



Legislative Council Staff

Nonpartisan Services for Colorado's Legislature

Fiscal Note

Drafting Number:	LLS 21-0469	Date:	March 23, 2021
Prime Sponsors:	Rep. Tipper; Ricks Sen. Moreno	Bill Status:	House Judiciary
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Bill Topic: IMMIGRATION LEGAL DEFENSE FUND

Summary of Fiscal Impact:	<input checked="" type="checkbox"/> State Revenue	<input type="checkbox"/> TABOR Refund
	<input checked="" type="checkbox"/> State Expenditure	<input type="checkbox"/> Local Government
	<input type="checkbox"/> State Transfer	<input type="checkbox"/> Statutory Public Entity

The bill creates the Immigration Legal Defense Fund to provide grants to organizations representing indigent individuals in immigration court. Beginning in FY 2021-22, the bill increases state expenditures on an ongoing basis.

Appropriation Summary: For FY 2021-22, the bill includes an appropriation for \$100,000 to the Department of Human Services.

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

**Table 1
State Fiscal Impacts Under HB 21-1194**

	Budget Year FY 2021-22	Out Year FY 2022-23
Revenue	-	-
Expenditures		
General Fund	\$98,303	\$96,955
Centrally Appropriated	\$1,697	\$3,045
Total Expenditures	\$100,000	\$100,000
Total FTE	0.1 FTE	0.2 FTE
Transfers	-	-
TABOR Refund	-	-

Summary of Legislation

The bill creates the Immigration Legal Defense Cash Fund administered by the Department of Human Services (DHS) to make grants to organizations that represent indigent individuals appearing before an immigration court in Colorado. Interested organizations must apply annually to the DHS, which will evaluate applications and select grant recipients based on their expertise starting on January 31, 2022, and each January 2 thereafter.

The DHS must award grants so that 70 percent of the grants go to organizations serving indigent clients who are detained for deportation proceedings. The remaining 30 percent of the grants must go to organizations serving indigent clients in other immigration cases, with two-thirds of the 30 percent used for clients outside the Denver Metro area. The DHS will collect and compile reports from grant recipients and submit a consolidated report to the General Assembly starting on July 1, 2022.

Finally, the bill appropriates \$100,000 to the Immigration Legal Defense Cash Fund and allows the DHS to use no more than \$15,000, or up to 5.0 percent, from the cash fund for direct and indirect administrative costs.

State Revenue

The bill allows the DHS to seek, accept, and expend gifts, grants or donations from private or public sources. Starting in FY 2021-22, to the extent the DHS receives gifts, grants, and donations, revenue to the Immigration Legal Defense Cash Fund will increase. At the time of this writing, no sources of gifts, grants, and donations have been identified. Gifts, grants, and donations are not subject to the state's TABOR revenue limit.

State Expenditures

Starting in FY 2021-22, the bill increases state expenditures in the DHS by \$100,000 per year. The DHS requires 0.2 FTE to develop applications, review applicants, award grants, and to consolidate and submit a report to the General Assembly. Costs in FY 2021-22 are prorated for an October 1, 2021, start date and the General Fund pay date shift. Costs are shown in Table 2 below.

Table 2
Expenditures Under HB 21-1194

	FY 2021-22	FY 2022-23
Department of Human Services		
Personal Services	\$7,704	\$11,557
Grants	\$90,598	\$85,398
Centrally Appropriated Costs	\$1,697	\$3,045
Total Cost	\$100,000	\$100,000
Total FTE	0.1 FTE	0.2 FTE

Centrally appropriated costs. Pursuant to a Joint Budget Committee policy, certain costs associated with bills are usually appropriated in the Long Bill or supplemental appropriations bills. Instead, these costs are appropriated in this bill and include employee insurance and supplemental employee retirement payments of \$1,697 in FY 2021-22 and \$3,045 in FY 2022-23.

Effective Date

The bill takes effect 90 days following adjournment of the General Assembly sine die, assuming no referendum petition is filed.

State Appropriations

For FY 2021-22, the bill includes an appropriation of \$100,000 from the General Fund to the Department of Human Services.

State and Local Government Contacts

Human Services

Information Technology