

Second Regular Session
Seventy-first General Assembly
STATE OF COLORADO

PREAMENDED

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

LLS NO. 18-0187.02 Kristen Forrestal x4217

HOUSE BILL 18-1230

HOUSE SPONSORSHIP

Pabon,

SENATE SPONSORSHIP

Aguilar,

House Committees

Judiciary
Finance
Appropriations

Senate Committees

A BILL FOR AN ACT

101 **CONCERNING THE CREATION OF A PURPLE CARD PROGRAM TO ALLOW**
102 **PERSONS WHO CAME TO THE UNITED STATES WITHOUT LEGAL**
103 **DOCUMENTATION TO APPLY FOR LEGAL WORK STATUS IN**
104 **COLORADO, AND, IN CONNECTION THEREWITH, MAKING AN**
105 **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 creates in the department of labor and employment a purple card program that would allow certain persons who came to the

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.

United States without legal documentation to apply for a purple card allowing them to work legally in Colorado.

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

2 **SECTION 1.** In Colorado Revised Statutes, **add** 8-2-124.5 as
3 follows:

4 **8-2-124.5. Legal work status for persons who came to the**
5 **United States without legal documentation - purple card program -**
6 **creation - indemnification - rules - cash fund.** (1) THERE IS HEREBY
7 CREATED IN THE DEPARTMENT OF LABOR AND EMPLOYMENT A PURPLE
8 CARD PROGRAM, REFERRED TO IN THIS SECTION AS THE "PROGRAM", THAT
9 GRANTS A NEW LEGAL WORK STATUS TO CERTAIN PEOPLE WHO CAME TO
10 THE UNITED STATES WITHOUT LEGAL DOCUMENTATION. THE PROGRAM
11 MUST ALLOW PURPLE CARDHOLDERS TO WORK IN COLORADO.

12 (2) TO BE ELIGIBLE FOR THE PROGRAM, A PERSON MUST HAVE NO
13 FELONY CONVICTIONS FOR THE THREE YEARS IMMEDIATELY PRECEDING
14 THE PERSON'S APPLICATION TO THE PROGRAM AND HAVE EITHER:

15 (a) BEEN BROUGHT TO THE UNITED STATES AS A MINOR; OR

16 (b) PAID STATE INCOME TAXES FOR THE TWO YEARS IMMEDIATELY
17 PRECEDING THE PERSON'S APPLICATION TO THE PROGRAM.

18 (3) THE DEPARTMENT OF LABOR AND EMPLOYMENT SHALL
19 ESTABLISH:

20 (a) AN APPLICATION PROCESS THAT SPECIFIES WHEN APPLICANTS
21 ARE ELIGIBLE TO APPLY FOR A PURPLE CARD; AND

22 (b) A REASONABLE FEE FOR THE PURPLE CARD TO BE CREDITED TO
23 THE PURPLE CARD CASH FUND, CREATED IN SUBSECTION (8) OF THIS
24 SECTION.

25 (4) THE PROGRAM MAY:

1 (a) MIRROR THE GREEN CARD PROCESS ESTABLISHED PURSUANT TO
2 THE FEDERAL "IMMIGRATION AND NATIONALITY ACT", PUB.L. 82-414, AS
3 AMENDED, TO THE EXTENT POSSIBLE; AND

4 (b) MAKE IT EASIER FOR EMPLOYERS TO REQUEST FOREIGN
5 WORKERS FOR JOBS THAT CANNOT BE FILLED BY THE EXISTING
6 WORKFORCE.

7 (5) A PERSON WHO HOLDS A PURPLE CARD PURSUANT TO THE
8 PROGRAM IS NOT CONSIDERED AN UNAUTHORIZED ALIEN PURSUANT TO
9 SECTION 8-2-124.

10 (6) THE EXECUTIVE DIRECTOR OF THE DEPARTMENT OF LABOR AND
11 EMPLOYMENT SHALL PROMULGATE RULES TO CREATE AND IMPLEMENT THE
12 PROGRAM.

13 (7) (a) THE STATE SHALL INDEMNIFY ANY INDIVIDUAL OR
14 EMPLOYER EXERCISING THE USE OF THE PURPLE CARD AS SPECIFIED IN THIS
15 SECTION AND BY RULE FOR ANY FEDERAL PENALTIES AND ACTIONS
16 ARISING OUT OF THE USE OF THE PURPLE CARD FOR PURPOSES OF
17 OBTAINING OR PROVIDING EMPLOYMENT.

18 (b) THE EXECUTIVE DIRECTOR OF THE DEPARTMENT OF LABOR AND
19 EMPLOYMENT SHALL PROMULGATE RULES REGARDING THE
20 INDEMNIFICATION PROCESS.

21 (c) THE EXECUTIVE DIRECTOR OF THE DEPARTMENT OF LABOR AND
22 EMPLOYMENT SHALL ENSURE THAT THE INFORMATION PROVIDED BY AN
23 APPLICANT FOR A PURPLE CARD REMAINS CONFIDENTIAL.

24 (8) (a) THE PURPLE CARD CASH FUND, REFERRED TO IN THIS
25 SUBSECTION (8) AS THE "FUND", IS HEREBY CREATED IN THE STATE
26 TREASURY. THE FUND CONSISTS OF FEES CREDITED TO THE FUND
27 PURSUANT TO SUBSECTION (3)(b) OF THIS SECTION AND ANY OTHER

1 MONEY THAT THE GENERAL ASSEMBLY MAY APPROPRIATE OR TRANSFER
2 TO THE FUND.

3 (b) THE STATE TREASURER SHALL CREDIT ALL INTEREST AND
4 INCOME DERIVED FROM THE DEPOSIT AND INVESTMENT OF MONEY IN THE
5 FUND TO THE FUND.

6 (c) SUBJECT TO ANNUAL APPROPRIATION BY THE GENERAL
7 ASSEMBLY, THE DEPARTMENT OF LABOR AND EMPLOYMENT MAY EXPEND
8 MONEY FROM THE FUND FOR THE IMPLEMENTATION OF THIS SECTION,
9 INCLUDING THE COSTS ASSOCIATED WITH THE INDEMNIFICATION OF
10 INDIVIDUALS AND EMPLOYERS AS REQUIRED IN SUBSECTION (7) OF THIS
11 SECTION.

12 **SECTION 2. Appropriation.** (1) For the 2018-19 state fiscal
13 year, \$103,815 is appropriated to the department of labor and
14 employment. This appropriation is from the general fund. To implement
15 this act, the department may use this appropriation as follows:

16 (a) \$93,159 for use by division of employment and training for the
17 purple card program, which amount is based on an assumption that the
18 division will require an additional 1.4 FTE; and

19 (b) \$10,656 for the purchase of legal services.

20 (2) For the 2018-19 state fiscal year, \$10,656 is appropriated to
21 the department of law. This appropriation is from reappropriated funds
22 received from the department of labor and employment under subsection
23 (1)(b) of this section. To implement this act, the department of law may
24 use this appropriation to provide legal services for the department of labor
25 and employment.

26 **SECTION 3. Act subject to petition - effective date.** This act
27 takes effect at 12:01 a.m. on the day following the expiration of the

1 ninety-day period after final adjournment of the general assembly (August
2 8, 2018, if adjournment sine die is on May 9, 2018); except that, if a
3 referendum petition is filed pursuant to section 1 (3) of article V of the
4 state constitution against this act or an item, section, or part of this act
5 within such period, then the act, item, section, or part will not take effect
6 unless approved by the people at the general election to be held in
7 November 2018 and, in such case, will take effect on the date of the
8 official declaration of the vote thereon by the governor.