

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

ENGROSSED

*This Version Includes All Amendments Adopted
on Second Reading in the House of Introduction*

LLS NO. 21-0248.01 Yelana Love x2295

SENATE BILL 21-077

SENATE SPONSORSHIP

Gonzales,

HOUSE SPONSORSHIP

Benavidez and Kipp,

Senate Committees

Business, Labor, & Technology

House Committees

A BILL FOR AN ACT

101 **CONCERNING THE ELIMINATION OF VERIFICATION OF AN INDIVIDUAL'S**
102 **LAWFUL PRESENCE IN THE UNITED STATES AS A REQUIREMENT**
103 **FOR INDIVIDUAL CREDENTIALING.**

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 eliminates the requirement that the department of education and each division, board, or agency of the department of regulatory agencies verify the lawful presence of each applicant before issuing or renewing a license.

The bill also specifies that lawful presence is not required of any

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
Amended 2nd Reading
March 22, 2021

applicant for any license, certificate, or registration. The bill affirmatively states that the bill is a state law within the meaning of the federal law that gives states authority to provide for eligibility for state and local public benefits to persons who are unlawfully residing in the United States.

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

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

4 **22-60.5-119. Applications for licenses - authority to suspend**
5 **licenses - rules.** (1) Every application by an individual for a license
6 issued by the department of education or any authorized agent of such
7 department shall require the applicant's name AND address, and EITHER
8 THE APPLICANT'S social security number, THE APPLICANT'S INDIVIDUAL
9 TAXPAYER IDENTIFICATION NUMBER, OR ANOTHER DOCUMENT VERIFYING
10 THE APPLICANT'S IDENTITY AS DETERMINED BY THE STATE BOARD OF
11 EDUCATION.

12 **SECTION 2.** In Colorado Revised Statutes, 24-21-521, **repeal**
13 **(3)(b) and (4) as follows:**

14 **24-21-521. Commission as notary public - qualifications - no**
15 **immunity or benefit.** (3) **An applicant for a commission as a notary**
16 **public must:**

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

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

22 **SECTION 3.** In Colorado Revised Statutes, 24-34-107, **amend**
23 (1) as follows:

1 **24-34-107. Applications for licenses - authority to suspend**

2 **licenses - rules.** (1) ~~(a) Every application by an individual for a license~~
3 ~~issued pursuant to the authority set forth in titles 10, 11, and 12 C.R.S.,~~
4 ~~by any division, board, or agency of the department of regulatory agencies~~
5 ~~shall require the applicant's name AND address, and EITHER THE~~
6 ~~APPLICANT'S social security number, Subject to the exemptions found in~~
7 ~~8 U.S.C. sec. 1621 (c)(2), to the extent that any such license constitutes~~
8 ~~a professional license or commercial license regulated by 8 U.S.C. sec.~~
9 ~~1621, such division, board, or agency may issue or renew any such license~~
10 ~~to an individual only if the individual is lawfully present in the United~~
11 ~~States, and shall immediately deny any such license or renewal thereof~~
12 ~~upon determining that the individual is unlawfully present in the United~~
13 ~~States. The individual shall prove his or her identity with a secure and~~
14 ~~verifiable document, as that term is defined in section 24-72.1-102. The~~
15 ~~division, board, or agency shall not sell or utilize for any purpose other~~
16 ~~than those specified in law the information contained in the secure and~~
17 ~~verifiable document, and shall keep such information confidential unless~~
18 ~~disclosure is required by law; except that nothing in this paragraph (a)~~
19 ~~shall be construed to limit public access to records that are available for~~
20 ~~public inspection pursuant to article 72 of this title~~ THE APPLICANT'S
21 INDIVIDUAL TAXPAYER IDENTIFICATION NUMBER, OR ANOTHER DOCUMENT
22 VERIFYING THE APPLICANT'S IDENTITY, AS DETERMINED BY SUCH DIVISION,
23 BOARD, OR AGENCY.

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

- 26 ~~(I) A qualified alien as defined in 8 U.S.C. sec. 1641;~~
- 27 ~~(II) A nonimmigrant under the "Immigration and Nationality Act";~~

1 federal Public Law 82-414, as amended; or

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

4 (c) ~~This subsection (1) shall be enforced without regard to race,~~
5 ~~religion, gender, ethnicity, or national origin.~~

6 **SECTION 4.** In Colorado Revised Statutes, **amend** 24-76.5-102
7 as follows:

8 **24-76.5-102. Definitions.** As used in this ~~article~~ ARTICLE 76.5,
9 unless the context otherwise requires:

10 (1) ~~"Emergency medical condition" shall have the same meaning~~
11 ~~as provided in 42 U.S.C. sec. 1396b (v)(3)~~ "APPLICANT" MEANS A PERSON
12 APPLYING, PURSUANT TO STATE OR LOCAL LAW, FOR A NEW LICENSE,
13 CERTIFICATE, OR REGISTRATION OR TO RENEW, REINSTATE, OR
14 REACTIVATE A LICENSE, CERTIFICATE, OR REGISTRATION THAT IS
15 AUTHORIZED PURSUANT TO STATE OR LOCAL LAW.

16 (2) ~~"Federal public benefits" shall have the same meaning as~~
17 ~~provided in 8 U.S.C. sec. 1611~~ "CERTIFICATE" OR "CERTIFICATION"
18 MEANS A CREDENTIAL THAT DEMONSTRATES THAT A PERSON HAS THE
19 QUALIFICATIONS REQUIRED BY STATE OR LOCAL LAW TO PRACTICE THE
20 PROFESSION OR OCCUPATION REGULATED BY THAT APPLICABLE STATE OR
21 LOCAL LAW.

22 (3) ~~"State or local public benefits" shall have the same meaning~~
23 ~~as provided in 8 U.S.C. sec. 1621~~ "EMERGENCY MEDICAL CONDITION"
24 HAS THE SAME MEANING AS PROVIDED IN 42 U.S.C. SEC. 1396b (v)(3).

25 (4) "FEDERAL PUBLIC BENEFITS" HAS THE SAME MEANING AS
26 PROVIDED IN 8 U.S.C. SEC. 1611 (c).

27 (5) "REGISTER" MEANS TO RECORD THE INFORMATION REQUIRED

1 BY STATE OR LOCAL LAW IN THE FORM AND MANNER DETERMINED BY THE
2 REGULATOR THAT REGULATES THE PRACTICE OF A PROFESSION OR
3 OCCUPATION PURSUANT TO THAT APPLICABLE STATE OR LOCAL LAW.
4 "REGISTERED" AND "REGISTRATION" HAVE CORRESPONDING MEANINGS.

5 (6) "REGULATE" MEANS TO SUBJECT AN INDIVIDUAL TO A
6 REQUIREMENT IN ORDER TO PRACTICE A PROFESSION OR OCCUPATION.

7 (7) "STATE OR LOCAL PUBLIC BENEFITS" HAS THE SAME MEANING
8 AS PROVIDED IN 8 U.S.C. SEC. 1621.

9 **SECTION 5.** In Colorado Revised Statutes, 24-76.5-103, **amend**
10 (3)(i); **repeal** (3)(h); and **add** (3)(j) and (3.5) as follows:

11 **24-76.5-103. Verification of lawful presence - exceptions -**
12 **reporting - rules.** (3) Verification of lawful presence in the United
13 States is not required:

14 (h) ~~For renewing an educator license pursuant to article 60.5 of~~
15 ~~title 22, C.R.S.; or~~

16 (i) For receipt of educational services or benefits from institutions
17 of higher education, except as may be limited pursuant to section
18 23-7-110, including participation in the college opportunity fund program
19 pursuant to part 2 of article 18 of title 23, college savings plans pursuant
20 to ~~section 23-3.1-301~~ PART 3 OF ARTICLE 3.1 OF TITLE 23, state student
21 financial assistance pursuant to article 3.3 of title 23, and any other
22 financial benefit of the institution of higher education relating to
23 attendance at the institution of higher education; OR

24 (j) FOR AN APPLICANT FOR A LICENSE, CERTIFICATE, OR
25 REGISTRATION TO PRACTICE A REGULATED PROFESSION OR OCCUPATION,
26 INCLUDING AN APPLICANT SEEKING LICENSURE AS A CHILD CARE CENTER,
27 CHILD CARE PROVIDER, CHILDREN'S RESIDENT CAMP, FAMILY CHILD CARE

1 HOME, GUEST CHILD CARE FACILITY, NEIGHBORHOOD YOUTH
2 ORGANIZATION, SUBSTITUTE CHILD CARE PROVIDER, OR SUBSTITUTE
3 PLACEMENT AGENCY, AS THOSE TERMS ARE DEFINED IN SECTION 26-6-102.

4 (3.5) SUBSECTION (3)(j) OF THIS SECTION IS A STATE LAW WITHIN
5 THE MEANING OF 8 U.S.C. SEC. 1621 (d), AS THAT SECTION EXISTED ON
6 JANUARY 1, 2021.

7 **SECTION 6.** In Colorado Revised Statutes, 30-15-401, **repeal**
8 **(10)** as follows:

9 **30-15-401. General regulations - definitions.** ~~(10) (a) Subject~~
10 ~~to the exemptions found in 8 U.S.C. sec. 1621 (c)(2), to the extent that a~~
11 ~~license, permit, certificate, or other authorization to conduct business~~
12 ~~issued by a county constitutes a professional license or commercial~~
13 ~~license regulated by 8 U.S.C. sec. 1621, a county may issue such~~
14 ~~authorization to an individual only if the individual is lawfully present in~~
15 ~~the United States, and shall immediately deny any such authorization or~~
16 ~~renewal thereof upon determining that the individual is unlawfully~~
17 ~~present in the United States. The individual shall prove his or her identity~~
18 ~~with a secure and verifiable document, as that term is defined in section~~
19 ~~24-72.1-102, C.R.S. A county shall not sell or utilize for any purpose~~
20 ~~other than those specified in law the information contained in the secure~~
21 ~~and verifiable document, and shall keep such information confidential~~
22 ~~unless disclosure is required by law; except that nothing in this paragraph~~
23 ~~(a) shall be construed to limit public access to records that are available~~
24 ~~for public inspection pursuant to article 72 of title 24, C.R.S.~~

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

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

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

8 SECTION 7. In Colorado Revised Statutes, 31-15-501, repeal (2)
9 as follows:

10 31-15-501. Powers to regulate businesses. (2) (a) Subject to the
11 exemptions found in 8 U.S.C. sec. 1621 (c)(2), to the extent that any
12 license, permit, certificate, or other authorization to conduct business
13 issued by a municipality constitutes a professional license or commercial
14 license regulated by 8 U.S.C. sec. 1621, the governing body of a
15 municipality may issue such authorization to an individual only if the
16 individual is lawfully present in the United States, and shall immediately
17 deny any such authorization or renewal thereof upon determining that the
18 individual is unlawfully present in the United States. The individual shall
19 prove his or her identity with a secure and verifiable document, as that
20 term is defined in section 24-72.1-102, C.R.S. A municipality shall not
21 sell or utilize for any purpose other than those specified in law the
22 information contained in the secure and verifiable document, and shall
23 keep such information confidential unless disclosure is required by law;
24 except that nothing in this paragraph (a) shall be construed to limit public
25 access to records that are available for public inspection pursuant to
26 article 72 of title 24, C.R.S.

27 (b) For purposes of this subsection (2), an individual is unlawfully

1 present in the United States if the individual is an alien who is not:
2 (I) A qualified alien as defined in 8 U.S.C. sec. 1641;
3 (II) A nonimmigrant under the "Immigration and Nationality Act";
4 federal Public Law 82-414, as amended; or
5 (III) An alien who is paroled into the United States under 8 U.S.C.
6 sec. 1182 (d)(5) for less than one year.
7 (c) This subsection (2) shall be enforced without regard to race,
8 religion, gender, ethnicity, or national origin.

9 **SECTION 8. Act subject to petition - effective date.** This act
10 takes effect at 12:01 a.m. on the day following the expiration of the
11 ninety-day period after final adjournment of the general assembly; except
12 that, if a referendum petition is filed pursuant to section 1 (3) of article V
13 of the state constitution against this act or an item, section, or part of this
14 act within such period, then the act, item, section, or part will not take
15 effect unless approved by the people at the general election to be held in
16 November 2022 and, in such case, will take effect on the date of the
17 official declaration of the vote thereon by the governor.