

CHAPTER 351

GOVERNMENT - STATE

SENATE BILL 21-199

BY SENATOR(S) Jaquez Lewis and Winter, Gonzales, Bridges, Kolker, Pettersen, Buckner, Danielson, Fenberg, Hansen, Moreno; also REPRESENTATIVE(S) Esgar and Gonzales-Gutierrez, Amabile, Bacon, Caraveo, Herod, Hooton, Jodeh, Michaelson Jenet, Ricks, Titone, Woodrow, Benavidez, Bennett, Boesenecker, Exum, Gray, Jackson, Kipp, McCluskie, McCormick, Mullica, Ortiz, Sirota, Snyder, Weissman.

AN ACT

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

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

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

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

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

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

ARTICLE 76.5
Access to Public Benefits

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

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

Capital letters or bold & italic numbers indicate new material added to existing law; dashes through words or numbers indicate deletions from existing law and such material is not part of the act.

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

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

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

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

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

(III) CHILDREN FROM IMMIGRANT FAMILIES ARE DISPROPORTIONATELY MORE LIKELY TO BE FROM A LOW-INCOME HOUSEHOLD.

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

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

(g) UNDOCUMENTED IMMIGRANTS ARE INELIGIBLE FOR MOST FEDERAL BENEFITS AND WERE EXCLUDED FROM RECEIVING FEDERAL STIMULUS MONEY PROVIDED IN THE FEDERAL "CARES ACT" PUB.L. 116-136, 134 STAT. 281 (2020), AS AMENDED.

LOCAL COMMUNITIES WERE RESTRICTED FROM PROVIDING THEIR RESIDENTS WITH CRUCIAL RELIEF DURING THE COVID-19 PANDEMIC BECAUSE OF THESE ANTI-IMMIGRANT LAWS.

(h) IN 2018, VARIOUS INDUSTRIES INCLUDING CHILD CARE, AGRICULTURE, HEALTH CARE, K-12 EDUCATION, AND TRANSPORTATION AVERAGED BETWEEN ONE AND TWO AND ONE-HALF JOB OPENINGS PER EVERY UNEMPLOYED WORKER, DEMONSTRATING A HIGH NEED FOR A LARGER LABOR POOL AND WORKFORCE THAT CAN FILL THESE GAPS THROUGH CONTRACTING AND SMALL BUSINESS DEVELOPMENT; AND

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

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

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

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

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

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

22-60.5-119. Applications for licenses - authority to suspend licenses - rules.

(1) Every application by an individual for a license issued by the department of education or any authorized agent of such department shall require the applicant's name AND address, and EITHER THE APPLICANT'S social security number, THE APPLICANT'S INDIVIDUAL TAXPAYER IDENTIFICATION NUMBER, OR ANOTHER DOCUMENT VERIFYING THE APPLICANT'S IDENTITY AS DETERMINED BY THE STATE BOARD OF EDUCATION.

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

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~~ REQUIRES 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.~~ IF THE APPLICANT DOES NOT HAVE A SOCIAL SECURITY NUMBER, THE DIVISION, BOARD, OR AGENCY SHALL REQUIRE THE APPLICANT'S INDIVIDUAL TAXPAYER IDENTIFICATION NUMBER, OR ANOTHER DOCUMENT VERIFYING THE APPLICANT'S IDENTITY, AS DETERMINED BY SUCH DIVISION, BOARD, OR AGENCY.

(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:

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

~~(H) 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.~~

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

30-15-401. General regulations - definitions. (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 6. In Colorado Revised Statutes, 31-15-501, **repeal** (2) as follows:

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

42-2-505. Identification documents - individuals not lawfully present - rules.

(2) **Document contents.** (a) On an identification document issued ~~under~~ PURSUANT TO this section, the department shall place the phrase "Not valid for federal identification, voting, or FEDERAL public benefit purposes" clearly displayed on the face and incorporated into the machine readable zone. The department may use a substantially similar phrase if required by federal law.

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

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

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

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

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

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

(III) A NATIVE AMERICAN TRIBAL DOCUMENT; OR

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

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

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

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

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

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

(III) A NATIVE AMERICAN TRIBAL DOCUMENT;

(IV) A VALID COLORADO DRIVER'S LICENSE OR A COLORADO IDENTIFICATION CARD ISSUED PURSUANT TO ARTICLE 2 OF TITLE 42, UNLESS THE APPLICANT HOLDS A LICENSE OR CARD ISSUED PURSUANT TO PART 5 OF ARTICLE 2 OF TITLE 42;

(V) A VALID DRIVER'S LICENSE OR IDENTIFICATION CARD ISSUED BY ANOTHER STATE, THE DISTRICT OF COLUMBIA, PUERTO RICO, THE UNITED STATES VIRGIN ISLANDS, OR ANY TERRITORY OR INSULAR POSSESSION SUBJECT TO THE JURISDICTION OF THE UNITED STATES THAT IS COMPLIANT WITH THE FEDERAL "REAL ID ACT", AS AMENDED;

(VI) A VALID UNITED STATES PASSPORT;

(VII) A VALID UNITED STATES PERMANENT RESIDENT CARD; OR

(VIII) ANY OTHER VALID TYPE OF IDENTIFICATION THAT REQUIRES PROOF OF LAWFUL PRESENCE IN THE UNITED STATES TO OBTAIN; AND

(b) EXECUTING AN AFFIDAVIT STATING THAT THE APPLICANT IS:

(I) A UNITED STATES CITIZEN OR LEGAL PERMANENT RESIDENT; OR

(II) OTHERWISE LAWFULLY PRESENT IN THE UNITED STATES PURSUANT TO FEDERAL LAW.

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

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

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

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

SECTION 12. Effective date. This act takes effect on July 1, 2022; except that section 1 takes effect upon passage.

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

Approved: June 25, 2021