

## CHAPTER 293

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**GOVERNMENT - STATE**


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**HOUSE BILL 23-1283**

BY REPRESENTATIVE(S) Jodeh, Amabile, Bacon, Bird, Boesenecker, Brown, Dickson, English, Epps, Froelich, Garcia, Gonzales-Gutierrez, Hamrick, Herod, Joseph, Kipp, Lindsay, Lindstedt, Mabrey, Marshall, Martinez, McLachlan, Michaelson Jenet, Ortiz, Ricks, Sharbini, Snyder, Story, Titone, Valdez, Velasco, Vigil, Willford, Woodrow, Young, McCluskie, deGruy Kennedy, Duran, Weissman;  
 also SENATOR(S) Gonzales, Bridges, Coleman, Cutter, Danielson, Exum, Fields, Ginal, Hansen, Hinrichsen, Jaquez Lewis, Kolker, Marchman, Moreno, Mullica, Priola, Roberts, Rodriguez, Sullivan, Winter F., Zenzinger, Fenberg.

**AN ACT**

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

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

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

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

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

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

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

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*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.*

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

(f) House Bill 21-1150 required the ONA to "convene stakeholders and state agencies, including the department [of labor and employment], the governor's office, the department of human services, the department of regulatory agencies, and the department of public health and environment, to develop a recommendation to the governor's office on what state agencies or offices are best suited to administer the Colorado refugee services program created in section 26-2-138, and any related programs, so that the ONA's refugee integration goals are met or exceeded";

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

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

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

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

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

(4.5) **[Formerly 26-2-138 (1)(a)]** "Federal act" means Title IV of the federal "Immigration and Nationality Act", 8 U.S.C. sec. 1521 et seq., as amended, including any federal rules adopted pursuant to the federal act.

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

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

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

**8-3.7-103. Colorado office of new Americans - creation - duties - report.**

(1) (c) ~~(f)~~ The ONA shall convene stakeholders and state agencies, including the department, the governor's office, the department of human services, the department of regulatory agencies, and the department of public health and environment, to develop a recommendation to the governor's office on what state agencies or offices are best suited to administer the Colorado refugee services program created in section 26-2-138, and any related programs, so that the ONA's refugee integration goals are met or exceeded.

~~(H)~~ The ONA shall complete a draft recommendation before January 1, 2022, and shall complete a final recommendation, which the ONA shall provide to the governor's office, no later than one year after September 7, 2021.

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

(2) The Colorado office of new Americans shall:

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

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

**8-3.7-108. Refugee services program - transfer to ONA - state plan - rules.**

(1) ~~[Formerly 26-2-138 (2)(a)]~~ (a) (I) ON AND AFTER OCTOBER 1, 2024, THE RIGHTS, POWERS, DUTIES, AND FUNCTIONS REGARDING the Colorado refugee services program is established in the state VESTED IN THE department OF HUMAN SERVICES PRIOR TO SAID DATE ARE TRANSFERRED FROM THE DEPARTMENT OF HUMAN SERVICES TO THE ONA, AND THE ONA SHALL EXECUTE, ADMINISTER, PERFORM, AND ENFORCE THE RIGHTS, POWERS, DUTIES, AND FUNCTIONS REGARDING THE CRSP ON AND AFTER SAID DATE. BY APRIL 1, 2024, THE DEPARTMENT OF LABOR AND EMPLOYMENT AND THE DEPARTMENT OF HUMAN SERVICES SHALL ENTER INTO AN INTERAGENCY AGREEMENT TO FACILITATE THE LOGISTICS OF CONTRACTING AND THE TRANSFER OF THE CRSP TO THE ONA.

(II) (A) AS OF OCTOBER 1, 2024, EMPLOYEES OF THE DEPARTMENT OF HUMAN SERVICES PRIOR TO SAID DATE WHOSE POWERS, DUTIES, AND FUNCTIONS CONCERNED THE POWERS, DUTIES, AND FUNCTIONS REGARDING THE COLORADO REFUGEE SERVICES PROGRAM THAT ARE ASSUMED BY THE ONA PURSUANT TO SUBSECTION

(1)(a)(I) OF THIS SECTION AND WHOSE EMPLOYMENT IN THE ONA IS DEEMED NECESSARY BY THE DIRECTOR OF THE ONA TO CARRY OUT THE PURPOSES OF THE CRSP ARE TRANSFERRED TO THE ONA AND BECOME EMPLOYEES OF THE ONA.

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

(III) AS OF OCTOBER 1, 2024, ALL ITEMS OF REAL AND PERSONAL PROPERTY OF THE DEPARTMENT OF HUMAN SERVICES, INCLUDING OFFICE FURNITURE AND FIXTURES, BOOKS, DOCUMENTS, AND RECORDS, PERTAINING TO THE DUTIES AND FUNCTIONS OF THE CRSP TRANSFERRED PURSUANT TO THIS SECTION ARE TRANSFERRED TO THE ONA AND BECOME THE PROPERTY OF THE ONA.

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

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

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

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

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

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

(a) Refugee cash assistance;

(b) Refugee medical assistance;

(c) Refugee social services, which may include ~~but are not limited to~~ employment services, employability assessments, English language instruction, vocational training, skills recertification, and case management services related to employment; and

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

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

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

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

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

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

**8-3.8-101. Immigration legal assistance - fund - report - definitions.**

(5) (b) (II) On or ~~before January 31, 2022, and on January 2~~ IMMEDIATELY AFTER JULY 1, 2023, AND ON JULY 1 OF each year thereafter, the administrator shall award grants from the fund, subject to available appropriations, to qualifying organizations.

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

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

**8-73-116. Benefit recovery fund - recovery benefits - eligible individuals - third-party administrator - definitions - rules - access to personal information**

**or tax data to administer fund - confidentiality requirements.**

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

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

**39-21-113. Reports and returns - rule - repeal.** (33) NOTWITHSTANDING THE CONFIDENTIALITY REQUIREMENTS IN THIS SECTION, THE EXECUTIVE DIRECTOR MAY PROVIDE THE COLORADO OFFICE OF NEW AMERICANS, CREATED IN SECTION 8-3.7-103, AND A THIRD-PARTY ADMINISTRATOR, AS DEFINED IN SECTION 8-73-116 (1)(e), WITH ANY INFORMATION OBTAINED PURSUANT TO THIS SECTION AND, IN CONNECTION WITH PROVIDING THE INFORMATION, MAY ENTER INTO AN AGREEMENT WITH THE COLORADO OFFICE OF NEW AMERICANS OR THE DEPARTMENT OF LABOR AND EMPLOYMENT THAT PROVIDES FOR THE PAYMENT OF THE COSTS INCURRED IN CONNECTION WITH SUPPLYING THE INFORMATION AND PROVIDING FOR THE PERIODIC UPDATING OF THE INFORMATION SUPPLIED. ANY INFORMATION PROVIDED TO THE COLORADO OFFICE OF NEW AMERICANS OR A THIRD-PARTY ADMINISTRATOR PURSUANT TO THIS SUBSECTION (33) IS CONFIDENTIAL, AND ALL EMPLOYEES OF EITHER THE COLORADO OFFICE OF NEW AMERICANS OR A THIRD-PARTY ADMINISTRATOR ARE SUBJECT TO THE LIMITATIONS SET FORTH IN SUBSECTION (4) OF THIS SECTION AND THE PENALTIES SPECIFIED IN SUBSECTION (6) OF THIS SECTION.

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

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

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

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

Approved: June 1, 2023