



**SOUTH CAROLINA REVENUE AND FISCAL AFFAIRS OFFICE**  
**STATEMENT OF ESTIMATED FISCAL IMPACT**  
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*This fiscal impact statement is produced in compliance with the South Carolina Code of Laws and House and Senate rules. The focus of the analysis is on governmental expenditure and revenue impacts and may not provide a comprehensive summary of the legislation.*

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<b>Bill Number:</b>	H. 4120	Introduced on March 9, 2023
<b>Author:</b>	Pope	
<b>Subject:</b>	Illegal Immigration Enforcement Unit	
<b>Requestor:</b>	House Judiciary	
<b>RFA Analyst(s):</b>	Gardner and Wren	
<b>Impact Date:</b>	April 25, 2023 - Updated for Additional Agency Response	

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### **Fiscal Impact Summary**

This bill transfers the Illegal Immigration Enforcement Unit from the Department of Public Safety (DPS) to the State Law Enforcement Division (SLED). This bill also requires SLED to negotiate the terms of a memorandum of agreement with United States Immigration and Customs Enforcement. The bill repeals Chapter 30 of Title 8 that requires the Commission for Minority Affairs to run a 24-hour phone line to receive allegations of violations of immigration laws and maintain a database of this information. This bill also requires a person who has a current and valid employment authorization approved by federal immigration authorities to be eligible for occupational or professional licensure through the Department of Labor, Licensing and Regulation (LLR) provided all other applicable occupational or professional requirements are met.

Based on previous responses, this bill will transfer appropriations totaling approximately \$763,200 from DPS to SLED based on figures provided by DPS for the Illegal Immigration Enforcement Unit. Of this amount, \$644,700 is General Funds for 12.0 FTEs, and \$118,500 is Other Funds for operating expenses. Further, SLED anticipates being able to manage the additional responsibilities within the transferred appropriations. We will update this impact statement if these agencies provide updated appropriations or FTE information.

This bill may increase the number of applications processed by LLR. However, the agency anticipates any increase in the number of applications will be minimal and can be managed within existing resources. Therefore, this section of the bill is not expected to have an expenditure impact on LLR. Additionally, by proviso, the Commission for Minority Affairs can request that LLR manage the hotline and database. However, is not currently providing assistance and is therefore not impacted by this section of the bill. Further, the commission has contracted with Compliance Resource Center for these services.

The bill repeals Chapter 30 of Title 8, which requires the Commission for Minority Affairs to run a 24-hour phone line to receive allegations of violations of immigration laws and maintain a database of this information. As the commission currently contracts with Compliance Resource Center to manage the hotline and database at a price of \$26,500 annually, the bill is expected to result in a General Fund expenditure savings of \$26,500 for the commission.

*This impact statement has been updated to include a response from the Commission for Minority Affairs and to provide additional information on the impact of LLR.*

## **Explanation of Fiscal Impact**

**Updated for Additional Agency Response on April 25, 2023**

**Introduced on March 9, 2023**

### **State Expenditure**

This bill transfers the Illegal Immigration Enforcement Unit from DPS to SLED. This unit is tasked with enforcing immigration laws as authorized pursuant to federal and state laws. The Chief of SLED will direct the unit and determine which agents and personnel are proper to work within the unit. The unit will be funded annually by a specific appropriation to the Illegal Immigration Enforcement Unit in the state general appropriations act and shall be separate from SLED's other appropriations. As soon as possible after the effective date of this act, SLED must negotiate the terms of a memorandum of agreement with United States Immigration and Customs Enforcement. The bill also requires SLED to develop an illegal immigration enforcement training program and to make the program available to all local law enforcement agencies. The bill also establishes criteria for eligibility of a United States immigrant for occupational or professional licensure in South Carolina. Additionally, the bill repeals Chapter 30, Title 8, which requires the Commission for Minority Affairs to run a 24-hour phone line to receive allegations of violations of immigration laws and maintain a database of this information.

**South Carolina Law Enforcement Division.** SLED anticipates that the transfer of the unit to the agency will include the transfer of all existing FTEs and appropriations specific to the unit. SLED expects to be able to manage the additional responsibilities created by this bill within the transferred appropriations. As such, there will be no expenditure impact to SLED.

**Department of Public Safety.** The bill transfers the Illegal Immigration Enforcement Unit from DPS to SLED. DPS anticipates this bill will also transfer the existing FTEs and appropriations associated with the unit. Based on data provided by DPS last year, annual appropriations of the Illegal Immigration Enforcement Unit that will be transferred to SLED totals approximately \$763,200. Of this amount, approximately \$644,700 is General Funds for 12.0 FTEs, and \$118,500 is Other Funds for operating expenses. We will update this impact statement if DPS provides updated appropriations or FTE information.

**Department of Labor Licensing and Regulation.** This bill requires a person who has a current and valid employment authorization approved by federal immigration authorities to be eligible for occupational or professional licensure provided all other applicable occupational or professional requirements are met. LLR indicates that the agency's Immigration Division runs Systematic Alien Verification for Entitlements (SAVE) requests as needed on behalf of the licensing boards. LLR is charged \$0.50 per SAVE request by the U.S. Department of Homeland Security. LLR further indicates that the agency's average expenditures for SAVE requests for the past three fiscal years was approximately \$800. While the provisions of the bill may lead to a slight increase in the number of applications for licensure that require SAVE requests, LLR expects any additional expenses to be minimal and managed within existing resources.

Additionally, this bill repeals the 24-hour phone line regarding allegations of violations of immigration laws run by the Commission for Minority Affairs. Proviso 81.10 of the FY 2022-23 Appropriations Act authorizes the Commission for Minority Affairs to request LLR's assistance on running the hotline. However, LLR is not currently providing assistance and is therefore not impacted by this section of the bill.

*This section of the impact statement has been updated to provide additional information on the impact of LLR.*

**Commission for Minority Affairs.** The bill repeals Chapter 30 of Title 8, which requires the Commission for Minority Affairs to run a 24-hour phone line to receive allegations of violations of immigration laws and maintain a database of this information. The commission currently contracts with Compliance Resource Center to manage the hotline and database at a price of \$26,500 annually. Therefore, the elimination of the hotline will result in an expenditure savings of \$26,500 for the commission.

*This impact statement has been updated to include a response from the Commission for Minority Affairs.*

#### **State Revenue**

N/A

#### **Local Expenditure and Local Revenue**

N/A

#### **Introduced on March 9, 2023**

##### **State Expenditure**

This bill transfers the Illegal Immigration Enforcement Unit from DPS to SLED. This unit is tasked with enforcing immigration laws as authorized pursuant to federal and state laws. The Chief of SLED will direct the unit and determine which agents and personnel are proper to work within the unit. The unit will be funded annually by a specific appropriation to the Illegal Immigration Enforcement Unit in the state general appropriations act and shall be separate from SLED's other appropriations. As soon as possible after the effective date of this act, SLED must negotiate the terms of a memorandum of agreement with United States Immigration and Customs Enforcement. The bill also requires SLED to develop an illegal immigration enforcement training program and to make the program available to all local law enforcement agencies. The bill also establishes criteria for eligibility of a United States immigrant for occupational or professional licensure in South Carolina.

**South Carolina Law Enforcement Division.** SLED anticipates that the transfer of the unit to the agency will include the transfer of all existing FTEs and appropriations specific to the unit. SLED expects to be able to manage the additional responsibilities created by this bill within the transferred appropriations. As such, there will be no expenditure impact to SLED.

**Department of Public Safety.** The bill transfers the Illegal Immigration Enforcement Unit from DPS to SLED. DPS anticipates this bill will also transfer the existing FTEs and appropriations associated with the unit. Based on data provided by DPS last year, annual appropriations of the Illegal Immigration Enforcement Unit that will be transferred to SLED totals approximately \$763,200. Of this amount, approximately \$644,700 is General Funds for 12.0 FTEs, and \$118,500 is Other Funds for operating expenses. We will update this impact statement if DPS provides updated appropriations or FTE information.

**Department of Labor Licensing and Regulation.** This bill requires a person who has a current and valid employment authorization approved by federal immigration authorities to be eligible for occupational or professional licensure provided all other applicable occupational or professional requirements are met. LLR indicates that the agency's Immigration Division runs Systematic Alien Verification for Entitlements (SAVE) requests as needed on behalf of the licensing boards. LLR is charged \$0.50 per SAVE request by the U.S. Department of Homeland Security. LLR further indicates that the agency's average expenditures for SAVE requests for the past three fiscal years was approximately \$800. While the provisions of the bill may lead to a slight increase in the number of applications for licensure that require SAVE requests, LLR expects any additional expenses to be minimal and managed within existing resources.

**Commission on Minority Affairs.** The bill repeals Chapter 30 of Title 8 that requires the Commission on Minority Affairs to run a 24-hour phone line to receive allegations of violations of immigration laws and maintain a database of this information. The impact on the commission is pending, contingent upon further information from the agency.

**State Revenue**

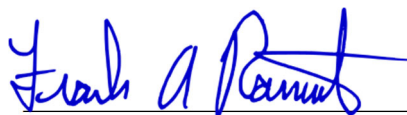
N/A

**Local Expenditure**

N/A

**Local Revenue**

N/A



Frank A. Rainwater, Executive Director