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Final Fiscal Note

Drafting Number: LLS 21-0469 Date: July 21, 2021
Prime Sponsors: Rep. Tipper; Ricks Bill Status: Signed into Law
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Bill Topic: IMMIGRATION LEGAL DEFENSE FUND

- Summary of Fiscal Impact:
[X] State Revenue [] TABOR Refund
[X] State Expenditure [] Local Government
[] State Transfer [] 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 Labor and Employment.

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

Table 1
State Fiscal Impacts Under HB 21-1194

Table with 3 columns: Category, Budget Year FY 2021-22, and Out Year FY 2022-23. Rows include Revenue, Expenditures (General Fund, Centrally Appropriated, Total Expenditures, Total FTE), Transfers, and TABOR Refund.

Summary of Legislation

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

The CDLE 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 CDLE will collect and compile reports from grant recipients and submit a consolidated report to the General Assembly starting on July 1, 2022.

The bill appropriates \$100,000 to the Immigration Legal Defense Cash Fund and allows the CDLE to use no more than \$15,000, or up to 5.0 percent, from the cash fund for direct and indirect administrative costs. Finally, the bill authorizes counties to appropriate local or state funds to implement their own immigration legal defense funds.

State Revenue

The bill allows the CDLE to seek, accept, and expend gifts, grants or donations from private or public sources. Starting in FY 2021-22, to the extent the CDLE 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 CDLE by \$100,000 per year. The CDLE 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 Labor and Employment		
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 was signed into law by the Governor on June 25, 2021, and takes effect on September 7, 2021, 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 Labor and Employment.

State and Local Government Contacts

Human Services

Information Technology

Labor