

**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**

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**SENATE SPONSORSHIP**

**Jaquez Lewis and Winter**, Gonzales, Bridges, Kolker, Pettersen

**HOUSE SPONSORSHIP**

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

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State, Veterans, & Military Affairs  
Appropriations

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**A BILL FOR AN ACT**

101 **CONCERNING MEASURES TO REMOVE BARRIERS TO CERTAIN PUBLIC**  
102 **OPPORTUNITIES.**

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**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.

The bill amends statutory provisions that still require lawful

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.*

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.

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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. THESE POLICIES REQUIRED STATE AND LOCAL  
9 AGENCIES TO VERIFY THE LAWFUL PRESENCE OF APPLICANTS FOR PUBLIC  
10 BENEFITS, INCLUDING PROFESSIONAL, OCCUPATIONAL, AND COMMERCIAL  
11 LICENSES.

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

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

26 (h) IN 2018, VARIOUS INDUSTRIES INCLUDING CHILD CARE,  
27 AGRICULTURE, HEALTH CARE, K-12 EDUCATION, AND TRANSPORTATION

1 AVERAGED BETWEEN ONE AND TWO AND ONE-HALF JOB OPENINGS PER  
2 EVERY UNEMPLOYED WORKER, DEMONSTRATING A HIGH NEED FOR A  
3 LARGER LABOR POOL; AND

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

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

13 **24-76.5-102. Definition.** AS USED IN THIS ARTICLE 76.5, UNLESS  
14 THE CONTEXT OTHERWISE REQUIRES, "STATE OR LOCAL PUBLIC BENEFITS"  
15 SHALL HAVE THE SAME MEANING AS PROVIDED IN 8 U.S.C. SEC. 1621.

16 **24-76.5-103. Lawful presence consideration prohibited.**  
17 NOTWITHSTANDING ANY LAW TO THE CONTRARY, PURSUANT TO 8 U.S.C.  
18 SEC. 1621 (d), ON OR AFTER JULY 1, 2022, LAWFUL PRESENCE IS NOT A  
19 REQUIREMENT OF ELIGIBILITY FOR STATE OR LOCAL PUBLIC BENEFITS, AS  
20 THOSE STATE OR LOCAL PUBLIC BENEFITS ARE DISTRIBUTED BY ANY STATE  
21 AGENCY, POLITICAL SUBDIVISION AS DEFINED BY SECTION 29-1-202 (2), OR  
22 HOME RULE MUNICIPALITY.

23  
24 **SECTION 3.** In Colorado Revised Statutes, 22-60.5-119, **amend**  
25 **(1) as follows:**

26 **22-60.5-119. Applications for licenses - authority to suspend**  
27 **licenses - rules. (1) Every application by an individual for a license**

1 issued by the department of education or any authorized agent of such  
2 department shall require the applicant's name AND address, and EITHER  
3 THE APPLICANT'S social security number, THE APPLICANT'S INDIVIDUAL  
4 TAXPAYER IDENTIFICATION NUMBER, OR ANOTHER DOCUMENT VERIFYING  
5 THE APPLICANT'S IDENTITY AS DETERMINED BY THE STATE BOARD OF  
6 EDUCATION.

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

9 **24-34-107. Applications for licenses - authority to suspend**  
10 **licenses - rules.** (1) (a) Every application by an individual for a license  
11 issued pursuant to the authority set forth in titles 10, 11, and 12 C.R.S.,  
12 by any division, board, or agency of the department of regulatory agencies  
13 ~~shall require~~ REQUIRES the applicant's name, address, and social security  
14 number. ~~Subject to the exemptions found in 8 U.S.C. sec. 1621 (c)(2), to~~  
15 ~~the extent that any such license constitutes a professional license or~~  
16 ~~commercial license regulated by 8 U.S.C. sec. 1621, such division, board,~~  
17 ~~or agency may issue or renew any such license to an individual only if the~~  
18 ~~individual is lawfully present in the United States, and shall immediately~~  
19 ~~deny any such license or renewal thereof upon determining that the~~  
20 ~~individual is unlawfully present in the United States. The individual shall~~  
21 ~~prove his or her identity with a secure and verifiable document, as that~~  
22 ~~term is defined in section 24-72.1-102. The division, board, or agency~~  
23 ~~shall not sell or utilize for any purpose other than those specified in law~~  
24 ~~the information contained in the secure and verifiable document, and shall~~  
25 ~~keep such information confidential unless disclosure is required by law;~~  
26 ~~except that nothing in this paragraph (a) shall be construed to limit public~~  
27 ~~access to records that are available for public inspection pursuant to~~

1 ~~article 72 of this title. IF THE APPLICANT DOES NOT HAVE A SOCIAL~~  
2 ~~SECURITY NUMBER, THE DIVISION, BOARD, OR AGENCY SHALL REQUIRE THE~~  
3 ~~APPLICANT'S INDIVIDUAL TAXPAYER IDENTIFICATION NUMBER, OR~~  
4 ~~ANOTHER DOCUMENT VERIFYING THE APPLICANT'S IDENTITY, AS~~  
5 ~~DETERMINED BY SUCH DIVISION, BOARD, OR AGENCY.~~

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

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

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

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

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

15 **30-15-401. General regulations - definitions.** (10) ~~(a)~~ Subject  
16 to the exemptions found in 8 U.S.C. sec. 1621 (c)(2), to the extent that a  
17 license, permit, certificate, or other authorization to conduct business  
18 issued by a county constitutes a professional license or commercial  
19 license regulated by 8 U.S.C. sec. 1621, a county may issue such  
20 authorization to an individual only if the individual is lawfully present in  
21 the United States, and shall immediately deny any such authorization or  
22 renewal thereof upon determining that the individual is unlawfully  
23 present in the United States. The individual shall prove his or her identity  
24 with a secure and verifiable document, as that term is defined in section  
25 24-72.1-102, C.R.S. A county shall not sell or utilize for any purpose  
26 other than those specified in law the information contained in the secure  
27 and verifiable document, and shall keep such information confidential

1 unless disclosure is required by law; except that nothing in this paragraph  
2 (a) shall be construed to limit public access to records that are available  
3 for public inspection pursuant to article 72 of title 24, C.R.S.

4 ~~(b) For purposes of this subsection (10), an individual is~~  
5 ~~unlawfully present in the United States if the individual is an alien who~~  
6 ~~is not:~~

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

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

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

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

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

16 **31-15-501. Powers to regulate businesses.** (2) ~~(a)~~ Subject to the  
17 ~~exemptions found in 8 U.S.C. sec. 1621 (c)(2), to the extent that any~~  
18 ~~license, permit, certificate, or other authorization to conduct business~~  
19 ~~issued by a municipality constitutes a professional license or commercial~~  
20 ~~license regulated by 8 U.S.C. sec. 1621, the governing body of a~~  
21 ~~municipality may issue such authorization to an individual only if the~~  
22 ~~individual is lawfully present in the United States, and shall immediately~~  
23 ~~deny any such authorization or renewal thereof upon determining that the~~  
24 ~~individual is unlawfully present in the United States. The individual shall~~  
25 ~~prove his or her identity with a secure and verifiable document, as that~~  
26 ~~term is defined in section 24-72.1-102, C.R.S. A municipality shall not~~  
27 ~~sell or utilize for any purpose other than those specified in law the~~

1 information contained in the secure and verifiable document, and shall  
2 keep such information confidential unless disclosure is required by law;  
3 except that nothing in this paragraph (a) shall be construed to limit public  
4 access to records that are available for public inspection pursuant to  
5 article 72 of title 24, C.R.S.

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

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

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

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

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

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

17 **42-2-505. Identification documents - individuals not lawfully**  
18 **present - rules. (2) Document contents. (a)** On an identification  
19 document issued ~~under~~ PURSUANT TO this section, the department shall  
20 place the phrase "Not valid for federal identification, voting, or FEDERAL  
21 public benefit purposes" clearly displayed on the face and incorporated  
22 into the machine readable zone. The department may use a substantially  
23 similar phrase if required by federal law.

24 **SECTION 8.** In Colorado Revised Statutes, **repeal** article 17.5  
25 of title 8.

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

1           **8-72-110. Reciprocal interstate agreements - rules.** (3) (a) The  
2 division is authorized to enter into arrangements with the appropriate  
3 agencies of other states or the federal government whereby individuals  
4 performing services in this and other states for employing units under  
5 circumstances not specifically provided for in sections 8-70-126 to  
6 8-70-140.7 or under similar provisions in the unemployment  
7 compensation laws of such other states ~~shall be~~ ARE deemed to be  
8 engaged in employment performed entirely within this state or within one  
9 of such other states and whereby potential rights and benefits  
10 accumulated under the unemployment compensation laws of several  
11 states or under such a law of the federal government, or both, may  
12 constitute the basis for the payment of benefits through a single  
13 appropriate agency under terms that the department finds will be fair and  
14 reasonable as to all affected interests and will not result in any substantial  
15 loss to the fund. An individual applying for unemployment insurance  
16 benefits through an interstate agreement authorized by this section who  
17 is not a Colorado resident and is unable to produce a Colorado driver's  
18 license or Colorado identification card shall produce one of the other  
19 documents ~~required by section 24-76.5-103 (4)(a), C.R.S., or~~ LISTED IN  
20 SUBSECTION (3)(b) OF THIS SECTION, a valid driver's license or state  
21 identification card issued in another state, or, in the case of individuals  
22 residing in Canada, a valid Canadian identification card or valid Canadian  
23 driver's license, and execute an affidavit ~~as described in section~~  
24 ~~24-76.5-103 (4)(b), C.R.S.,~~ stating that ~~he or she~~ THE INDIVIDUAL is a  
25 United States citizen, a legal permanent resident, or otherwise lawfully  
26 present in the United States pursuant to federal law.

27           (b) THE FOLLOWING DOCUMENTS SHALL SATISFY THE PRODUCTION

1 REQUIREMENT DESCRIBED IN SUBSECTION (3)(a) OF THIS SECTION:

2 (I) A UNITED STATES MILITARY CARD OR A MILITARY DEPENDENT'S  
3 IDENTIFICATION CARD;

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

5 ==

6 (III) A NATIVE AMERICAN TRIBAL DOCUMENT; OR

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

9 **SECTION 10. In Colorado Revised Statutes, 24-21-521, repeal**  
10 **(3)(b) and (4) as follows:**

11 **24-21-521. Commission as notary public - qualifications - no**  
12 **immunity or benefit. (3) An applicant for a commission as a notary**  
13 **public must:**

14 **(b) Be a citizen or permanent legal resident of the United States**  
15 **or otherwise lawfully present in the United States;**

16 **(4) The secretary of state shall verify the lawful presence in the**  
17 **United States of each applicant through the verification process outlined**  
18 **in section 24-76.5-103 (4).**

19 **SECTION 11. Effective date. This act takes effect on July 1,**  
20 **2022; except that section 1 takes effect upon passage.**

21 **SECTION 12. Safety clause.** The general assembly hereby finds,  
22 determines, and declares that this act is necessary for the immediate  
23 preservation of the public peace, health, or safety.