

First Extraordinary Session
Sixty-fifth General Assembly
STATE OF COLORADO

PREAMENDED

*This Unofficial Version Includes Committee
Amendments Not Yet Adopted on Second Reading*

LLS NO. 06B-2037.01 Thomas Morris

HOUSE BILL 06S-1009

HOUSE SPONSORSHIP

Crane, Schultheis, and Harvey

SENATE SPONSORSHIP

Johnson,

House Committees

Business Affairs and Labor
Appropriations

Senate Committees

Business, Labor and Technology
Appropriations

A BILL FOR AN ACT

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

Bill Summary

(Note: This summary applies to this bill as introduced and does not necessarily reflect any amendments that may be subsequently adopted.)

Subject to exemptions and definitions found in federal law, requires local governments and divisions, boards, and agencies of the department of regulatory agencies to issue and renew licenses, permits, registrations, certificates, charters, memberships, or similar authorizations

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.
Capital letters indicate new material to be added to existing statute.
Dashes through the words indicate deletions from existing statute.

HOUSE
3rd Reading Unamended
July 7, 2006

HOUSE
Amended 2nd Reading
July 6, 2006

to a person only if the person is lawfully present in the United States and to deny or revoke any such authorization upon determining that the person is unlawfully present in the United States. Requires the person to prove his or her identity with a secure and verifiable document.

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

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

4 **24-34-107. Applications for licenses - authority to suspend**

5 **licenses - rules.** (1) (a) Every application by an individual for a license
6 issued pursuant to the authority set forth in titles 10, 11, and 12, C.R.S.,
7 by any division, board, or agency of the department of regulatory agencies
8 shall require the applicant's name, address, and social security number.

9 SUBJECT TO THE EXEMPTIONS FOUND IN 8 U.S.C. SEC. 1621 (c) (2), TO THE
10 EXTENT THAT ANY SUCH LICENSE CONSTITUTES A PROFESSIONAL LICENSE
11 OR COMMERCIAL LICENSE REGULATED BY 8 U.S.C. SEC. 1621, SUCH
12 DIVISION, BOARD, OR AGENCY MAY ISSUE OR RENEW ANY SUCH LICENSE TO
13 A PERSON ONLY IF THE PERSON IS LAWFULLY PRESENT IN THE UNITED
14 STATES, AND SHALL IMMEDIATELY DENY OR REVOKE ANY SUCH LICENSE
15 UPON DETERMINING THAT THE PERSON IS UNLAWFULLY PRESENT IN THE
16 UNITED STATES. THE PERSON SHALL PROVE HIS OR HER IDENTITY WITH A
17 SECURE AND VERIFIABLE DOCUMENT, AS THAT TERM IS DEFINED IN
18 SECTION 24-72.1-102. THE DIVISION, BOARD, OR AGENCY SHALL NOT
19 SELL OR UTILIZE FOR ANY PURPOSE OTHER THAN THOSE SPECIFIED IN LAW
20 THE INFORMATION CONTAINED IN THE SECURE AND VERIFIABLE
21 DOCUMENT, AND SHALL KEEP SUCH INFORMATION CONFIDENTIAL UNLESS
22 DISCLOSURE IS REQUIRED BY LAW.

23 (b) FOR PURPOSES OF THIS SUBSECTION (1), A PERSON IS

1 UNLAWFULLY PRESENT IN THE UNITED STATES IF THE PERSON IS AN ALIEN
2 WHO IS NOT:

- 3 (I) A QUALIFIED ALIEN AS DEFINED IN 8 U.S.C. SEC. 1641;
- 4 (II) A NONIMMIGRANT UNDER THE "IMMIGRATION AND
5 NATIONALITY ACT", FEDERAL PUBLIC LAW 82-414, AS AMENDED; OR
- 6 (III) AN ALIEN WHO IS PAROLED INTO THE UNITED STATES UNDER
7 8 U.S.C. SEC. 1182 (d) (5) FOR LESS THAN ONE YEAR.

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

10 **SECTION 2.** The introductory portion to 29-20-104 (1), Colorado
11 Revised Statutes, is amended, and the said 29-20-104 is further amended
12 BY THE ADDITION OF A NEW SUBSECTION, to read:

13 **29-20-104. Powers of local governments.** (1) Except as
14 expressly provided in section 29-20-104.5 AND SUBSECTION (2) OF THIS
15 SECTION, the power and authority granted by this section shall not limit
16 any power or authority presently exercised or previously granted. Each
17 local government within its respective jurisdiction has the authority to
18 plan for and regulate the use of land by:

19 (2) (a) SUBJECT TO THE EXEMPTIONS FOUND IN 8 U.S.C. SEC. 1621
20 (c) (2), TO THE EXTENT THAT A DEVELOPMENT PERMIT ISSUED PURSUANT
21 TO THIS PART 1 IS A PROFESSIONAL LICENSE OR COMMERCIAL LICENSE
22 REGULATED BY 8 U.S.C. SEC. 1621, A LOCAL GOVERNMENT MAY ISSUE
23 SUCH PERMIT TO A PERSON ONLY IF THE PERSON IS LAWFULLY PRESENT IN
24 THE UNITED STATES, AND SHALL IMMEDIATELY DENY OR REVOKE ANY
25 SUCH PERMIT UPON DETERMINING THAT THE PERSON IS UNLAWFULLY
26 PRESENT IN THE UNITED STATES. THE PERSON SHALL PROVE HIS OR HER
27 IDENTITY WITH A SECURE AND VERIFIABLE DOCUMENT, AS THAT TERM IS

1 DEFINED IN SECTION 24-72.1-102, C.R.S. A LOCAL GOVERNMENT SHALL
2 NOT SELL OR UTILIZE FOR ANY PURPOSE OTHER THAN THOSE SPECIFIED IN
3 LAW THE INFORMATION CONTAINED IN THE SECURE AND VERIFIABLE
4 DOCUMENT, AND SHALL KEEP SUCH INFORMATION CONFIDENTIAL UNLESS
5 DISCLOSURE IS REQUIRED BY LAW.

6 (b) FOR PURPOSES OF THIS SUBSECTION (2), A PERSON IS
7 UNLAWFULLY PRESENT IN THE UNITED STATES IF THE PERSON IS AN ALIEN
8 WHO IS NOT:

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

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

12 (III) AN ALIEN WHO IS PAROLED INTO THE UNITED STATES UNDER
13 8 U.S.C. SEC. 1182 (d) (5) FOR LESS THAN ONE YEAR.

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

16 **SECTION 3.** 30-15-401, Colorado Revised Statutes, is amended
17 BY THE ADDITION OF A NEW SUBSECTION to read:

18 **30-15-401. General regulations.** (10) (a) SUBJECT TO THE
19 EXEMPTIONS FOUND IN 8 U.S.C. SEC. 1621 (c) (2), TO THE EXTENT THAT
20 A LICENSE, PERMIT, CERTIFICATE, OR OTHER AUTHORIZATION TO CONDUCT
21 BUSINESS ISSUED PURSUANT TO THIS TITLE CONSTITUTES A PROFESSIONAL
22 LICENSE OR COMMERCIAL LICENSE REGULATED BY 8 U.S.C. SEC. 1621, A
23 COUNTY MAY ISSUE SUCH AUTHORIZATION TO A PERSON ONLY IF THE
24 PERSON IS LAWFULLY PRESENT IN THE UNITED STATES, AND SHALL
25 IMMEDIATELY DENY OR REVOKE ANY SUCH AUTHORIZATION UPON
26 DETERMINING THAT THE PERSON IS UNLAWFULLY PRESENT IN THE UNITED
27 STATES. THE PERSON SHALL PROVE HIS OR HER IDENTITY WITH A SECURE

1 AND VERIFIABLE DOCUMENT, AS THAT TERM IS DEFINED IN SECTION
2 24-72.1-102, C.R.S. A COUNTY SHALL NOT SELL OR UTILIZE FOR ANY
3 PURPOSE OTHER THAN THOSE SPECIFIED IN LAW THE INFORMATION
4 CONTAINED IN THE SECURE AND VERIFIABLE DOCUMENT, AND SHALL KEEP
5 SUCH INFORMATION CONFIDENTIAL UNLESS DISCLOSURE IS REQUIRED BY
6 LAW.

7 (b) FOR PURPOSES OF THIS SUBSECTION (10), A PERSON IS
8 UNLAWFULLY PRESENT IN THE UNITED STATES IF THE PERSON IS AN ALIEN
9 WHO IS NOT:

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

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

13 (III) AN ALIEN WHO IS PAROLED INTO THE UNITED STATES UNDER
14 8 U.S.C. SEC. 1182 (d) (5) FOR LESS THAN ONE YEAR.

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

17 **SECTION 4.** 31-15-501, Colorado Revised Statutes, is amended
18 BY THE ADDITION OF A NEW SUBSECTION to read:

19 **31-15-501. Powers to regulate businesses.** (2) (a) SUBJECT TO
20 THE EXEMPTIONS FOUND IN 8 U.S.C. SEC. 1621 (c) (2), TO THE EXTENT
21 THAT ANY LICENSE, PERMIT, CERTIFICATE, OR OTHER AUTHORIZATION TO
22 CONDUCT BUSINESS ISSUED PURSUANT TO THIS TITLE CONSTITUTES A
23 PROFESSIONAL LICENSE OR COMMERCIAL LICENSE REGULATED BY 8 U.S.C.
24 SEC. 1621, THE GOVERNING BODY OF A MUNICIPALITY MAY ISSUE SUCH
25 AUTHORIZATION TO A PERSON ONLY IF THE PERSON IS LAWFULLY PRESENT
26 IN THE UNITED STATES, AND SHALL IMMEDIATELY DENY OR REVOKE ANY
27 SUCH AUTHORIZATION UPON DETERMINING THAT THE PERSON IS

1 UNLAWFULLY PRESENT IN THE UNITED STATES. THE PERSON SHALL PROVE
2 HIS OR HER IDENTITY WITH A SECURE AND VERIFIABLE DOCUMENT, AS
3 THAT TERM IS DEFINED IN SECTION 24-72.1-102, C.R.S. A MUNICIPALITY
4 SHALL NOT SELL OR UTILIZE FOR ANY PURPOSE OTHER THAN THOSE
5 SPECIFIED IN LAW THE INFORMATION CONTAINED IN THE SECURE AND
6 VERIFIABLE DOCUMENT, AND SHALL KEEP SUCH INFORMATION
7 CONFIDENTIAL UNLESS DISCLOSURE IS REQUIRED BY LAW.

8 (b) FOR PURPOSES OF THIS SUBSECTION (2), A PERSON IS
9 UNLAWFULLY PRESENT IN THE UNITED STATES IF THE PERSON IS AN ALIEN
10 WHO IS NOT:

- 11 (I) A QUALIFIED ALIEN AS DEFINED IN 8 U.S.C. SEC. 1641;
- 12 (II) A NONIMMIGRANT UNDER THE "IMMIGRATION AND
13 NATIONALITY ACT", FEDERAL PUBLIC LAW 82-414, AS AMENDED; OR
- 14 (III) AN ALIEN WHO IS PAROLED INTO THE UNITED STATES UNDER
15 8 U.S.C. SEC. 1182 (d) (5) FOR LESS THAN ONE YEAR.

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

18 **SECTION 5. Appropriation.** In addition to any other
19 appropriation, there is hereby appropriated, to the department of
20 regulatory agencies, for allocation to the executive director's office, for
21 the fiscal year beginning July 1, 2006, the sum of twenty-four thousand
22 eight hundred dollars (\$24,800), or so much thereof as may be necessary,
23 for the implementation of this act. Of said sum, four thousand eight
24 hundred dollars (\$4,800) shall be out of any moneys in the division of
25 registrations cash fund created in section 24-34-105 (2) (b) (I), Colorado
26 Revised Statutes, ten thousand dollars (\$10,000) shall be out of any
27 moneys in the division of insurance cash fund created in section 10-1-103

1 (3), Colorado Revised Statutes, and ten thousand dollars (\$10,000) shall
2 be out of any moneys in the division of real estate cash fund created in
3 section 12-61-111.5 (2) (b), Colorado Revised Statutes.

4 **SECTION 6. Effective date - applicability.** This act shall take
5 effect September 1, 2006, and shall apply to issuances, denials, renewals,
6 and revocations of governmental authorizations made on or after said
7 date.

8 **SECTION 7. Safety clause.** The general assembly hereby finds,
9 determines, and declares that this act is necessary for the immediate
10 preservation of the public peace, health, and safety. July 6, 2006