



Legislative Council Staff

Nonpartisan Services for Colorado's Legislature

FISCAL NOTE

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| Drafting Number: | LLS 18-0208 | Date: | April 5, 2018 |
| Prime Sponsors: | Sen. Neville T. Rep. Ransom | Bill Status: | Senate SVMA |
| | | Fiscal Analyst: | Kerry White 303-866-3469 Kerry.White@state.co.us |

Bill Topic: PUBLIC SAFETY PROTECTION FROM SANCTUARY POLICIES

Summary of Fiscal Impact:

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| <input type="checkbox"/> State Revenue | <input type="checkbox"/> TABOR Refund |
| <input checked="" type="checkbox"/> State Expenditure (<i>conditional</i>) | <input checked="" type="checkbox"/> Local Government (<i>conditional</i>) |
| <input type="checkbox"/> State Transfer | <input checked="" type="checkbox"/> Statutory Public Entity (<i>conditional</i>) |

Conditional upon voter approval, this bill prohibits the state and its subdivisions from prohibiting or restricting the flow of information about the citizenship or immigration status of individuals and from encouraging the physical harboring of an illegal immigrant. It increases workload for the state and each of its subdivisions with a population of at least 10,000 to prepare compliance reports between 2019 and 2025.

Appropriation Summary: No appropriation is required.

Fiscal Note Status: The fiscal note reflects the introduced bill.

Summary of Legislation

Conditional upon voter approval, this bill prohibits the state or any of its subdivisions from prohibiting or restricting the flow of information with federal immigration agencies regarding the citizenship or immigration status of any individual. These entities may not encourage the physical harboring of an illegal immigrant.

Sanctuary jurisdictions. Under the bill, the state or any of its subdivisions, is deemed to have created a sanctuary jurisdiction policy if it: violates the information sharing requirements described above; is notified by the federal Department of Justice or Department of Homeland Security that it is not in compliance with federal immigration law; or has been denied federal grant money or been found ineligible to receive federal grant money based on a lack of compliance with federal immigration law.

Notifications. The state and each of its subdivisions must provide written notice to each elected official, employee, and law enforcement officer of that jurisdiction of his or her duty to comply with all federal laws related to immigration.

Compliance reporting. On or before January 1, 2019, and each January 1 thereafter through January 1, 2025, the state and each of its subdivisions having a population of at least 10,000 people must submit a written report and affirmation of compliance to the Department of Public Safety (DPS). On or before April 1, 2019, and each April 1 thereafter through 2025, the DPS must submit an annual report compiling this information to the General Assembly.

State Expenditures

Conditional upon voter approval, the bill increases costs and workload for state agencies, including institutions of higher education, to make the required notifications to elected officials, employees, and law enforcement officers. Workload also increases for affected state agencies to prepare compliance reports and for the DPS to produce an annual report for the General Assembly. Finally, workload and costs may increase for the Department of Law if it is asked to consult with state agencies concerning the bill's requirements. These cost and workload increases can be accomplished within existing appropriations to affected state agencies.

Election expenditure impact — existing appropriations. This bill includes a referred measure that will appear before voters at the November 2018 general election. While no additional appropriation is required in this bill, certain election costs are incurred by the state when ballot measures are referred to voters. These costs, paid using existing appropriations, are in two areas. First, current law requires the state to reimburse counties for costs incurred conducting a ballot measure election, paid from the Department of State Cash Fund in the Secretary of State's Office, estimated at \$3.2 million in FY 2018-19. Second, the text and title of the measure must be published in one legal newspaper per county and an analysis of the measure must be included in the Ballot Information Booklet mailed to all registered voter households, paid from the Ballot Analysis Revolving Fund in the Legislative Department, which is estimated to cost \$2.1 million in FY 2018-19. Publication costs will increase by approximately \$115,000 per measure beyond this base amount for any additional referred or initiated measures placed on the ballot.

Local Governments, School Districts, and Statutory Public Entities

Conditional upon voter approval, the bill increases workload for local governments, school districts, and statutory public entities to make the required notifications to elected officials, employees, and law enforcement officers, and for jurisdictions with populations of greater than 10,000 people, to submit compliance reports to the DPS.

To the extent that local governments, school districts, and statutory public entities are not currently complying with federal immigration policy, the bill may increase workload and costs to do so. These impacts have not been estimated.

Technical Note

The bill requires that the governing body of jurisdictions, which are defined as the state and any of its political subdivisions, complete a compliance report if it has a population of greater than 10,000. It is unclear what measure is to be used for determining population and which data must be used in the annual report when jurisdictions overlap.

Effective Date

The bill takes effect if approved by voters during the election on November 6, 2018.

State and Local Government Contacts

All State and Local Agencies