

CHAPTER 350

GOVERNMENT - STATE

HOUSE BILL 21-1150

BY REPRESENTATIVE(S) Jodeh, Bacon, Benavidez, Bernett, Bird, Boesenecker, Caraveo, Cutter, Duran, Esgar, Exum, Froelich, Gonzales-Gutierrez, Hooton, Jackson, Kennedy, Kipp, Lontine, McCluskie, McCormick, Mullica, Ortiz, Sirota, Tipper, Titone, Valdez A., Valdez D., Weissman, Woodrow;
 also SENATOR(S) Gonzales, Buckner, Danielson, Fenberg, Hansen, Jaquez Lewis, Moreno, Pettersen, Story, Winter, Zenzinger, Garcia.

AN ACT

CONCERNING THE CREATION OF THE COLORADO OFFICE OF NEW AMERICANS.

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

SECTION 1. In Colorado Revised Statutes, **add** article 3.7 to title 8 as follows:

ARTICLE 3.7
Colorado Office of New Americans

8-3.7-101. Legislative declaration - intent. (1) THE GENERAL ASSEMBLY HEREBY FINDS AND DECLARES THAT:

(a) COLORADO IS HOME TO MORE THAN HALF A MILLION IMMIGRANTS, INCLUDING REFUGEES, WHO MAKE UP TEN PERCENT OF THE STATE'S POPULATION AND PLAY A VITAL ROLE IN OUR STATE'S CULTURAL FABRIC AND SHARED PROSPERITY;

(b) OVER SIX HUNDRED THOUSAND INDIVIDUALS, WHO MAKE UP ELEVEN PERCENT OF COLORADO'S POPULATION, ARE NATIVE-BORN AMERICANS WITH AT LEAST ONE IMMIGRANT PARENT;

(c) IMMIGRANTS AND REFUGEES ARE AN INTEGRAL PART OF COLORADO'S DIVERSE ECONOMY AND ARE A VITAL PART OF THE STATE'S TAX BASE;

(d) IMMIGRANT-LED HOUSEHOLDS IN THE STATE PAID ONE AND A HALF BILLION DOLLARS IN STATE AND LOCAL TAXES AND HAD A COMBINED SPENDING POWER, AFTER TAX-INCOME, OF JUST OVER FOURTEEN BILLION DOLLARS IN 2018;

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) MORE THAN THIRTY-FIVE THOUSAND IMMIGRANT AND REFUGEE ENTREPRENEURS EMPLOY OVER ONE HUNDRED THOUSAND INDIVIDUALS;

(f) IMMIGRANTS AND REFUGEES MAKE UP A LITTLE OVER THIRTEEN PERCENT OF COLORADO'S SCIENCE, TECHNOLOGY, ENGINEERING, AND MATH (STEM) WORKFORCE, TWENTY-ONE PERCENT OF THE CONSTRUCTION WORKFORCE, SEVENTEEN PERCENT OF THE MANUFACTURING WORKFORCE, AND NINETEEN PERCENT OF THE ADMINISTRATIVE AND SUPPORT, WASTE MANAGEMENT, AND REMEDIATION SERVICES WORKFORCES; AND

(g) BETWEEN 2017 AND 2019, NATURALIZATION RATES INCREASED BY SEVENTY-SEVEN PERCENT IN COLORADO AND AN ADDITIONAL ONE HUNDRED THIRTEEN THOUSAND EIGHT HUNDRED SEVENTY-THREE COLORADANS ARE ELIGIBLE TO NATURALIZE.

(2) THE GENERAL ASSEMBLY FURTHER FINDS AND DECLARES THAT:

(a) SUPPORTING THE INTEGRATION AND INCLUSION OF IMMIGRANTS AND REFUGEES IN OUR COMMUNITIES HELPS THE WHOLE STATE THRIVE;

(b) CREATING AND ESTABLISHING AN OFFICE OF NEW AMERICANS WILL HELP TO ORGANIZE A STRUCTURE FOR STATE AGENCIES AND IMMIGRANT COMMUNITIES TO PARTNER IN ORDER TO ENHANCE INTEGRATION ACROSS THE STATE AND WILL PROVIDE IMMIGRANT COMMUNITIES THE MEANS TO ADDRESS ANY CONCERNS AND OBSTACLES THEY ENCOUNTER WHEN ACCESSING SERVICES; AND

(c) THE OFFICE OF NEW AMERICANS IS INTENDED TO SERVE AS A CENTRALIZED LOCATION WHERE STATE PROGRAMS, INITIATIVES, AND POLICIES FOCUSED ON FACILITATING ECONOMIC STABILITY AND PROMOTING SUCCESSFUL INTEGRATION FOR IMMIGRANTS ARE HOUSED.

(3) IT IS THE GENERAL ASSEMBLY'S INTENT THAT THE OFFICE OF NEW AMERICANS:

(a) WILL GROW OVER TIME SO THAT IN THE FUTURE IT COULD PROVIDE GRANTS TO LOCAL IMMIGRANT-FOCUSED, COMMUNITY-BASED ORGANIZATIONS, DEPENDING ON AVAILABLE FUNDS; AND

(b) BE FUNDED THROUGH GIFTS, GRANTS, AND DONATIONS THROUGH THE 2022-23 STATE FISCAL YEAR AND THAT IN THE SECOND REGULAR SESSION OF THE SEVENTY-FOURTH GENERAL ASSEMBLY AN APPROPRIATION BE INCLUDED IN THE ANNUAL GENERAL APPROPRIATION ACT FOR THE OFFICE'S STATE FUNDING AND ASSOCIATED FTE, SUBJECT TO AVAILABLE APPROPRIATIONS; BUT NOTHING PRECLUDES THE GENERAL ASSEMBLY FROM MAKING AN APPROPRIATION TO THE OFFICE OF NEW AMERICANS PRIOR TO THE SECOND REGULAR SESSION OF THE SEVENTY-FOURTH GENERAL ASSEMBLY.

8-3.7-102. Definitions. AS USED IN THIS ARTICLE 3.7, UNLESS THE CONTEXT OTHERWISE REQUIRES:

(1) "DEPARTMENT" MEANS THE DEPARTMENT OF LABOR AND EMPLOYMENT

CREATED IN SECTION 24-1-121.

(2) "IMMIGRANT" OR "NEW AMERICAN" MEANS A COLORADAN WHO HAS ARRIVED, AND A PERSON WHO WILL ARRIVE, TO COLORADO AS AN IMMIGRANT OR REFUGEE, AND INCLUDES THEIR CHILDREN. THE POPULATION INCLUDES: REFUGEES, ASYLEES, SPECIAL IMMIGRANT VISA HOLDERS, VICTIMS OF TRAFFICKING, RECIPIENTS OF THE FEDERAL DEFERRED ACTION FOR CHILDHOOD ARRIVAL PROGRAM, AND ALL OTHER IMMIGRANTS AND ASPIRING CITIZENS SEEKING OPPORTUNITY, SAFETY, OR REUNIFICATION OF FAMILY.

(3) "INTEGRATION" MEANS A DYNAMIC, TWO-WAY PROCESS IN WHICH IMMIGRANTS AND NEW AMERICANS AND THE RECEIVING COMMUNITY WORK TOGETHER TO BUILD SECURE, VIBRANT, AND COHESIVE COMMUNITIES WITHOUT HAVING TO FOREGO THEIR OWN CULTURAL IDENTITY.

(4) "ONA" MEANS THE COLORADO OFFICE OF NEW AMERICANS CREATED IN SECTION 8-3.7-103.

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

(1) (a) THERE IS HEREBY CREATED, INITIALLY IN THE DEPARTMENT OF LABOR AND EMPLOYMENT, THE COLORADO OFFICE OF NEW AMERICANS, THE HEAD OF WHICH SHALL BE THE DIRECTOR OF THE COLORADO OFFICE OF NEW AMERICANS, WHO SHALL BE APPOINTED BY THE EXECUTIVE DIRECTOR OF THE DEPARTMENT. THE DIRECTOR OF THE ONA HAS REGULAR ACCESS TO THE OFFICE OF THE GOVERNOR AND HAS THE POWER TO CONVENE OTHER STATE AGENCIES.

(b) THE DIRECTOR SHALL STAFF THE ONA IN ORDER TO EFFECTIVELY MEET THE GOALS AND INTENTIONS SET FORTH IN THIS ARTICLE 3.7 AND TO MEET FUTURE NEEDS OF COLORADO'S NEW AMERICAN COMMUNITY. IN ORDER TO SUCCESSFULLY CARRY OUT THE ONA'S PURPOSE, IT IS THE GENERAL ASSEMBLY'S INTENT THAT AN INDIVIDUAL'S LIVED EXPERIENCE OR WORK WITHIN THE IMMIGRANT COMMUNITY BE CONSIDERED WHEN HIRING DECISIONS ARE MADE FOR ONA STAFF. THE ONA SERVES AS THE POINT OF CONTACT FOR IMMIGRANT-SERVING STATE AGENCIES, PRIVATE SECTOR ORGANIZATIONS, AND THE PUBLIC ABOUT IMMIGRANT ISSUES IN COLORADO.

(c) (I) 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.

(II) 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 FROM THE EFFECTIVE DATE OF THIS SUBSECTION (1)(c).

(III) THE DEPARTMENT SHALL REPORT ON THE EFFICACY OF THE ONA AND THE ONA'S PROGRESS TOWARDS MEETING THE GOALS SET FORTH IN THIS ARTICLE 3.7,

INCLUDING THE DRAFT AND FINAL RECOMMENDATIONS DESCRIBED IN SUBSECTION (1)(c)(II) 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:

(a) IMPLEMENT A STATEWIDE STRATEGY TO FACILITATE ECONOMIC STABILITY AND PROMOTE SUCCESSFUL ECONOMIC, SOCIAL, LINGUISTIC, AND CULTURAL INTEGRATION BY INVESTING IN THE SUCCESS OF IMMIGRANTS IN COLORADO;

(b) IDENTIFY AND ADDRESS ISSUES RELATED TO INTEGRATION;

(c) FOSTER ENHANCED INCLUSION FOR IMMIGRANTS;

(d) ENSURE EQUITABLE OPPORTUNITIES AND ACCESS TO SERVICES FOR IMMIGRANTS;

(e) ESTABLISH AND WORK WITH A COMMUNITY ADVISORY COMMITTEE THAT CAN PROVIDE INPUT TO THE STATE FROM COLORADO'S IMMIGRANT COMMUNITIES;

(f) WORK DIRECTLY WITH IMMIGRANT POPULATIONS TO HEAR AND ADDRESS THEIR CONCERNS AND OBSTACLES IN ACCESSING SERVICES;

(g) COORDINATE WITH THE COLORADO REFUGEE SERVICES PROGRAM CREATED IN SECTION 26-2-138 TO ALIGN IT WITH THE GOALS OF THE ONA, AND MANAGE OR DIRECT ANY OTHER RELEVANT PROGRAMS THAT MIGHT EXIST OR BE CREATED ON OR AFTER THE EFFECTIVE DATE OF THIS SUBSECTION (2)(g), 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;

(h) COORDINATE WITH AND MAKE RECOMMENDATIONS TO THE GOVERNOR, THE GENERAL ASSEMBLY, AND STATE AGENCIES ON WAYS TO IMPROVE POLICIES AND PROGRAMS TO SUPPORT IMMIGRANT INTEGRATION ACROSS THE STATE, SUCH AS:

(I) RECOMMENDING CHANGES IN THE ORGANIZATION, MANAGEMENT, PROGRAMS, AND BUDGET OF STATE AGENCIES IN ORDER TO PROMOTE THE INTEGRATION OF IMMIGRANTS;

(II) COORDINATING WITH STATE AGENCIES AND PUBLIC-PRIVATE PARTNERSHIPS;

(III) SERVING AS A RESOURCE FOR COMMUNITY-BASED ORGANIZATIONS SERVING IMMIGRANTS IN COLORADO;

(IV) CREATING A PUBLIC-PRIVATE PROGRAM TO BUILD UP IMMIGRANT-SERVING NONPROFITS STATEWIDE;

(V) RESPONDING TO INQUIRIES AND SERVING AS THE POINT OF CONTACT FOR IMMIGRANT-SERVING AGENCIES, STATE AGENCIES, AND THE PUBLIC ABOUT IMMIGRANT ISSUES IN COLORADO; AND

(VI) RECOMMENDING AND PARTICIPATING IN CULTURAL COMPETENCY AND DIVERSITY, EQUITY, AND INCLUSION TRAINING FOR STATE DEPARTMENTS;

(i) ENSURE THE ONA IS UTILIZING DATA ONLY AS AUTHORIZED UNDER STATE AND FEDERAL LAW TO INFORM THE STATE'S EFFORTS TO ADVANCE ECONOMIC STABILITY AND INTEGRATION FOR IMMIGRANTS. THE ONA SHALL NEVER USE OR SHARE DATA SOLELY FOR THE USE OF CIVIL IMMIGRATION ENFORCEMENT.

(j) AS FUNDING ALLOWS, UNDERTAKE STUDIES, SYMPOSIA, RESEARCH, AND FACTUAL REPORTS TO GATHER INSIGHT AND TO FORMULATE AND PRESENT RECOMMENDATIONS TO THE GOVERNOR, STATE AGENCIES, AND THE GENERAL ASSEMBLY RELATED TO ISSUES OF CONCERN AND IMPORTANCE TO IMMIGRANTS IN COLORADO. THE ONA SHALL ALSO ANALYZE ECONOMIC AND DEMOGRAPHIC TRENDS IN ORDER TO MAKE POLICY AND PROGRAMMATIC RECOMMENDATIONS TO THE GOVERNOR, STATE AGENCIES, AND THE GENERAL ASSEMBLY.

(k) TO THE EXTENT POSSIBLE, ENSURE THAT ALL ONA SERVICES, SYSTEMS, VITAL DOCUMENTS, AND OTHER COMMUNICATIONS AND RESOURCES, INCLUDING WEBSITES, ARE ACCESSIBLE TO ALL COLORADANS, REGARDLESS OF ENGLISH PROFICIENCY AND DISABILITIES. WHERE APPLICABLE AND POSSIBLE, THE ONA SHALL ENSURE COMPLIANCE EXCEEDS THE COMPLIANCE REQUIREMENTS OF THE FEDERAL "AMERICANS WITH DISABILITIES ACT OF 1990", 42 U.S.C. SEC. 12101 ET SEQ., AS AMENDED, ANY AVAILABLE ENGLISH PROFICIENCY PLANS, AND THE COLORADO ANTI-DISCRIMINATION ACT IN PART 6 OF ARTICLE 34 OF TITLE 24.

(3) AS FUNDING ALLOWS, THE ONA SHALL PROMOTE INTEGRATION ACTIVITIES AMONG IMMIGRANTS BY USING A MODEL SIMILAR TO THE FAMILY RESOURCE CENTER PROGRAM SET FORTH IN ARTICLE 18 OF TITLE 26 WITH THE GOAL OF IMPLEMENTING IMMIGRANT SUPPORT THROUGH COMMUNITY-BASED INITIATIVES AND NONPROFIT ORGANIZATIONS WHERE IMMIGRANTS AND IMMIGRANT FAMILIES CAN ACCESS FORMAL AND INFORMAL SUPPORT TO PROMOTE THEIR HEALTH, ECONOMIC WELL-BEING, AND INTEGRATION. THE ACTIVITIES SHALL INCLUDE, BUT NOT BE LIMITED TO:

(a) ECONOMIC OPPORTUNITIES SUCH AS:

(I) WORKFORCE DEVELOPMENT, SKILLS RECOGNITION, AND BARRIER REDUCTION;

(II) INITIATIVES THAT INCREASE ECONOMIC STABILITY;

(III) ENTREPRENEURSHIP AND HIGHER EDUCATION ATTAINMENT; AND

(IV) NATURALIZATION AMONG ELIGIBLE INDIVIDUALS;

(b) INCREASED ACCESS, SUCH AS:

(I) CONNECTING IMMIGRANTS TO LOCAL, STATE, AND FEDERAL RESOURCES, AND

TO OTHER RESOURCES AS THEY ARE AVAILABLE OR RELEVANT TO MEET THE IMMIGRANTS' NEEDS;

(II) CONNECTING IMMIGRANTS AND IMMIGRANT FAMILIES WITH ENGLISH LANGUAGE LEARNING PROGRAMS; AND

(III) PROVIDING IMMIGRANTS AND IMMIGRANT FAMILIES WITH REFERRALS TO COMMUNITY-BASED ORGANIZATIONS; AND

(c) STATE EDUCATION AND OUTREACH BY:

(I) PROMOTING AND CELEBRATING THE SUCCESS AND CONTRIBUTIONS OF COLORADO'S IMMIGRANT COMMUNITY; AND

(II) ENGAGING WITH THE RECEIVING COMMUNITY IN ORDER TO FOSTER INCLUSIVITY AND INTEGRATION BY BUILDING AWARENESS, PROMOTING MUTUAL UNDERSTANDING, AND INCREASING SOCIAL BRIDGING OPPORTUNITIES.

(4) THE ONA SHALL ADVISE AND PROVIDE GUIDANCE TO THE GOVERNOR, STATE AGENCIES, AND THE GENERAL ASSEMBLY ON ANY IMMIGRANT ISSUE.

(5) (a) ON OR BEFORE NOVEMBER 1, 2022, AND, NOTWITHSTANDING SECTION 24-1-136(11), ON OR BEFORE NOVEMBER 1 EACH YEAR THEREAFTER, THE DIRECTOR OF THE OFFICE OF NEW AMERICANS, OR THE DIRECTOR'S DESIGNEE, SHALL SUBMIT A REPORT TO THE GENERAL ASSEMBLY. THE REPORT SHALL INCLUDE A REVIEW AND SUMMARY OF THE ACTIVITY, INFORMATION, AND DATA ON ALL THE PROGRAMS THAT THE OFFICE ADMINISTERED DURING THE PRIOR FISCAL YEAR.

(b) IN ORDER TO MINIMIZE THE COSTS ASSOCIATED WITH PREPARING THE REPORT REQUIRED BY SUBSECTION (5)(a) OF THIS SECTION, THE ONA IS AUTHORIZED TO INCORPORATE OR APPEND TO SUCH REPORT ANY OTHER REPORTS IT IS REQUIRED BY LAW TO DEVELOP.

8-3.7-104. Colorado office of new Americans - funding. THE GENERAL ASSEMBLY MAY APPROPRIATE MONEY FROM THE GENERAL FUND OR FROM ANY OTHER AVAILABLE SOURCE FOR THE PURPOSES OF THE ONA SPECIFIED IN THIS ARTICLE 3.7. THE ONA MAY SEEK, ACCEPT, AND EXPEND GIFTS, GRANTS, OR DONATIONS FROM PRIVATE OR PUBLIC SOURCES FOR THE PURPOSES OF THIS ARTICLE 3.7.

SECTION 2. In Colorado Revised Statutes, 24-1-121, **add** (3)(k) as follows:

24-1-121. Department of labor and employment - creation. (3) The department of labor and employment consists of the following divisions and programs:

(k) THE OFFICE OF NEW AMERICANS, OR "ONA", CREATED IN ARTICLE 3.7 OF TITLE 8, THE HEAD OF WHICH IS THE DIRECTOR OF THE ONA. THE ONA AND THE DIRECTOR SHALL EXERCISE THEIR POWERS, DUTIES, AND FUNCTIONS UNDER THE DEPARTMENT OF LABOR AND EMPLOYMENT AS IF TRANSFERRED BY A **TYPE 1** TRANSFER.

SECTION 3. In Colorado Revised Statutes, 26-2-138, **amend** (4) as follows:

26-2-138. Refugee services program - state plan - rules - definitions. (4) The program 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.

SECTION 4. Act subject to petition - effective date. This act takes effect at 12:01 a.m. on the day following the expiration of the ninety-day period after final adjournment of the general assembly; 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 such period, 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 2022 and, in such case, will take effect on the date of the official declaration of the vote thereon by the governor.

Approved: June 25, 2021