

May 28, 2021 May 28, 2021 First Regular Session
Seventy-third General Assembly
STATE OF COLORADO

PREAMENDED

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

LLS NO. 21-0680.02 Jacob Baus x2173

SENATE BILL 21-199

SENATE SPONSORSHIP

Jaquez Lewis and Winter, Gonzales, Bridges, Kolker, Pettersen, Buckner, Danielson,
Fenberg, Hansen, Moreno

HOUSE SPONSORSHIP

Esgar and Gonzales-Gutierrez, Amabile, Bacon, Caraveo, Herod, Hooton, Jodeh,
Michaelson Jenet, Ricks, Titone, Woodrow

Senate Committees

State, Veterans, & Military Affairs
Appropriations

House Committees

State, Civic, Military, & Veterans Affairs
Appropriations

A BILL FOR AN ACT

101 **CONCERNING MEASURES TO REMOVE BARRIERS TO CERTAIN PUBLIC**
102 **OPPORTUNITIES, AND, IN CONNECTION THEREWITH, MAKING AN**
103 **APPROPRIATION.**

Bill Summary

(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at <http://leg.colorado.gov>.)

The bill repeals existing provisions that require a person to demonstrate the person's lawful presence in the United States to be eligible for certain public benefits and requires that lawful presence is not a requirement of eligibility for state or local public benefits, as defined by 8 U.S.C. sec. 1621.

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

SENATE
3rd Reading Unamended
May 19, 2021

SENATE
Amended 2nd Reading
May 18, 2021

The bill amends statutory provisions that still require lawful presence to clarify acceptable documents to demonstrate eligibility. The general assembly shall not allocate additional funding to any state or local public benefit program for this purpose for fiscal year 2021-22. However, starting for fiscal year 2022-23, any additional funding required for a state or local public benefit program for this purpose is subject to the standard budget process for the applicable program.

Current law prohibits a state agency or political subdivision from entering into or renewing a public contract with a contractor who knowingly employs or contracts persons who are undocumented. The bill repeals that requirement and associated statutory provisions.

Current law requires that state agencies and local governments use secure and verifiable identity documents when providing services or issuing official documents. The bill repeals that requirement and associated statutory provisions.

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

2 **SECTION 1.** In Colorado Revised Statutes, 24-76.5-103, **add**
3 **(3)(a.5)** as follows:

4 **24-76.5-103. Verification of lawful presence - exceptions -**
5 **reporting - rules.** (3) **Verification of lawful presence in the United**
6 **States is not required:**

7 **(a.5) FOR ANY PURPOSE THAT LAWFUL PRESENCE IS NOT REQUIRED**
8 **BY LAW, ORDINANCE, OR RULE TO RECEIVE BENEFITS PURSUANT TO A**
9 **FEDERAL STIMULUS LAW OR RULE;**

10 **SECTION 2.** In Colorado Revised Statutes, **repeal and reenact,**
11 **with amendments,** article 76.5 of title 24 as follows:

12 **ARTICLE 76.5**

13 **Access to Public Benefits**

14 **24-76.5-101. Legislative declaration.** (1) THE GENERAL
15 ASSEMBLY FINDS AND DECLARES THAT:

16 (a) PEOPLE WHO IMMIGRATED TO THE UNITED STATES AND LIVE IN
17 COLORADO ARE ESSENTIAL MEMBERS OF OUR COMMUNITIES;

1 (b) EVERY DAY, THE STATE BENEFITS FROM THE CONTRIBUTIONS
2 OF UNDOCUMENTED IMMIGRANTS TO OUR SOCIETY. IMMIGRANTS HOLD
3 JOBS THAT ARE CRITICAL TO OUR ECONOMY AND COMMUNITIES, AND IN
4 SOME INDUSTRIES COMPRISE MORE THAN ONE-THIRD OF THE WORKFORCE.
5 IMMIGRANTS MAKE OUR TOURISM INDUSTRY RUN; BUILD OUR BUILDINGS;
6 LAY OUR ROADS; PROVIDE IN-HOME CARE TO OUR SENIORS, CHILDREN, AND
7 PEOPLE WITH DISABILITIES; BRING FOOD TO OUR TABLES; AND BRING FOOD
8 TO OUR DOORSTEPS.

9 (c) IMMIGRANTS COMPRISE OVER NINE PERCENT OF COLORADO'S
10 POPULATION AND CONTRIBUTE TO THE ECONOMY THROUGH THE LABOR
11 FORCE AND AS CONSUMERS AND TAXPAYERS. IN 2019, IMMIGRANTS IN
12 COLORADO PAID ALMOST SIX BILLION DOLLARS IN LOCAL, STATE, AND
13 FEDERAL TAXES. IN COLORADO, UNDOCUMENTED IMMIGRANTS PAY
14 NEARLY TWO HUNDRED SEVENTY-FIVE MILLION DOLLARS IN FEDERAL
15 TAXES AND MORE THAN ONE HUNDRED FIFTY MILLION DOLLARS IN STATE
16 AND LOCAL TAXES ANNUALLY.

17 (d) THESE HARDWORKING COLORADANS ARE DIVERSE AND ARE
18 OFTEN A PART OF A MIXED-STATUS FAMILY. IN COLORADO:

19 (I) THE ESTIMATED POPULATION OF UNDOCUMENTED IMMIGRANTS
20 IS ONE HUNDRED SIXTY-TWO THOUSAND, AND THIS NUMBER REPRESENTS
21 APPROXIMATELY EIGHT PERCENT OF CHILDREN UNDER SIXTEEN YEARS OF
22 AGE;

23 (II) ADDITIONALLY, AN ESTIMATED TWO HUNDRED SEVENTY-SIX
24 THOUSAND FIVE HUNDRED EIGHTY-NINE COLORADANS LIVE WITH A
25 FAMILY MEMBER WHO IS AN UNDOCUMENTED IMMIGRANT, INCLUDING ONE
26 HUNDRED THIRTY THOUSAND NINE HUNDRED FIFTY-EIGHT CHILDREN; AND

27 (III) CHILDREN FROM IMMIGRANT FAMILIES ARE

1 DISPROPORTIONATELY MORE LIKELY TO BE FROM A LOW-INCOME
2 HOUSEHOLD.

3 (e) THE 2006 SPECIAL LEGISLATIVE SESSION FACILITATED THE
4 PASSAGE OF ANTI-IMMIGRANT LEGISLATION THAT LEFT BEHIND
5 IMMIGRANT FAMILIES, CITIZEN FAMILIES EXPERIENCING HOMELESSNESS,
6 AND PERSONS FLEEING FROM DOMESTIC VIOLENCE WITHOUT THE
7 NECESSARY PUBLIC BENEFITS, INCLUDING PROFESSIONAL AND
8 OCCUPATIONAL LICENSES. BECAUSE OF THESE POLICIES, STATE AND LOCAL
9 AGENCIES BELIEVED THAT THEY WERE REQUIRED TO VERIFY THE LAWFUL
10 PRESENCE OF APPLICANTS FOR PUBLIC BENEFITS, INCLUDING
11 PROFESSIONAL, OCCUPATIONAL, AND COMMERCIAL LICENSES, ABOVE AND
12 BEYOND WHAT IS REQUIRED IN FEDERAL LAW.

13 (f) UNDOCUMENTED IMMIGRANTS WHO DO NOT HAVE THE
14 REQUIRED DOCUMENTS TO ESTABLISH LAWFUL PRESENCE ARE PREVENTED
15 IN MANY CIRCUMSTANCES FROM APPLYING FOR SUCH LICENSES, WHICH, IN
16 TURN, PREVENTS THESE PERSONS FROM FULLY PARTICIPATING IN
17 COLORADO'S ECONOMY AND ACCESSING STATE AND LOCAL PUBLIC
18 BENEFITS, INCLUDING LOANS; GRANTS; CONTRACTS; PROGRAMS THAT
19 ADDRESS FOOD, HOUSING, AND ENERGY; AND OTHER BENEFITS.

20 (g) UNDOCUMENTED IMMIGRANTS ARE INELIGIBLE FOR MOST
21 FEDERAL BENEFITS AND WERE EXCLUDED FROM RECEIVING FEDERAL
22 STIMULUS MONEY PROVIDED IN THE FEDERAL "CARES ACT" PUB.L.
23 116-136, 134 STAT. 281 (2020), AS AMENDED. LOCAL COMMUNITIES WERE
24 RESTRICTED FROM PROVIDING THEIR RESIDENTS WITH CRUCIAL RELIEF
25 DURING THE COVID-19 PANDEMIC BECAUSE OF THESE ANTI-IMMIGRANT
26 LAWS.

27 (h) IN 2018, VARIOUS INDUSTRIES INCLUDING CHILD CARE,

1 AGRICULTURE, HEALTH CARE, K-12 EDUCATION, AND TRANSPORTATION
2 AVERAGED BETWEEN ONE AND TWO AND ONE-HALF JOB OPENINGS PER
3 EVERY UNEMPLOYED WORKER, DEMONSTRATING A HIGH NEED FOR A
4 LARGER LABOR POOL AND WORKFORCE THAT CAN FILL THESE GAPS
5 THROUGH CONTRACTING AND SMALL BUSINESS DEVELOPMENT; AND

6 (i) PROTECTING THE WELL-BEING OF THESE MEMBERS OF OUR
7 COMMUNITIES AND FACILITATING THEIR ACCESS TO IMPORTANT PUBLIC
8 BENEFITS AND OPPORTUNITIES, PARTICULARLY DURING A GLOBAL HEALTH
9 CRISIS, MAKES OUR COMMUNITIES HEALTHIER, STRONGER, AND MORE
10 PROSPEROUS.

11 (2) THEREFORE, THE GENERAL ASSEMBLY DECLARES IT IS THE
12 PUBLIC POLICY OF THE STATE OF COLORADO THAT WE ENSURE THAT OUR
13 STATE-FUNDED PROGRAMS ARE NOT DENIED TO PEOPLE BASED ON THEIR
14 IMMIGRATION STATUS.

15 (3) THIS ARTICLE 76.5 DOES NOT AFFECT FEDERAL PUBLIC
16 BENEFITS. IN THE EVENT A PROVISION OF THIS ARTICLE 76.5 CONFLICTS
17 WITH FEDERAL LAW, FEDERAL LAW CONTROLS. FURTHERMORE, WHILE
18 ARTICLE 76.5 DOES NOT REQUIRE LAWFUL PRESENCE FOR LOCAL PUBLIC
19 BENEFITS, IT DOES NOT DIMINISH ANY AUTHORITY A LOCAL GOVERNMENT
20 MAY HAVE TO BUDGET TO MEET THE NEEDS OF ITS RESIDENTS.

21 **24-76.5-102. Definition.** AS USED IN THIS ARTICLE 76.5, UNLESS
22 THE CONTEXT OTHERWISE REQUIRES, "STATE OR LOCAL PUBLIC BENEFITS"
23 SHALL HAVE THE SAME MEANING AS PROVIDED IN 8 U.S.C. SEC. 1621.

24 **24-76.5-103. Lawful presence consideration prohibited.**
25 NOTWITHSTANDING ANY LAW TO THE CONTRARY, PURSUANT TO 8 U.S.C.
26 SEC. 1621 (d), ON OR AFTER JULY 1, 2022, LAWFUL PRESENCE IS NOT A
27 REQUIREMENT OF ELIGIBILITY FOR STATE OR LOCAL PUBLIC BENEFITS, AS

1 THOSE STATE OR LOCAL PUBLIC BENEFITS ARE DISTRIBUTED BY ANY STATE
2 AGENCY, POLITICAL SUBDIVISION AS DEFINED BY SECTION 29-1-202 (2), OR
3 HOME RULE MUNICIPALITY.

4

5 SECTION 3. In Colorado Revised Statutes, 22-60.5-119, **amend**
6 (1) as follows:

7 22-60.5-119. Applications for licenses - authority to suspend
8 licenses - rules. (1) Every application by an individual for a license
9 issued by the department of education or any authorized agent of such
10 department shall require the applicant's name AND address, and EITHER
11 THE APPLICANT'S social security number, THE APPLICANT'S INDIVIDUAL
12 TAXPAYER IDENTIFICATION NUMBER, OR ANOTHER DOCUMENT VERIFYING
13 THE APPLICANT'S IDENTITY AS DETERMINED BY THE STATE BOARD OF
14 EDUCATION.

15 SECTION 4. In Colorado Revised Statutes, 24-34-107, **amend**
16 (1)(a); and repeal (1)(b) as follows:

17 24-34-107. Applications for licenses - authority to suspend
18 licenses - rules. (1) (a) Every application by an individual for a license
19 issued pursuant to the authority set forth in titles 10, 11, and 12 C.R.S.;
20 by any division, board, or agency of the department of regulatory agencies
21 shall require REQUIRES the applicant's name, address, and social security
22 number. Subject to the exemptions found in 8 U.S.C. sec. 1621 (c)(2), to
23 the extent that any such license constitutes a professional license or
24 commercial license regulated by 8 U.S.C. sec. 1621, such division, board,
25 or agency may issue or renew any such license to an individual only if the
26 individual is lawfully present in the United States, and shall immediately
27 deny any such license or renewal thereof upon determining that the

1 individual is unlawfully present in the United States. The individual shall
2 prove his or her identity with a secure and verifiable document, as that
3 term is defined in section 24-72.1-102. The division, board, or agency
4 shall not sell or utilize for any purpose other than those specified in law
5 the information contained in the secure and verifiable document, and shall
6 keep such information confidential unless disclosure is required by law;
7 except that nothing in this paragraph (a) shall be construed to limit public
8 access to records that are available for public inspection pursuant to
9 article 72 of this title. IF THE APPLICANT DOES NOT HAVE A SOCIAL
10 SECURITY NUMBER, THE DIVISION, BOARD, OR AGENCY SHALL REQUIRE THE
11 APPLICANT'S INDIVIDUAL TAXPAYER IDENTIFICATION NUMBER, OR
12 ANOTHER DOCUMENT VERIFYING THE APPLICANT'S IDENTITY, AS
13 DETERMINED BY SUCH DIVISION, BOARD, OR AGENCY.

14 (b) For purposes of this subsection (1), an individual is unlawfully
15 present in the United States if the individual is an alien who is not:

- 16 (I) A qualified alien as defined in 8 U.S.C. sec. 1641;
- 17 (II) A nonimmigrant under the "Immigration and Nationality Act",
18 federal Public Law 82-414, as amended; or
- 19 (III) An alien who is paroled into the United States under 8 U.S.C.
20 sec. 1182 (d)(5) for less than one year.

21 **SECTION 5.** In Colorado Revised Statutes, 30-15-401, **repeal**
22 (10)___ as follows:

23 **30-15-401. General regulations - definitions.** (10) (a) Subject
24 to the exemptions found in 8 U.S.C. sec. 1621 (c)(2), to the extent that a
25 license, permit, certificate, or other authorization to conduct business
26 issued by a county constitutes a professional license or commercial
27 license regulated by 8 U.S.C. sec. 1621, a county may issue such

1 authorization to an individual only if the individual is lawfully present in
2 the United States, and shall immediately deny any such authorization or
3 renewal thereof upon determining that the individual is unlawfully
4 present in the United States. The individual shall prove his or her identity
5 with a secure and verifiable document, as that term is defined in section
6 24-72.1-102, C.R.S. A county shall not sell or utilize for any purpose
7 other than those specified in law the information contained in the secure
8 and verifiable document, and shall keep such information confidential
9 unless disclosure is required by law; except that nothing in this paragraph
10 (a) shall be construed to limit public access to records that are available
11 for public inspection pursuant to article 72 of title 24, C.R.S.

12 (b) For purposes of this subsection (10), an individual is
13 unlawfully present in the United States if the individual is an alien who
14 is not:

15 (I) A qualified alien as defined in 8 U.S.C. sec. 1641;

16 (II) A nonimmigrant under the "Immigration and Nationality Act",
17 federal Public Law 82-414, as amended; or

18 (III) An alien who is paroled into the United States under 8 U.S.C.
19 sec. 1182 (d)(5) for less than one year.

20 (c) This subsection (10) shall be enforced without regard to race,
21 religion, gender, ethnicity, or national origin.

22 **SECTION 6.** In Colorado Revised Statutes, 31-15-501, **repeal**
23 **(2)** as follows:

24 **31-15-501. Powers to regulate businesses.** (2) (a) Subject to the
25 exemptions found in 8 U.S.C. sec. 1621 (c)(2), to the extent that any
26 license, permit, certificate, or other authorization to conduct business
27 issued by a municipality constitutes a professional license or commercial

1 license regulated by 8 U.S.C. sec. 1621, the governing body of a
2 municipality may issue such authorization to an individual only if the
3 individual is lawfully present in the United States, and shall immediately
4 deny any such authorization or renewal thereof upon determining that the
5 individual is unlawfully present in the United States. The individual shall
6 prove his or her identity with a secure and verifiable document, as that
7 term is defined in section 24-72.1-102, C.R.S. A municipality shall not
8 sell or utilize for any purpose other than those specified in law the
9 information contained in the secure and verifiable document, and shall
10 keep such information confidential unless disclosure is required by law;
11 except that nothing in this paragraph (a) shall be construed to limit public
12 access to records that are available for public inspection pursuant to
13 article 72 of title 24, C.R.S.

14 (b) For purposes of this subsection (2), an individual is unlawfully
15 present in the United States if the individual is an alien who is not:

16 (I) A qualified alien as defined in 8 U.S.C. sec. 1641;

17 (II) A nonimmigrant under the "Immigration and Nationality Act",
18 federal Public Law 82-414, as amended; or

19 (III) An alien who is paroled into the United States under 8 U.S.C.
20 sec. 1182 (d)(5) for less than one year.

21 (c) This subsection (2) shall be enforced without regard to race,
22 religion, gender, ethnicity, or national origin.

23 **SECTION 7.** In Colorado Revised Statutes, 42-2-505, **amend**
24 (2)(a) as follows:

25 **42-2-505. Identification documents - individuals not lawfully**
26 **present - rules. (2) Document contents. (a)** On an identification
27 document issued ~~under~~ PURSUANT TO this section, the department shall

1 place the phrase "Not valid for federal identification, voting, or FEDERAL
2 public benefit purposes" clearly displayed on the face and incorporated
3 into the machine readable zone. The department may use a substantially
4 similar phrase if required by federal law.

5 **SECTION 8.** In Colorado Revised Statutes, **repeal** article 17.5
6 of title 8.

7 **SECTION 9.** In Colorado Revised Statutes, 8-72-110, **amend** (3)
8 as follows:

9 **8-72-110. Reciprocal interstate agreements - rules.** (3) (a) The
10 division is authorized to enter into arrangements with the appropriate
11 agencies of other states or the federal government whereby individuals
12 performing services in this and other states for employing units under
13 circumstances not specifically provided for in sections 8-70-126 to
14 8-70-140.7 or under similar provisions in the unemployment
15 compensation laws of such other states ~~shall be~~ ARE deemed to be
16 engaged in employment performed entirely within this state or within one
17 of such other states and whereby potential rights and benefits
18 accumulated under the unemployment compensation laws of several
19 states or under such a law of the federal government, or both, may
20 constitute the basis for the payment of benefits through a single
21 appropriate agency under terms that the department finds will be fair and
22 reasonable as to all affected interests and will not result in any substantial
23 loss to the fund. An individual applying for unemployment insurance
24 benefits through an interstate agreement authorized by this section who
25 is not a Colorado resident and is unable to produce a Colorado driver's
26 license or Colorado identification card shall produce one of the other
27 documents ~~required by section 24-76.5-103 (4)(a), C.R.S., or~~ LISTED IN

1 SUBSECTION (3)(b) OF THIS SECTION, a valid driver's license or state
2 identification card issued in another state, or, in the case of individuals
3 residing in Canada, a valid Canadian identification card or valid Canadian
4 driver's license, and execute an affidavit ~~as described in section~~
5 ~~24-76.5-103 (4)(b), C.R.S.~~, stating that ~~he or she~~ THE INDIVIDUAL is a
6 United States citizen, a legal permanent resident, or otherwise lawfully
7 present in the United States pursuant to federal law.

8 (b) THE FOLLOWING DOCUMENTS SHALL SATISFY THE PRODUCTION
9 REQUIREMENT DESCRIBED IN SUBSECTION (3)(a) OF THIS SECTION:

10 (I) A UNITED STATES MILITARY CARD OR A MILITARY DEPENDENT'S
11 IDENTIFICATION CARD;

12 (II) A UNITED STATES COAST GUARD MERCHANT MARINER CARD;

13 ==

14 (III) A NATIVE AMERICAN TRIBAL DOCUMENT; OR

15 (IV) ANY OTHER DOCUMENT VERIFYING THE INDIVIDUAL'S
16 IDENTITY, AS DETERMINED BY THE DIVISION.

17 ==

18 **SECTION 10.** In Colorado Revised Statutes, 24-21-521, **amend**
19 **(4)** as follows:

20 **24-21-521. Commission as notary public - qualifications - no**
21 **immunity or benefit - rules.** (4) The secretary of state shall verify the
22 lawful presence in the United States of each applicant ~~through the~~
23 ~~verification process outlined in section 24-76.5-103 (4).~~ BY:

24 (a) ACCEPTING ONE OF THE FOLLOWING DOCUMENTS FROM THE
25 APPLICANT:

26 (I) A UNITED STATES MILITARY CARD OR A MILITARY DEPENDENT'S
27 IDENTIFICATION CARD;

- 1 (II) A UNITED STATES COAST GUARD MERCHANT MARINER CARD;
2 (III) A NATIVE AMERICAN TRIBAL DOCUMENT; OR
3 (IV) A VALID COLORADO DRIVER'S LICENSE OR A COLORADO
4 IDENTIFICATION CARD ISSUED PURSUANT TO ARTICLE 2 OF TITLE 42,
5 UNLESS THE APPLICANT HOLDS A LICENSE OR CARD ISSUED PURSUANT TO
6 PART 5 OF ARTICLE 2 OF TITLE 42; AND
- 7 (b) EXECUTING AN AFFIDAVIT STATING THAT THE APPLICANT IS:
8 (I) A UNITED STATES CITIZEN OR LEGAL PERMANENT RESIDENT; OR
9 (II) OTHERWISE LAWFULLY PRESENT IN THE UNITED STATES
10 PURSUANT TO FEDERAL LAW.

11 **SECTION 11. Appropriation.** (1) For the 2021-22 state fiscal
12 year, \$178,627 is appropriated to the department of human services. This
13 appropriation consists of \$47,768 from the general fund and \$130,859
14 from federal child care development funds. To implement this act, the
15 department may use this appropriation as follows:

16 (a) \$72,377, which consists of \$19,355 from the general fund and
17 \$53,022 from federal child care development funds, for use by the office
18 of information technology services for Colorado trails; and

19 (b) \$106,250, which consists of \$28,413 from the general fund
20 and \$77,837 from federal child care development funds, for use by the
21 office of early childhood for child care licensing and administration.

22 (2) For the 2021-22 state fiscal year, \$83,881 is appropriated to
23 the department of revenue for use by the taxation business group. This
24 appropriation is from the general fund. To implement this act, the taxation
25 business group may use this appropriation for tax administration IT
26 system (GenTax) support.

27 **SECTION 12. Effective date.** This act takes effect on July 1,

1 2022; except that section 1 takes effect upon passage.

2 **SECTION 13. Safety clause.** The general assembly hereby finds,
3 determines, and declares that this act is necessary for the immediate
4 preservation of the public peace, health, or safety.