

## CHAPTER 9

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**GOVERNMENT - STATE**


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**HOUSE BILL 06S-1009**

BY REPRESENTATIVE(S) Crane, Schultheis, Harvey, Berens, Borodkin, Buescher, Carroll M., Gardner, Hefley, Kerr A., Kerr J., King, Knoedler, Liston, Lundberg, Massey, McCluskey, Paccione, Penry, Rose, Stengel, Todd, Welker, Witwer, Stafford, and White;  
also SENATOR(S) Johnson, Evans, May R., McElhany, Tochtrop, and Williams.

**AN ACT**

**CONCERNING A REQUIREMENT THAT GOVERNMENTAL ENTITIES ISSUE AUTHORIZATIONS ONLY TO PERSONS WHO ARE LAWFULLY PRESENT IN THE UNITED STATES, AND MAKING AN APPROPRIATION IN CONNECTION THEREWITH.**

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

**SECTION 1.** 24-34-107 (1), Colorado Revised Statutes, is amended to read:

**24-34-107. Applications for licenses - authority to suspend licenses - rules.**

(1) (a) Every application by an individual for a license issued pursuant to the authority set forth in titles 10, 11, and 12, C.R.S., by any division, board, or agency of the department of regulatory agencies shall require the applicant's name, address, and social security number. SUBJECT TO THE EXEMPTIONS FOUND IN 8 U.S.C. SEC. 1621 (c) (2), TO THE EXTENT THAT ANY SUCH LICENSE CONSTITUTES A PROFESSIONAL LICENSE OR COMMERCIAL LICENSE REGULATED BY 8 U.S.C. SEC. 1621, SUCH DIVISION, BOARD, OR AGENCY MAY ISSUE OR RENEW ANY SUCH LICENSE TO AN INDIVIDUAL ONLY IF THE INDIVIDUAL IS LAWFULLY PRESENT IN THE UNITED STATES, AND SHALL IMMEDIATELY DENY ANY SUCH LICENSE OR RENEWAL THEREOF UPON DETERMINING THAT THE INDIVIDUAL IS UNLAWFULLY PRESENT IN THE UNITED STATES. THE INDIVIDUAL SHALL PROVE HIS OR HER IDENTITY WITH A SECURE AND VERIFIABLE DOCUMENT, AS THAT TERM IS DEFINED IN SECTION 24-72.1-102. THE DIVISION, BOARD, OR AGENCY SHALL NOT SELL OR UTILIZE FOR ANY PURPOSE OTHER THAN THOSE SPECIFIED IN LAW THE INFORMATION CONTAINED IN THE SECURE AND VERIFIABLE DOCUMENT, AND SHALL KEEP SUCH INFORMATION CONFIDENTIAL UNLESS DISCLOSURE IS REQUIRED BY LAW; EXCEPT THAT NOTHING IN THIS PARAGRAPH (a) SHALL BE CONSTRUED TO LIMIT PUBLIC ACCESS TO RECORDS THAT ARE AVAILABLE FOR PUBLIC INSPECTION PURSUANT TO ARTICLE 72 OF THIS TITLE.

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

(b) FOR PURPOSES OF THIS SUBSECTION (1), AN INDIVIDUAL IS UNLAWFULLY PRESENT IN THE UNITED STATES IF THE INDIVIDUAL IS AN ALIEN WHO IS NOT:

(I) A QUALIFIED ALIEN AS DEFINED IN 8 U.S.C. SEC. 1641;

(II) A NONIMMIGRANT UNDER THE "IMMIGRATION AND NATIONALITY ACT", FEDERAL PUBLIC LAW 82-414, AS AMENDED; OR

(III) AN ALIEN WHO IS PAROLED INTO THE UNITED STATES UNDER 8 U.S.C. SEC. 1182 (d) (5) FOR LESS THAN ONE YEAR.

(c) THIS SUBSECTION (1) SHALL BE ENFORCED WITHOUT REGARD TO RACE, RELIGION, GENDER, ETHNICITY, OR NATIONAL ORIGIN.

**SECTION 2.** 30-15-401, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SUBSECTION to read:

**30-15-401. General regulations.** (10) (a) SUBJECT TO THE EXEMPTIONS FOUND IN 8 U.S.C. SEC. 1621 (c) (2), TO THE EXTENT THAT A LICENSE, PERMIT, CERTIFICATE, OR OTHER AUTHORIZATION TO CONDUCT BUSINESS ISSUED BY A COUNTY CONSTITUTES A PROFESSIONAL LICENSE OR COMMERCIAL LICENSE REGULATED BY 8 U.S.C. SEC. 1621, A COUNTY MAY ISSUE SUCH AUTHORIZATION TO AN INDIVIDUAL ONLY IF THE INDIVIDUAL IS LAWFULLY PRESENT IN THE UNITED STATES, AND SHALL IMMEDIATELY DENY ANY SUCH AUTHORIZATION OR RENEWAL THEREOF UPON DETERMINING THAT THE INDIVIDUAL IS UNLAWFULLY PRESENT IN THE UNITED STATES. THE INDIVIDUAL SHALL PROVE HIS OR HER IDENTITY WITH A SECURE AND VERIFIABLE DOCUMENT, AS THAT TERM IS DEFINED IN SECTION 24-72.1-102, C.R.S. A COUNTY SHALL NOT SELL OR UTILIZE FOR ANY PURPOSE OTHER THAN THOSE SPECIFIED IN LAW THE INFORMATION CONTAINED IN THE SECURE AND VERIFIABLE DOCUMENT, AND SHALL KEEP SUCH INFORMATION CONFIDENTIAL UNLESS DISCLOSURE IS REQUIRED BY LAW; EXCEPT THAT NOTHING IN THIS PARAGRAPH (a) SHALL BE CONSTRUED TO LIMIT PUBLIC ACCESS TO RECORDS THAT ARE AVAILABLE FOR PUBLIC INSPECTION PURSUANT TO ARTICLE 72 OF TITLE 24, C.R.S.

(b) FOR PURPOSES OF THIS SUBSECTION (10), AN INDIVIDUAL IS UNLAWFULLY PRESENT IN THE UNITED STATES IF THE INDIVIDUAL IS AN ALIEN WHO IS NOT:

(I) A QUALIFIED ALIEN AS DEFINED IN 8 U.S.C. SEC. 1641;

(II) A NONIMMIGRANT UNDER THE "IMMIGRATION AND NATIONALITY ACT", FEDERAL PUBLIC LAW 82-414, AS AMENDED; OR

(III) AN ALIEN WHO IS PAROLED INTO THE UNITED STATES UNDER 8 U.S.C. SEC. 1182 (d) (5) FOR LESS THAN ONE YEAR.

(c) THIS SUBSECTION (10) SHALL BE ENFORCED WITHOUT REGARD TO RACE, RELIGION, GENDER, ETHNICITY, OR NATIONAL ORIGIN.

**SECTION 3.** 31-15-501, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SUBSECTION to read:

**31-15-501. Powers to regulate businesses.** (2) (a) SUBJECT TO THE EXEMPTIONS FOUND IN 8 U.S.C. SEC. 1621 (c) (2), TO THE EXTENT THAT ANY LICENSE, PERMIT, CERTIFICATE, OR OTHER AUTHORIZATION TO CONDUCT BUSINESS ISSUED BY A MUNICIPALITY CONSTITUTES A PROFESSIONAL LICENSE OR COMMERCIAL LICENSE REGULATED BY 8 U.S.C. SEC. 1621, THE GOVERNING BODY OF A MUNICIPALITY MAY ISSUE SUCH AUTHORIZATION TO AN INDIVIDUAL ONLY IF THE INDIVIDUAL IS LAWFULLY PRESENT IN THE UNITED STATES, AND SHALL IMMEDIATELY DENY ANY SUCH AUTHORIZATION OR RENEWAL THEREOF UPON DETERMINING THAT THE INDIVIDUAL IS UNLAWFULLY PRESENT IN THE UNITED STATES. THE INDIVIDUAL SHALL PROVE HIS OR HER IDENTITY WITH A SECURE AND VERIFIABLE DOCUMENT, AS THAT TERM IS DEFINED IN SECTION 24-72.1-102, C.R.S. A MUNICIPALITY SHALL NOT SELL OR UTILIZE FOR ANY PURPOSE OTHER THAN THOSE SPECIFIED IN LAW THE INFORMATION CONTAINED IN THE SECURE AND VERIFIABLE DOCUMENT, AND SHALL KEEP SUCH INFORMATION CONFIDENTIAL UNLESS DISCLOSURE IS REQUIRED BY LAW; EXCEPT THAT NOTHING IN THIS PARAGRAPH (a) SHALL BE CONSTRUED TO LIMIT PUBLIC ACCESS TO RECORDS THAT ARE AVAILABLE FOR PUBLIC INSPECTION PURSUANT TO ARTICLE 72 OF TITLE 24, C.R.S.

(b) FOR PURPOSES OF THIS SUBSECTION (2), AN INDIVIDUAL IS UNLAWFULLY PRESENT IN THE UNITED STATES IF THE INDIVIDUAL IS AN ALIEN WHO IS NOT:

(I) A QUALIFIED ALIEN AS DEFINED IN 8 U.S.C. SEC. 1641;

(II) A NONIMMIGRANT UNDER THE "IMMIGRATION AND NATIONALITY ACT", FEDERAL PUBLIC LAW 82-414, AS AMENDED; OR

(III) AN ALIEN WHO IS PAROLED INTO THE UNITED STATES UNDER 8 U.S.C. SEC. 1182 (d) (5) FOR LESS THAN ONE YEAR.

(c) THIS SUBSECTION (2) SHALL BE ENFORCED WITHOUT REGARD TO RACE, RELIGION, GENDER, ETHNICITY, OR NATIONAL ORIGIN.

**SECTION 4. Appropriation.** In addition to any other appropriation, there is hereby appropriated, to the department of regulatory agencies, for allocation to the executive director's office, for the fiscal year beginning July 1, 2006, the sum of twenty-four thousand eight hundred dollars (\$24,800), or so much thereof as may be necessary, for the implementation of this act. Of said sum, four thousand eight hundred dollars (\$4,800) shall be out of any moneys in the division of registrations cash fund created in section 24-34-105 (2) (b) (I), Colorado Revised Statutes, ten thousand dollars (\$10,000) shall be out of any moneys in the division of insurance cash fund created in section 10-1-103 (3), Colorado Revised Statutes, and ten thousand dollars (\$10,000) shall be out of any moneys in the division of real estate cash fund created in section 12-61-111.5 (2) (b), Colorado Revised Statutes.

**SECTION 5. Effective date - applicability.** This act shall take effect January 1, 2007, and shall apply to issuances, denials, renewals, and revocations of governmental authorizations made on or after said date.

**SECTION 6. 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