

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

**INTRODUCED**

LLS NO. 21-0680.02 Jacob Baus x2173

**SENATE BILL 21-199**

---

**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

---

**Senate Committees**

State, Veterans, & Military Affairs

**House Committees**

---

**A BILL FOR AN ACT**

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

---

**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.

---

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

2 **SECTION 1.** In Colorado Revised Statutes, **repeal and reenact,**  
3 **with amendments,** article 76.5 of title 24 as follows:

4 **ARTICLE 76.5**

5 **Access to Public Benefits**

6 **24-76.5-101. Legislative declaration.** (1) THE GENERAL  
7 ASSEMBLY FINDS AND DECLARES THAT:

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

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

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

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

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

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

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

22 (e) THE 2006 SPECIAL LEGISLATIVE SESSION FACILITATED THE  
23 PASSAGE OF ANTI-IMMIGRANT LEGISLATION THAT LEFT BEHIND  
24 IMMIGRANT FAMILIES, CITIZEN FAMILIES EXPERIENCING HOMELESSNESS,  
25 AND PERSONS FLEEING FROM DOMESTIC VIOLENCE WITHOUT THE  
26 NECESSARY PUBLIC BENEFITS, INCLUDING PROFESSIONAL AND  
27 OCCUPATIONAL LICENSES. THESE POLICIES REQUIRED STATE AND LOCAL

1 AGENCIES TO VERIFY THE LAWFUL PRESENCE OF APPLICANTS FOR PUBLIC  
2 BENEFITS, INCLUDING PROFESSIONAL, OCCUPATIONAL, AND COMMERCIAL  
3 LICENSES.

4 (f) UNDOCUMENTED IMMIGRANTS WHO DO NOT HAVE THE  
5 REQUIRED DOCUMENTS TO ESTABLISH LAWFUL PRESENCE ARE PREVENTED  
6 FROM APPLYING FOR SUCH LICENSES, WHICH, IN TURN, PREVENTS THESE  
7 PERSONS FROM FULLY PARTICIPATING IN COLORADO'S ECONOMY AND  
8 ACCESSING STATE AND LOCAL PUBLIC BENEFITS, INCLUDING LOANS,  
9 GRANTS, CONTRACTS, FOOD AND HOUSING ASSISTANCE, ENERGY  
10 ASSISTANCE, AND OTHER BENEFITS;

11 (g) UNDOCUMENTED IMMIGRANTS ARE INELIGIBLE FOR MOST  
12 FEDERAL BENEFITS AND WERE EXCLUDED FROM RECEIVING FEDERAL  
13 STIMULUS MONEY PROVIDED IN THE FEDERAL "CARES ACT" PUB.L.  
14 116-136, 134 STAT. 281 (2020), AS AMENDED. LOCAL COMMUNITIES WERE  
15 RESTRICTED FROM PROVIDING THEIR RESIDENTS WITH CRUCIAL RELIEF  
16 DURING THE COVID-19 PANDEMIC BECAUSE OF THESE ANTI-IMMIGRANT  
17 LAWS.

18 (h) IN 2018, VARIOUS INDUSTRIES INCLUDING CHILD CARE,  
19 AGRICULTURE, HEALTH CARE, K-12 EDUCATION, AND TRANSPORTATION  
20 AVERAGED BETWEEN ONE AND TWO AND ONE-HALF JOB OPENINGS PER  
21 EVERY UNEMPLOYED WORKER, DEMONSTRATING A HIGH NEED FOR A  
22 LARGER LABOR POOL; AND

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

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

5           **24-76.5-102. Definition.** AS USED IN THIS ARTICLE 76.5, UNLESS  
6 THE CONTEXT OTHERWISE REQUIRES, "STATE OR LOCAL PUBLIC BENEFITS"  
7 SHALL HAVE THE SAME MEANING AS PROVIDED IN 8 U.S.C. SEC. 1621.

8           **24-76.5-103. Lawful presence consideration prohibited.**  
9 NOTWITHSTANDING ANY LAW TO THE CONTRARY, PURSUANT TO 8 U.S.C.  
10 SEC. 1621 (d), ON OR AFTER JULY 1, 2021, LAWFUL PRESENCE IS NOT A  
11 REQUIREMENT OF ELIGIBILITY FOR STATE OR LOCAL PUBLIC BENEFITS.

12           **24-76.5-104. Funding - repeal.** (1) THE GENERAL ASSEMBLY  
13 SHALL NOT ALLOCATE ADDITIONAL FUNDING TO ANY STATE OR LOCAL  
14 PUBLIC BENEFIT PROGRAM FOR PURPOSES OF SECTION 24-76.5-103 FOR  
15 FISCAL YEAR 2021-22.

16           (2) STARTING FOR FISCAL YEAR 2022-23, ANY ADDITIONAL  
17 FUNDING REQUIRED FOR A STATE OR LOCAL PUBLIC BENEFIT PROGRAM FOR  
18 PURPOSES OF SECTION 24-76.5-103 IS SUBJECT TO THE STANDARD BUDGET  
19 PROCESS FOR THE APPLICABLE PROGRAM.

20           (3) THIS SECTION IS REPEALED, EFFECTIVE JULY 1, 2024.

21           **SECTION 2.** In Colorado Revised Statutes, 24-34-107, **amend**  
22 (1)(a); and **repeal** (1)(b) as follows:

23           **24-34-107. Applications for licenses - authority to suspend**  
24 **licenses - rules.** (1) (a) Every application by an individual for a license  
25 issued pursuant to the authority set forth in titles 10, 11, and 12 ~~C.R.S.~~;  
26 by any division, board, or agency of the department of regulatory agencies  
27 ~~shall require~~ REQUIRES the applicant's name, address, and ~~social security~~

1 number. Subject to the exemptions found in ~~8 U.S.C. sec. 1621 (c)(2)~~, to  
2 the extent that any such license constitutes a professional license or  
3 commercial license regulated by ~~8 U.S.C. sec. 1621~~, such division, board,  
4 or agency may issue or renew any such license to an individual only if the  
5 individual is lawfully present in the United States, and shall immediately  
6 deny any such license or renewal thereof upon determining that the  
7 individual is unlawfully present in the United States. The individual shall  
8 prove his or her identity with a secure and verifiable document, as that  
9 term is defined in ~~section 24-72.1-102~~. The division, board, or agency  
10 shall not sell or utilize for any purpose other than those specified in law  
11 the information contained in the secure and verifiable document, and shall  
12 keep such information confidential unless disclosure is required by law;  
13 except that nothing in this paragraph (a) shall be construed to limit public  
14 access to records that are available for public inspection pursuant to  
15 ~~article 72 of this title~~ ONE OF THE FOLLOWING DOCUMENTS:

16 (I) A VALID COLORADO DRIVER'S LICENSE OR A COLORADO  
17 IDENTIFICATION CARD ISSUED PURSUANT TO ARTICLE 2 OF TITLE 42; OR

18 (II) ANY VALID DOCUMENT, OR COMBINATION OF VALID  
19 DOCUMENTS, SUFFICIENT TO ESTABLISH IDENTITY FOR THE PURPOSE OF  
20 OBTAINING A VALID COLORADO DRIVER'S LICENSE OR A COLORADO  
21 IDENTIFICATION CARD ISSUED PURSUANT TO ARTICLE 2 OF TITLE 42.

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

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

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

27 (III) ~~An alien who is paroled into the United States under 8 U.S.C.~~

1 ~~sec. 1182 (d)(5) for less than one year.~~

2           **SECTION 3.** In Colorado Revised Statutes, 30-15-401, **repeal**  
3 (10)(a) as follows:

4           **30-15-401. General regulations - definitions.** (10) (a) Subject  
5 to the exemptions found in 8 U.S.C. ~~sec. 1621 (c)(2)~~, to the extent that a  
6 license, permit, certificate, or other authorization to conduct business  
7 issued by a county constitutes a professional license or commercial  
8 license regulated by 8 U.S.C. ~~sec. 1621~~, a county may issue such  
9 authorization to an individual only if the individual is lawfully present in  
10 the United States, and shall immediately deny any such authorization or  
11 renewal thereof upon determining that the individual is unlawfully  
12 present in the United States. The individual shall prove his or her identity  
13 with a secure and verifiable document, as that term is defined in section  
14 ~~24-72.1-102, C.R.S.~~ A county shall not sell or utilize for any purpose  
15 other than those specified in law the information contained in the secure  
16 and verifiable document, and shall keep such information confidential  
17 unless disclosure is required by law; except that nothing in this paragraph  
18 (a) shall be construed to limit public access to records that are available  
19 for public inspection pursuant to ~~article 72 of title 24, C.R.S.~~

20           **SECTION 4.** In Colorado Revised Statutes, 31-15-501, **repeal**  
21 (2)(a) as follows:

22           **31-15-501. Powers to regulate businesses.** (2) (a) Subject to the  
23 exemptions found in 8 U.S.C. ~~sec. 1621 (c)(2)~~, to the extent that any  
24 license, permit, certificate, or other authorization to conduct business  
25 issued by a municipality constitutes a professional license or commercial  
26 license regulated by 8 U.S.C. ~~sec. 1621~~, the governing body of a  
27 municipality may issue such authorization to an individual only if the

1 individual is lawfully present in the United States, and shall immediately  
2 deny any such authorization or renewal thereof upon determining that the  
3 individual is unlawfully present in the United States. The individual shall  
4 prove his or her identity with a secure and verifiable document, as that  
5 term is defined in section 24-72.1-102, C.R.S. A municipality shall not  
6 sell or utilize for any purpose other than those specified in law the  
7 information contained in the secure and verifiable document, and shall  
8 keep such information confidential unless disclosure is required by law;  
9 except that nothing in this paragraph (a) shall be construed to limit public  
10 access to records that are available for public inspection pursuant to  
11 article 72 of title 24, C.R.S.

12           **SECTION 5.** In Colorado Revised Statutes, 42-2-505, **amend**  
13 (2)(a) as follows:

14           **42-2-505. Identification documents - individuals not lawfully**  
15 **present - rules.** (2) **Document contents.** (a) On an identification  
16 document issued ~~under~~ PURSUANT TO this section, the department shall  
17 place the phrase "Not valid for federal identification OR voting or public  
18 benefit purposes" clearly displayed on the face and incorporated into the  
19 machine readable zone. The department may use a substantially similar  
20 phrase if required by federal law.

21           **SECTION 6.** In Colorado Revised Statutes, **repeal** article 17.5  
22 of title 8 and article 72.1 of title 24.

23           **SECTION 7.** In Colorado Revised Statutes, 8-72-110, **amend** (3)  
24 as follows:

25           **8-72-110. Reciprocal interstate agreements - rules.** (3) (a) The  
26 division is authorized to enter into arrangements with the appropriate  
27 agencies of other states or the federal government whereby individuals



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

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

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

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

2 OR

3 (III) A NATIVE AMERICAN TRIBAL DOCUMENT.

4 **SECTION 8.** In Colorado Revised Statutes, 24-21-521, **amend**  
5 (4) as follows:

6 **24-21-521. Commission as notary public - qualifications - no**  
7 **immunity or benefit - rules.** (4) The secretary of state shall verify the  
8 lawful presence in the United States of each applicant ~~through the~~  
9 ~~verification process outlined in section 24-76.5-103 (4).~~ BY:

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

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

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

15 (III) A NATIVE AMERICAN TRIBAL DOCUMENT; OR

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

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

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

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

24 **SECTION 9. Effective date.** This act takes effect July 1, 2021.

25 **SECTION 10. Safety clause.** The general assembly hereby finds,  
26 determines, and declares that this act is necessary for the immediate  
27 preservation of the public peace, health, or safety.