

**First Regular Session
Seventy-fourth General Assembly
STATE OF COLORADO**

REREVISED

*This Version Includes All Amendments
Adopted in the Second House*

LLS NO. 23-0989.01 Christy Chase x2008

HOUSE BILL 23-1283

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House Committees

State, Civic, Military, & Veterans Affairs
Appropriations

Senate Committees

Appropriations

SENATE
3rd Reading Unamended
May 5, 2023

A BILL FOR AN ACT

101 **CONCERNING THE TRANSFER OF THE COLORADO REFUGEE SERVICES**
102 **PROGRAM FROM THE DEPARTMENT OF HUMAN SERVICES TO THE**
103 **OFFICE OF NEW AMERICANS IN THE DEPARTMENT OF LABOR AND**
104 **EMPLOYMENT, AND, IN CONNECTION THEREWITH, MAKING AN**
105 **APPROPRIATION.**

SENATE
Amended 2nd Reading
May 4, 2023

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>.)

HOUSE
3rd Reading Unamended
May 1, 2023

Under current law, the department of human services is tasked with administering the Colorado refugee services program. Effective

HOUSE
Amended 2nd Reading
April 29, 2023

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

October 1, 2024, the bill transfers the rights, powers, duties, and functions related to the administration of the Colorado refugee services program to the Colorado office of new Americans in the department of labor and employment.

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

2 **SECTION 1. Legislative declaration.** (1) The general assembly
3 finds and declares that:

4 (a) Immigrants and refugees make up more than nine percent of
5 Colorado's population, and over 600,000 Colorado residents are
6 native-born Americans with at least one immigrant parent;

7 (b) Colorado is strengthened by its new American community
8 members, who are an integral part of Colorado's diverse economy and
9 make vital contributions to the state's tax base;

10 (c) In 2021, with the passage of House Bill 21-1150, the general
11 assembly created the Colorado office of new Americans (ONA) as a
12 centralized location in which state programs, initiatives, and policies
13 focused on facilitating economic stability and promoting successful
14 integration for immigrants are housed;

15 (d) The ONA has proven to be vital to the state's ability to
16 welcome and respond to the arrival of individuals fleeing war and
17 violence in Afghanistan and Ukraine;

18 (e) The Colorado refugee services program (CRSP), under the
19 Colorado department of human services, serves a central role in the state's
20 administration of the United States refugee admissions program (USRAP)
21 and in administering federal programs under the office of refugee
22 resettlement;

23 (f) House Bill 21-1150 required the ONA to "convene

1 stakeholders and state agencies, including the department [of labor and
2 employment], the governor's office, the department of human services,
3 the department of regulatory agencies, and the department of public
4 health and environment, to develop a recommendation to the governor's
5 office on what state agencies or offices are best suited to administer the
6 Colorado refugee services program created in section 26-2-138, and any
7 related programs, so that the ONA's refugee integration goals are met or
8 exceeded";

9 (g) The final recommendations from the working group convened
10 by the ONA include an explicit recommendation to move the CRSP to the
11 ONA; and

12 (h) Transferring the CRSP to the ONA will provide a more
13 comprehensive and integrated approach to strengthening Colorado's
14 ability to promote economic stability and the successful economic, social,
15 linguistic, and cultural integration of new Americans in the state and will
16 further streamline immigrant- and refugee-related priorities, services,
17 data, and outcomes in Colorado.

18 **SECTION 2.** In Colorado Revised Statutes, 8-3.7-102, **amend**
19 (5); and **add with amended and relocated provisions** (2.5), (4.5), and
20 (7.5) as follows:

21 **8-3.7-102. Definitions.** As used in this article 3.7, unless the
22 context otherwise requires:

23 (2.5) [Formerly 26-2-138 (1)(b)] "Program" "COLORADOREFUGEE
24 SERVICES PROGRAM" OR "CRSP" means the Colorado refugee services
25 program ~~established pursuant to subsection (2)(a) of this section~~
26 DESCRIBED IN SECTION 8-3.7-108.

27 (4.5) [Formerly 26-2-138 (1)(a)] "Federal act" means Title IV of

1 the federal "Immigration and Nationality Act", 8 U.S.C. sec. 1521 et seq.,
2 as amended, including any federal rules adopted pursuant to the federal
3 act.

4 (5) "Immigrant" or "new American" means a Coloradan who has
5 arrived, or an individual who will arrive, to Colorado as an immigrant or
6 refugee and includes the individual's children. "Immigrant" or "new
7 American" includes: Refugees, asylees, special immigrant visa holders,
8 victims of trafficking, recipients of the federal deferred action for
9 childhood arrivals program, INDIVIDUALS GRANTED HUMANITARIAN
10 PAROLE, and all other immigrants and aspiring citizens seeking
11 opportunity, safety, or reunification of family.

12 (7.5) [Formerly 26-2-138 (1)(c)] "State plan" means Colorado's
13 refugee services plan described in subsection ~~(2)(b)~~ of this section
14 SECTION 8-3.7-108.

15 **SECTION 3.** In Colorado Revised Statutes, 8-3.7-103, **amend**
16 (1)(c) and (2)(g) as follows:

17 **8-3.7-103. Colorado office of new Americans - creation - duties**
18 **- report.** (1) (c) ~~(f)~~ The ONA shall convene stakeholders and state
19 agencies, including the department, the governor's office, the department
20 of human services, the department of regulatory agencies, and the
21 department of public health and environment, to develop a
22 recommendation to the governor's office on what state agencies or offices
23 are best suited to administer the Colorado refugee services program
24 created in section 26-2-138, and any related programs, so that the ONA's
25 refugee integration goals are met or exceeded.

26 ~~(H)~~ The ONA shall complete a draft recommendation before
27 January 1, 2022, and shall complete a final recommendation, which the

1 ONA shall provide to the governor's office, no later than one year after
2 September 7, 2021.

3 (HH) The department shall report on the efficacy of the ONA and
4 the ONA's progress toward meeting the goals set forth in this article 3.7
5 including the draft and final recommendations described in subsection
6 (1)(c)(H) of this section, as part of the department's annual presentation
7 to its legislative committee of reference pursuant to section 2-7-203. If
8 necessary, the committee may make a recommendation that a member of
9 the general assembly sponsor appropriate legislation regarding the
10 Colorado refugee services program created in section 26-2-138.

11 (2) The Colorado office of new Americans shall:

12 (g) ~~Coordinate with ON~~ AND AFTER OCTOBER 1, 2024, ADMINISTER
13 the Colorado refugee services program ~~created in section 26-2-138 to~~
14 ~~align it~~ IN ACCORDANCE with the goals of the ONA, and manage or direct
15 any other relevant programs that might exist or be created on or after
16 September 7, 2021, including immigrant-focused state programs,
17 initiatives, and policies, that might exist or be created in the future, so that
18 the state's services for immigrants and the state's approach to immigrant
19 integration are cohesive, integrated, and elegant;

20 **SECTION 4.** In Colorado Revised Statutes, **add with amended**
21 **and relocated provisions** 8-3.7-108 as follows:

22 **8-3.7-108. Refugee services program - transfer to ONA - state**
23 **plan - rules.** (1) [Formerly 26-2-138 (2)(a)] (a) (I) ON AND AFTER
24 OCTOBER 1, 2024, THE RIGHTS, POWERS, DUTIES, AND FUNCTIONS
25 REGARDING the Colorado refugee services program ~~is established in the~~
26 ~~state~~ VESTED IN THE department OF HUMAN SERVICES PRIOR TO SAID DATE
27 ARE TRANSFERRED FROM THE DEPARTMENT OF HUMAN SERVICES TO THE

1 ONA, AND THE ONA SHALL EXECUTE, ADMINISTER, PERFORM, AND
2 ENFORCE THE RIGHTS, POWERS, DUTIES, AND FUNCTIONS REGARDING THE
3 CRSP ON AND AFTER SAID DATE. BY APRIL 1, 2024, THE DEPARTMENT OF
4 LABOR AND EMPLOYMENT AND THE DEPARTMENT OF HUMAN SERVICES
5 SHALL ENTER INTO AN INTERAGENCY AGREEMENT TO FACILITATE THE
6 LOGISTICS OF CONTRACTING AND THE TRANSFER OF THE CRSP TO THE
7 ONA.

8 (II) (A) AS OF OCTOBER 1, 2024, EMPLOYEES OF THE DEPARTMENT
9 OF HUMAN SERVICES PRIOR TO SAID DATE WHOSE POWERS, DUTIES, AND
10 FUNCTIONS CONCERNED THE POWERS, DUTIES, AND FUNCTIONS REGARDING
11 THE COLORADO REFUGEE SERVICES PROGRAM THAT ARE ASSUMED BY THE
12 ONA PURSUANT TO SUBSECTION (1)(a)(I) OF THIS SECTION AND WHOSE
13 EMPLOYMENT IN THE ONA IS DEEMED NECESSARY BY THE DIRECTOR OF
14 THE ONA TO CARRY OUT THE PURPOSES OF THE CRSP ARE TRANSFERRED
15 TO THE ONA AND BECOME EMPLOYEES OF THE ONA.

16 (B) ANY EMPLOYEES TRANSFERRED TO THE ONA PURSUANT TO
17 THIS SUBSECTION (1)(a)(II) WHO ARE CLASSIFIED EMPLOYEES IN THE
18 STATE PERSONNEL SYSTEM RETAIN ALL RIGHTS TO THE PERSONNEL
19 SYSTEM AND RETIREMENT BENEFITS PURSUANT TO THE LAWS OF THIS
20 STATE, AND THEIR SERVICE IS DEEMED TO HAVE BEEN CONTINUOUS. ANY
21 TRANSFERS AND ANY ABOLISHMENT OF POSITIONS IN THE STATE
22 PERSONNEL SYSTEM SHALL BE MADE AND PROCESSED IN ACCORDANCE
23 WITH STATE PERSONNEL SYSTEM LAWS AND RULES.

24 (III) AS OF OCTOBER 1, 2024, ALL ITEMS OF REAL AND PERSONAL
25 PROPERTY OF THE DEPARTMENT OF HUMAN SERVICES, INCLUDING OFFICE
26 FURNITURE AND FIXTURES, BOOKS, DOCUMENTS, AND RECORDS,
27 PERTAINING TO THE DUTIES AND FUNCTIONS OF THE CRSP TRANSFERRED

1 PURSUANT TO THIS SECTION ARE TRANSFERRED TO THE ONA AND BECOME
2 THE PROPERTY OF THE ONA.

3 (IV) AS OF OCTOBER 1, 2024, WHENEVER THE DEPARTMENT OF
4 HUMAN SERVICES OR DEPARTMENT IS REFERRED TO OR DESIGNATED BY
5 ANY CONTRACT OR OTHER DOCUMENT IN CONNECTION WITH THE DUTIES
6 AND FUNCTIONS TRANSFERRED TO THE ONA, SUCH REFERENCE OR
7 DESIGNATION IS DEEMED TO APPLY TO THE ONA. ALL CONTRACTS
8 ENTERED INTO BY THE DEPARTMENT OF HUMAN SERVICES PRIOR TO
9 OCTOBER 1, 2024, IN CONNECTION WITH THE DUTIES AND FUNCTIONS
10 TRANSFERRED TO THE ONA ARE HEREBY VALIDATED, WITH THE ONA
11 SUCCEEDING TO ALL RIGHTS AND OBLIGATIONS UNDER SUCH CONTRACTS.
12 AS OF OCTOBER 1, 2024, ANY CASH FUNDS, CUSTODIAL FUNDS, TRUSTS,
13 GRANTS, AND APPROPRIATIONS OF FUNDS FROM PRIOR STATE FISCAL YEARS
14 OPEN TO SATISFY OBLIGATIONS INCURRED UNDER SUCH CONTRACTS ARE
15 TRANSFERRED AND APPROPRIATED TO THE DEPARTMENT FOR ALLOCATION
16 TO THE ONA FOR THE PAYMENT OF SUCH OBLIGATIONS. IN THE EVENT THE
17 FEDERAL DEPARTMENT OF HEALTH AND HUMAN SERVICES WILL NOT
18 TRANSFER CONTRACTS THAT ARE OPEN AS OF OCTOBER 1, 2024, THE
19 DEPARTMENT OF HUMAN SERVICES SHALL CONTINUE TO ADMINISTER
20 THOSE CONTRACTS THROUGH AN INTERAGENCY AGREEMENT WITH THE
21 ONA UNTIL THE CONTRACT PERIOD IS CONCLUDED OR FUNDS ARE
22 LIQUIDATED, WHICHEVER OCCURS FIRST.

23 (V) ON AND AFTER OCTOBER 1, 2024, UNLESS OTHERWISE
24 SPECIFIED, WHENEVER ANY PROVISION OF LAW REFERS TO THE
25 DEPARTMENT OF HUMAN SERVICES IN CONNECTION WITH THE DUTIES AND
26 FUNCTIONS TRANSFERRED TO THE ONA, SUCH LAW MUST BE CONSTRUED
27 AS REFERRING TO THE ONA.

1 (VI) AS OF OCTOBER 1, 2024, ALL RULES AND ORDERS OF THE
2 DEPARTMENT OF HUMAN SERVICES ADOPTED IN CONNECTION WITH THE
3 POWERS, DUTIES, AND FUNCTIONS TRANSFERRED TO THE ONA CONTINUE
4 TO BE EFFECTIVE UNTIL REVISED, AMENDED, REPEALED, OR NULLIFIED
5 PURSUANT TO LAW.

6 (b) The ONA SHALL ADMINISTER THE COLORADO REFUGEE
7 SERVICES program ~~must be administered~~ in accordance with the state plan
8 ~~developed by the state department and~~ approved by the federal office
9 of refugee resettlement within the federal department of health and
10 human services pursuant to the federal act.

11 (2) **[Formerly 26-2-138 (2)(b)]** ~~The state department~~ ONA is the
12 single state agency responsible for the development, review, and
13 administration of the state plan.

14 (3) **[Formerly 26-2-138 (3)]** The ~~program~~ CRSP must provide the
15 following, in accordance with the federal act and the state plan:

- 16 (a) Refugee cash assistance;
- 17 (b) Refugee medical assistance;
- 18 (c) Refugee social services, which may include ~~but are not limited~~
19 ~~to~~ employment services, employability assessments, English language
20 instruction, vocational training, skills recertification, and case
21 management services related to employment; and

22 (d) Any other services or assistance consistent with the federal act.

23 (4) **[Formerly 26-2-138 (4)]** The ~~program~~ CRSP may provide
24 other services or assistance to support refugee resettlement and
25 integration. ~~The program shall assist the Colorado office of new~~
26 ~~Americans in carrying out its duties and goals as specified in section~~
27 ~~8-3.7-103(2)(g), including the sharing of outcomes, partnerships, and the~~

1 alignment of mission and purpose.

2 (5) [Formerly 26-2-138 (5)] The state department ONA shall
3 adopt rules, in accordance with article 4 of title 24, to implement this
4 section.

5 (6) [Formerly 26-2-138 (6)] The general assembly may
6 appropriate funds to the state department ONA for the administration of
7 the program CRSP.

8 **SECTION 5. Repeal of relocated and nonrelocated provisions**
9 **in this act.** In Colorado Revised Statutes, **repeal** 26-2-138.

10 **SECTION 6.** In Colorado Revised Statutes, 8-3.8-101, **amend**
11 **(5)(b)(II) and (9) as follows:**

12 **8-3.8-101. Immigration legal assistance - fund - report -**
13 **definitions.** (5) (b) (II) On or before January 31, 2022, and on January
14 2 IMMEDIATELY AFTER JULY 1, 2023, AND ON JULY 1 OF each year
15 thereafter, the administrator shall award grants from the fund, subject to
16 available appropriations, to qualifying organizations.

17 (9) Notwithstanding section 24-1-136 (11)(a)(I), the administrator
18 shall submit a consolidated report of the reported information described
19 in subsection (7) of this section to the joint budget committee on July 1,
20 2022, and each July 1 thereafter ANNUALLY BY SEPTEMBER 1.

21 **SECTION 7.** In Colorado Revised Statutes, 8-73-116, **add** (7)(c)
22 **as follows:**

23 **8-73-116. Benefit recovery fund - recovery benefits - eligible**
24 **individuals - third-party administrator - definitions - rules - access to**
25 **personal information or tax data to administer fund - confidentiality**
26 **requirements.** (7) (c) NOTWITHSTANDING SECTION 39-21-113, THE
27 EXECUTIVE DIRECTOR OF THE DEPARTMENT OF REVENUE MAY PROVIDE

1 THE COLORADO OFFICE OF NEW AMERICANS, CREATED IN SECTION
2 8-3.7-103, AND ANY THIRD-PARTY ADMINISTRATOR WITH ANY
3 INFORMATION OBTAINED FROM ANY INVESTIGATION CONDUCTED BY THE
4 DEPARTMENT OF REVENUE OR ITS AGENTS OR DISCLOSED IN ANY
5 DOCUMENT, REPORT, OR RETURN FILED IN CONNECTION WITH ANY OF THE
6 TAXES COVERED BY ARTICLE 21 OF TITLE 39 IF SUCH INFORMATION IS
7 NECESSARY FOR THE ADMINISTRATION OF THE FUND. ANY INFORMATION
8 PROVIDED TO THE COLORADO OFFICE OF NEW AMERICANS OR A
9 THIRD-PARTY ADMINISTRATOR PURSUANT TO THIS SUBSECTION (7)(c) IS
10 CONFIDENTIAL, AND ALL EMPLOYEES OF EITHER THE COLORADO OFFICE OF
11 NEW AMERICANS OR A THIRD-PARTY ADMINISTRATOR IS SUBJECT TO THE
12 LIMITATIONS SET FORTH IN SECTION 39-21-113 (4) AND THE PENALTIES
13 SPECIFIED IN SECTION 39-21-113 (6).

14 **SECTION 8.** In Colorado Revised Statutes, 39-21-113, **add (33)**
15 **as follows:**

16 **39-21-113. Reports and returns - rule - repeal.**
17 **(33) NOTWITHSTANDING THE CONFIDENTIALITY REQUIREMENTS IN THIS**
18 **SECTION, THE EXECUTIVE DIRECTOR MAY PROVIDE THE COLORADO OFFICE**
19 **OF NEW AMERICANS, CREATED IN SECTION 8-3.7-103, AND A THIRD-PARTY**
20 **ADMINISTRATOR, AS DEFINED IN SECTION 8-73-116 (1)(e), WITH ANY**
21 **INFORMATION OBTAINED PURSUANT TO THIS SECTION AND, IN CONNECTION**
22 **WITH PROVIDING THE INFORMATION, MAY ENTER INTO AN AGREEMENT**
23 **WITH THE COLORADO OFFICE OF NEW AMERICANS OR THE DEPARTMENT OF**
24 **LABOR AND EMPLOYMENT THAT PROVIDES FOR THE PAYMENT OF THE**
25 **COSTS INCURRED IN CONNECTION WITH SUPPLYING THE INFORMATION AND**
26 **PROVIDING FOR THE PERIODIC UPDATING OF THE INFORMATION SUPPLIED.**
27 **ANY INFORMATION PROVIDED TO THE COLORADO OFFICE OF NEW**

1 AMERICANS OR A THIRD-PARTY ADMINISTRATOR PURSUANT TO THIS
2 SUBSECTION (33) IS CONFIDENTIAL, AND ALL EMPLOYEES OF EITHER THE
3 COLORADO OFFICE OF NEW AMERICANS OR A THIRD-PARTY
4 ADMINISTRATOR ARE SUBJECT TO THE LIMITATIONS SET FORTH IN
5 SUBSECTION (4) OF THIS SECTION AND THE PENALTIES SPECIFIED IN
6 SUBSECTION (6) OF THIS SECTION.

7 **SECTION 9. Appropriation.** (1) For the 2023-24 state fiscal
8 year, \$36,523 is appropriated to the department of labor and employment.
9 This appropriation is from the general fund and is based on an assumption
10 that the department will require an additional 0.4 FTE. To implement this
11 act, the department may use this appropriation for the office of new
12 Americans.

13 (2) For the 2023-24 state fiscal year, the general assembly
14 anticipates that the department of labor and employment will receive
15 \$250,000 in federal funds for the office of new Americans to implement
16 this act. The appropriation in subsection (1) of this section is based on the
17 assumption that the department will receive this amount of federal funds,
18 which is subject to the "(I)" notation as defined in the annual general
19 appropriation act for the same fiscal year.

20 **SECTION 10. Act subject to petition - effective date.** This act
21 takes effect October 1, 2024; except that, if a referendum petition is filed
22 pursuant to section 1 (3) of article V of the state constitution against this
23 act or an item, section, or part of this act within the ninety-day period
24 after final adjournment of the general assembly, then the act, item,
25 section, or part will not take effect unless approved by the people at the

1 general election to be held in November 2024 and, in such case, will take
2 effect on the date of the official declaration of the vote thereon by the
3 governor.