included below is a summary of MMB's analysis methodology. For informational purposes we have also included the information submitted by local units of government. If you or your staff has questions regarding this analysis, please feel free to contact Bryan Dahl, executive budget officer, at (651)201-8031.

Explanation of the Bill

HF 358 preempts local units of government from prohibiting or restricting their employees from sharing immigration data with federal authorities. The bill also preempts local ordinances, regulations, and policies that limit or prohibit government employees from communicating with federal officials about the immigration status of individuals or cooperating with federal officials in immigration enforcement. Additionally, HF 358 authorizes citizens to sue to require compliance with the statutes.

Local Impact Analysis Methodology

In order to analyze the local impact of the provisions in HF 358 if it were to become law, MMB worked with the League of Minnesota Cities and the Association of Minnesota Counties to identify local governments that would be impacted. With these contacts, MMB was able to identify two local governments, the City of Minneapolis and the City of St. Paul, that currently have ordinances in place that would be subject to suspension under section 2 of the bill. MMB then requested estimates of the fiscal impact from these two cities.

In creating the estimates of local costs related to HF 358 both the City of Minneapolis and the City of St. Paul interpreted the language of HF 358 to not only require suspension of current policies and ordinances but to also require that their law enforcement officers inquire about immigration status on all law enforcement calls. It is not clear that the bill makes this a requirement but both cities reported that it would be necessary to ensure enforcement in a racially neutral manner. They based their cost

projections on training and officer time related this assumption of new immigration status inquiries. The analysis from both cities is attached to this memo.

As part of its analysis HF 358 MMB took the following steps to determine the impact on local units of government:

- An internal analysis of the provisions of the bill and discussion of how a local government would or could react to changes in the law;
- Review of committee hearing recordings to determine both the author's intent and opponent's interpretations;
- Contacted the cities that submitted estimates to better understand their assumptions regarding the provisions in the bill, specifically what new steps this law would require

After taking these steps MMB was unable to determine to its satisfaction if the bill language would require a local unit of government to inquire about immigration status on every law enforcement call or if it would only prohibit a local unit of government from having a policy or ordinance that prohibits officers from inquiring about immigration status.

Due to this inability to determine a consistent interpretation of the provisions in HF 358, MMB was unable to develop a final cost analysis on the impact of the bill on local units of government.

Other Considerations

In the process of MMB's analysis of HF 358 two other considerations related to the local impact of the bill were raised:

- Both Minneapolis and St. Paul included a statement about the possibility of legal challenges related to immigration inquiries if the bill were to become law. This may be a reasonable concern, but MMB regards potential litigation as a secondary impact and did not include them in the above analysis.
- If the interpretation by Minneapolis and St. Paul that HF 358 would not only require suspension of current policies and ordinances but also require that law enforcement officers inquire about immigration status on all law enforcement calls were correct, then it is likely that the analysis of the impact of HF 358 would be required to include all jurisdictions across the state and the local cost of the bill would be considerably higher.

These additional impacts were not included in MMB's local impact analysis of HF 358.

cc: Representative Bob Barret
Legislative staff (electronic)



CITY OF SAINT PAUL
Christopher B. Coleman, Mayor

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ESTIMATE ONLY

April 25, 2011

Fr: Amy Brown, Saint Paul Police Department

Re: Local Fiscal Impact- City of Saint Paul
2011 Legislative Session
Bill Numbers: HF 358

Fiscal Impact

I. Bill Number: HF 358 (Barrett)

Immigration law enforcement noncooperation ordinances and policies prohibited, and immigration-related data use provided.

City Department Impacted by Implementation: Saint Paul Police Department

Assumptions:

- That with the repeal of the City's Separation Ordinance, officers would need training with regard to understanding immigration status and reporting responsibilities.
- That with the repeal of the City's Separation Ordinance collection of immigration-related data would occur on all SPPD calls to ensure enforcement in a racially-neutral way.
- That the number of calls would remain constant in 2011 (225,000 in 2010).

Expenses:

4 hours of training for instruction x 610 officers x \$60/hr (15 year OT with fringe) \$ 146,400

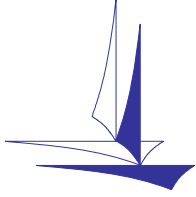
225,000 calls x .5 hours of officer time per call x \$35/hr \$3,937,500

Annual Total: \$4,083,900

Biennium Total: \$8,167,800

Additional Fiscal Considerations:

Lawsuits have been filed against localities across the country due to biased, dragnet immigration law enforcement i.e., \$400,000 settlement in Chandler, AZ. The City of Saint Paul's Separation Ordinance and community policing policy has provided training for SPPD with regard to unbiased enforcement. However, repealing the Separation Ordinance will expose the City to significant civil liability due to the expectation of immigration enforcement which is in direct contradiction to our current policies, thereby creating an opportunity for racial profiling.



Minneapolis
City of Lakes

Police Department

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May 18, 2011

Fr: Kim MacDonald, Minneapolis Police Department

ESTIMATE ONLY

Re: Local Fiscal Impact – City of Minneapolis
2011 Legislative Session
Bill Numbers: HF 358

Fiscal Impact

I. Bill Number: HF 358 (Barrett)

Immigration law enforcement noncooperation ordinances and policies prohibited, and immigration-related data use provided.

City Department Impacted by Implementation: Minneapolis Police Department

Assumptions:

- That with the repeal of the City’s Separation Ordinance officers would need training with regard to understanding immigration status and reporting responsibilities.
- That with the repeal of the City’s Separation Ordinance collection of immigration-related data would occur on all MPD calls to ensure enforcement in a racially-neutral way.
- That the number of calls would remain constant in 2011 (400,000 in 2010).

Expenses:

4 hours of training for instruction x 860 officers x \$68/hr (Avg. OT w/ fringe) \$ 233,920

400,000 calls x .5 hours of officer time per call x \$32/hr \$ 6,400,000

Annual Total: \$ 6,633,920

Biennium Total: \$13,267,840

Additional Fiscal Considerations:

Lawsuits have been filed against localities across the country due to biased, dragnet immigration law enforcement i.e., \$400,000 settlement in Chandler, AZ. The City of Minneapolis’s Separation Ordinance and community policing policy has provided training for MPD with regard to unbiased enforcement. However, repealing the Separation Ordinance will expose the City to significant civil liability due to the expectations of immigration enforcement which is in direct contradiction to our current policies, thereby creating an opportunity for racial profiling.

