

CHAPTER 10

GOVERNMENT - STATE

HOUSE BILL 06S-1014

BY REPRESENTATIVE(S) Buescher, Benefield, Berens, Borodkin, Carroll M., Clapp, Crane, Curry, Gallegos, Garcia, Green, Hall, Hefley, Jahn, Kerr A., Kerr J., Liston, Lundberg, Madden, Marshall, McCluskey, Merrifield, Paccione, Penry, Ragsdale, Riesberg, Romanoff, Rose, Schultheis, Solano, Soper, Stafford, Todd, Vigil, Welker, White, Witwer, Coleman, and Hodge; also SENATOR(S) Tapia, Bacon, Fitz-Gerald, Gordon, Grossman, Isgar, Sandoval, Shaffer, Tochtrop, Tupa, Williams, and Windels.

AN ACT

CONCERNING THE RECOVERY OF FEDERAL REIMBURSEMENT FOR COSTS TO THE STATE OF COLORADO ASSOCIATED WITH ILLEGAL IMMIGRATION, AND MAKING AN APPROPRIATION THEREFOR.

Be it enacted by the General Assembly of the State of Colorado:

SECTION 1. Title 24, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW ARTICLE to read:

ARTICLE 19.7
Recovery of Federal Reimbursement for
Costs Associated with Illegal Immigration

24-19.7-101. Legislative declaration. (1) THE GENERAL ASSEMBLY FINDS THAT:

(a) THE COSTS INCURRED BY COLORADO IN ADDRESSING ILLEGAL IMMIGRATION HAVE INCREASED IN THE LAST THREE YEARS AND ARE PLACING A BURDEN ON THE STATE'S BUDGETARY AND HUMAN RESOURCES;

(b) THE AREAS IN WHICH THESE COSTS HAVE DRAMATICALLY INCREASED INCLUDE, BUT ARE NOT LIMITED TO, IDENTIFYING ILLEGAL IMMIGRANTS, PROCESSING ILLEGAL IMMIGRANTS THROUGH THE CRIMINAL JUSTICE SYSTEM, INCARCERATING ILLEGAL IMMIGRANTS, AND PROVIDING EDUCATION, MEDICAL ASSISTANCE, HEALTH CARE, AND FOSTER CARE FOR ILLEGAL IMMIGRANTS;

(c) AT THE SAME TIME, FEDERAL FUNDING TO ASSIST STATES IN DEALING WITH ILLEGAL IMMIGRATION HAS DECREASED, YET THE FEDERAL GOVERNMENT IS ASKING

Capital letters indicate new material added to existing statutes; dashes through words indicate deletions from existing statutes and such material not part of act.

STATE GOVERNMENTS TO DO EVEN MORE WITH THEIR OWN FUNDS TO ENFORCE FEDERAL IMMIGRATION LAWS AND PRESERVE HOMELAND SECURITY, WHICH ARE ESSENTIALLY FEDERAL RESPONSIBILITIES; AND

(d) THE FEDERAL GOVERNMENT IS IN ARREARS ON ITS OBLIGATION TO REIMBURSE STATES FOR COSTS INCURRED BY THE STATES IN DEALING WITH ILLEGAL IMMIGRATION.

(2) THE GENERAL ASSEMBLY, THEREFORE, DETERMINES THAT IT IS NECESSARY FOR THE STATE OF COLORADO TO PROTECT ITS INTERESTS AND SEEK THE RECOVERY OF REIMBURSEMENT AVAILABLE UNDER FEDERAL LAW FOR THE COSTS INCURRED BY THIS STATE IN DEALING WITH ILLEGAL IMMIGRATION.

24-19.7-102. Illegal immigration - recovery of state's costs - attorney general to pursue remedies. (1) ON AND AFTER THE EFFECTIVE DATE OF THIS SECTION, THE ATTORNEY GENERAL, ON BEHALF OF THE STATE OF COLORADO, SHALL PURSUE ALL AVAILABLE REMEDIES TO RECOVER ANY MONEYS OWING FROM THE FEDERAL GOVERNMENT TO THE STATE FOR THE REIMBURSEMENT OF COSTS INCURRED BY THE STATE IN DEALING WITH ILLEGAL IMMIGRATION.

(2) ON OR BEFORE DECEMBER 31, 2006, AND ON OR BEFORE DECEMBER 31, 2007, THE ATTORNEY GENERAL SHALL FILE A WRITTEN REPORT WITH THE GOVERNOR, THE PRESIDENT OF THE SENATE, THE SPEAKER OF THE HOUSE OF REPRESENTATIVES, AND THE CHAIR OF THE JOINT BUDGET COMMITTEE THAT DETAILS THE PROGRESS AND STATUS OF THE ATTORNEY GENERAL'S PURSUIT OF REMEDIES.

SECTION 2. Appropriation. In addition to any other appropriation, there is hereby appropriated, out of any moneys in the general fund, not otherwise appropriated, to the department of law, for the fiscal year beginning July 1, 2006, the sum of forty-five thousand eight hundred twenty-two dollars (\$45,822) and 0.5 FTE, or so much thereof as may be necessary, for the implementation of this act.

SECTION 3. Safety clause. The general assembly hereby finds, determines, and declares that this act is necessary for the immediate preservation of the public peace, health, and safety.

Approved: July 31, 2006