HOUSE BILL 19-1239

A BILL FOR AN ACT

Concerning the Promotion of an Accurate Count in the Decennial Census by Creating a Census Outreach Program, and, in Connection Therewith, Making an Appropriation.

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.)

In the division of local government (division) the bill creates the 2020 census outreach grant program (grant program) in the department of local affairs (department) to provide grants to local governments,
intergovernmental agencies, councils of government, housing authorities, school districts, and nonprofit organizations (eligible recipients) to support the accurate counting of the population of the state for the 2020 census.

The department, in coordination with the grant program committee (committee), which is also created in the division, is required to implement and administer the grant program and to develop policies and procedures necessary for such implementation and administration.

The committee is created in the division to make recommendations to the department regarding the policies and procedures to review grant applications and to make recommendations to the department regarding which applications to approve for the grant award. The committee consists of 7 members, 3 of whom are appointed by the governor and 4 of whom are appointed, one each, by the speaker of the house of representatives, the president of the senate, and the minority leaders of the house of representatives and the senate.

The bill specifies that eligible recipients may use grant money to conduct 2020 census outreach, promotion, and education to focus on hard-to-count communities in the state and to increase the self-response rate and accuracy of the 2020 census. Eligible recipients may also use grant money to further award grants to other local governments, intergovernmental agencies, councils of government, housing authorities, school districts, or nonprofit organizations.

To receive a grant, an eligible recipient must submit an application to the department in accordance with the policies and procedures developed by the department. The bill specifies the information that an application must include at a minimum.

The committee is required to review the applications received and to make recommendations to the department regarding which grant applications to approve. In developing its recommendations, the committee is required to consider whether the eligible recipient will be conducting outreach in hard-to-count communities and the size and geographic and demographic diversity of the hard-to-count communities in which outreach, education, and promotion of the 2020 census will occur as provided by all eligible recipients that receive grant money.

Subject to available appropriations and in accordance with the recommendation of the committee, the department is required to award grants for the purposes of the grant program on or before November 1, 2019, and to distribute the grant money to eligible recipients that were awarded grants within 30 days after the grants are awarded.

Each eligible recipient that received a grant through the grant program is required to submit a report to the department including information to be determined by the department. The department is required to submit a report to the local government committees of the senate and the house of representatives, or any successor committees, and
to the governor regarding the census outreach conducted through the grant program.

For the 2019-20 fiscal year, the bill directs the general assembly to appropriate $12 million to the department to award grants to eligible recipients for the purposes of the grant program. In addition, the department may solicit, accept, and expend gifts, grants, or donations from private or public sources for the purposes of the grant program.

On or before May 1, 2026, and on or before May 1 every 10 years thereafter, the department and the office of the governor are required to develop a strategic action plan, including a discussion of necessary funding for the plan, for outreach and promotion for a successful count of the population in Colorado during the upcoming decennial census.

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

SECTION 1. The short title of this act is the "Every Person Counts In Colorado Act".

SECTION 2. In Colorado Revised Statutes, add 24-32-125 and 24-32-126 as follows:

24-32-125. Census outreach grant program - creation - committee - legislative declaration - definitions - repeal.

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

(I) The decennial census of the population, the actual enumeration of the number of persons living in the United States and all United States territories, is required by the United States constitution;

(II) A precise count is vital to guaranteeing each state receives the appropriate number of seats in the United States house of representatives, influences how states draw their legislative districts, ensures communities across the country receive proper funding for a variety of important services on which individuals, families, and local economies rely, and
PROVIDES SOCIAL, DEMOGRAPHIC, AND ECONOMIC PROFILES OF THE NATION'S PEOPLE TO GUIDE POLICY DECISIONS AT EACH LEVEL OF GOVERNMENT;

(III) Of the approximately eight hundred eighty-three billion dollars distributed through federal programs based on census data in the 2016 federal fiscal year, Colorado received more than thirteen billion dollars through federal grants and direct payments for programs that provide Coloradans with health care, education, transportation, nutrition, child care, housing, energy assistance, and many other services;

(IV) The many significant hurdles experienced by the 2020 census, including insufficient funding, especially for outreach in hard-to-count communities and populations that have been historically undercounted by previous decennial censuses, has raised significant concern about an undercount of the Colorado population in the 2020 census;

(V) During the 2010 census, even with the additional outreach resources available in comparison to those available for the 2020 census, in Colorado children under the age of five were undercounted by eighteen thousand and Latino children under the age of five were undercounted by eight thousand; and

(VI) Undercounting the population of Colorado and its local jurisdictions jeopardizes funding from several federal assistance programs that allocate funds on the basis of decennial census-derived statistics and jeopardizes the likelihood of the state gaining a congressional seat during congressional reapportionment in contrast to states that make
A SIGNIFICANT INVESTMENT IN A COMPLETE COUNT.

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

(I) THE FUTURE PROSPERITY AND WELL-BEING OF THE STATE DEPEND ON THE QUALITY OF THE INFORMATION COLLECTED BY THE CENSUS BUREAU ABOUT OUR POPULATION AND INFRASTRUCTURE. CENSUS DATA GUIDES A WIDE RANGE OF DECISIONS MADE IN THE PUBLIC AND PRIVATE SECTORS THAT AFFECT THE LIVES OF ALL COLORADANS; AND

(II) BASED ON A REPORT BY THE COLORADO FISCAL INSTITUTE THAT CALCULATED THE MONEY NECESSARY TO CONDUCT OUTREACH TO THE ONE MILLION FIVE HUNDRED THOUSAND HARD-TO-COUNT INDIVIDUALS IN THE STATE, A TWELVE MILLION DOLLAR INVESTMENT IN A GRANT PROGRAM WOULD ALLOW THE STATE TO ALLOCATE RESOURCES, THROUGH GRANTS TO LOCAL GOVERNMENTS, INTERGOVERNMENTAL AGENCIES, COUNCILS OF GOVERNMENT, AND NONPROFIT ORGANIZATIONS, TO HARD-TO-COUNT COMMUNITIES IN COLORADO TO INCREASE THE RESPONSE RATE AND ACCURACY OF THE 2020 CENSUS IN COLORADO.

(2) Definitions. As used in this section, unless the context otherwise requires:

(a) "2020 CENSUS" MEANS THE DECENNIAL CENSUS CONDUCTED BY THE FEDERAL United States Census Bureau in 2020 TO DETERMINE THE NUMBER OF PEOPLE LIVING IN THE United States.

(b) "Committee" MEANS THE 2020 CENSUS OUTREACH GRANT PROGRAM COMMITTEE CREATED IN SUBSECTION (5) OF THIS SECTION.

(c) "Department" MEANS THE DEPARTMENT OF LOCAL AFFAIRS.

(d) "Division" MEANS THE DIVISION OF LOCAL GOVERNMENT CREATED IN THE DEPARTMENT.

(e) "Eligible Recipient" MEANS AN ENTITY THAT IS ELIGIBLE TO
receive a grant through the grant program and includes local governments, intergovernmental agencies, councils of government, housing authorities, school districts, nonprofit organizations, the southern ute indian tribe, and the ute mountain ute tribe.

(f) "grant program" means the 2020 census outreach grant program created in subsection (3) of this section.

(g) "hard-to-count communities" means communities and populations that have been historically undercounted by previous decennial censuses, including, but not necessarily limited to, children under five years, racial and ethnic minorities, communities of color, american indians and alaskan natives, people with disabilities, people with low incomes, immigrants, people who speak and understand limited amounts of english, people living in rural areas of the state, people in the state without sufficient internet access, adults age sixty or over, and people who are transient or homeless.

(h) "nonprofit organization" means a tax-exempt charitable or social welfare organization operating under section 501 (c)(3) or 501 (c)(4) of title 26 of the united states code, the federal "internal revenue code of 1986", as amended.

(3) 2020 census outreach grant program creation. (a) there is hereby created in the division the 2020 census outreach grant program to provide grants to eligible recipients to support the accurate counting of the population of the state for the 2020 census.

(b) the department, in coordination with the committee,
SHALL IMPLEMENT AND ADMINISTER THE GRANT PROGRAM AND SHALL
AWARD GRANTS AS PROVIDED IN THIS SECTION, SUBJECT TO AVAILABLE
APPROPRIATIONS. GRANTS SHALL BE PAID FROM MONEY APPROPRIATED TO
THE DEPARTMENT FOR THE GRANT PROGRAM AS PROVIDED IN SUBSECTION
(8)(a) OF THIS SECTION AND FROM ANY GIFTS, GRANTS, OR DONATIONS
RECEIVED BY THE DEPARTMENT FOR THE PURPOSES OF THE GRANT
PROGRAM PURSUANT TO SUBSECTION (8)(b) OF THIS SECTION.

(c) THE DEPARTMENT SHALL DEVELOP POLICIES AND PROCEDURES
TO IMPLEMENT AND ADMINISTER THE GRANT PROGRAM. AT A MINIMUM,
THE POLICIES MUST SPECIFY THE TIME FRAMES FOR APPLYING FOR GRANTS,
THE FORM OF THE GRANT PROGRAM APPLICATION, AND THE CONTENTS OF
THE REPORT REQUIRED BY ELIGIBLE RECIPIENTS THAT RECEIVED GRANT
MONEY PURSUANT TO SUBSECTION (7)(a) OF THIS SECTION. IN ADDITION,
THE POLICIES SHALL SPECIFY THE TERMS UNDER WHICH AND THE
MECHANISM BY WHICH AN ELIGIBLE RECIPIENT SHALL RETURN TO THE
STATE GRANT MONEY NOT FULLY ENCUMBERED AND SPENT BY JUNE 30,
2020.

(4) Purposes for which grant money may be used. ELIGIBLE
RECIPIENTS MAY USE THE MONEY RECEIVED THROUGH THE GRANT
PROGRAM FOR THE FOLLOWING PURPOSES:
(a) TO CONDUCT 2020 CENSUS OUTREACH, EDUCATION, AND
PROMOTION TO FOCUS ON HARD-TO-COUNT COMMUNITIES IN THE STATE
AND TO INCREASE THE SELF-RESPONSE RATE AND ACCURACY OF THE 2020
CENSUS IN THE STATE; OR
(b) TO FURTHER AWARD GRANT MONEY TO OTHER LOCAL
GOVERNMENTS, INTERGOVERNMENTAL AGENCIES, COUNCILS OF
(5) **2020 census outreach grant program committee.** (a) The 2020 CENSUS OUTREACH GRANT PROGRAM COMMITTEE IS CREATED IN THE DEPARTMENT TO MAKE RECOMMENDATIONS TO THE DEPARTMENT REGARDING THE POLICIES AND PROCEDURES DEVELOPED PURSUANT TO SUBSECTION (3)(c) OF THIS SECTION, TO REVIEW GRANT APPLICATIONS, AND TO MAKE RECOMMENDATIONS TO THE EXECUTIVE DIRECTOR OF THE DEPARTMENT REGARDING WHICH APPLICATIONS TO APPROVE FOR A GRANT AWARD. THE COMMITTEE CONSISTS OF SEVEN MEMBERS WHO SHALL BE APPOINTED BY JUNE 1, 2019, AS FOLLOWS:


(II) THE GOVERNOR SHALL APPOINT THREE COMMITTEE MEMBERS.

(b) IN MAKING APPOINTMENTS TO THE COMMITTEE, THE ELECTED OFFICIALS MAKING THE APPOINTMENTS SHALL ATTEMPT TO APPOINT COMMITTEE MEMBERS THAT REFLECT THE GEOGRAPHIC AND DEMOGRAPHIC DIVERSITY OF THE STATE AND SHALL ATTEMPT TO INCLUDE MEMBERS OF DIVERSE POLITICAL, RACIAL, CULTURAL, INCOME, AND ABILITY GROUPS. IN ADDITION, THE ELECTED OFFICIALS MAKING THE APPOINTMENTS SHALL ENSURE THAT HIS OR HER APPOINTEE OR APPOINTEES HAVE NOT, WITHIN THE LAST FIVE YEARS, WORKED FOR OR SERVED ON THE BOARD OF ANY ELIGIBLE RECIPIENT THAT WILL LIKELY APPLY FOR A GRANT THROUGH THE GRANT PROGRAM. ANY ELIGIBLE

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-8- 1239
RECIPIENT FOR WHICH A COMMITTEE MEMBER HAS WORKED OR SERVED ON
THE BOARD IN THE LAST FIVE YEARS IS DISQUALIFIED FROM APPLYING FOR
A GRANT THROUGH THE GRANT PROGRAM.

(c) IF FOR ANY REASON THERE IS A VACANCY ON THE COMMITTEE
AFTER JUNE 15, 2019, THE GOVERNOR SHALL FILL THE VACANCY AS SOON
AS POSSIBLE.

(d) THE GOVERNOR SHALL SELECT ONE PERSON TO SERVE AS THE
CHAIR OF THE COMMITTEE.

(e) THE COMMITTEE SHALL HOLD ITS FIRST MEETING NO LATER
THAN JULY 1, 2019.

(f) MEMBERS OF THE COMMITTEE SHALL NOT RECEIVE
COMPENSATION; EXCEPT THAT THE MEMBERS OF THE COMMITTEE WHO
RESIDE MORE THAN FIFTY MILES FROM THE LOCATION OF A COMMITTEE
HEARING ARE ENTITLED TO RECEIVE THE SAME PER DIEM COMPENSATION
AND REIMBURSEMENT OF EXPENSES AS THOSE PROVIDED FOR MEMBERS OF
BOARDS AND COMMISSIONS PURSUANT TO SECTION 24-34-102 (13) AND
FOR EXPENSES INCURRED IN TRAVELING TO AND FROM THE MEETINGS OF
THE COMMITTEE, INCLUDING ANY REQUIRED DEPENDENT OR ATTENDANT
TRAVEL, FOOD, AND LODGING. MEMBERS OF THE COMMITTEE ARE ALSO
ENTITLED TO BE REIMBURSED FOR ANY EXPENSES RELATED TO DEPENDENT
OR ATTENDANT CARE NECESSARY TO SUPPORT THEIR PARTICIPATION IN A
COMMITTEE HEARING.

(g) THE CHAIR OF THE COMMITTEE SHALL ENSURE THAT AT EVERY
MEETING OF THE COMMITTEE THERE IS AN OPPORTUNITY FOR PUBLIC
COMMENT, INCLUDING PUBLIC COMMENTS SUBMITTED VIA THE INTERNET.
THE CHAIR OF THE COMMITTEE SHALL SOLICIT INPUT ONLINE OR IN PERSON
AT COMMITTEE MEETINGS BEFORE AND DURING THE PROCESS THROUGH
WHICH THE COMMITTEE MAKES RECOMMENDATIONS TO THE DEPARTMENT REGARDING GRANT RECIPIENTS.

(h) On or before August 15, 2019, the committee shall notify the public of the grant program.

(6) **Grant applications and awards.** (a) To receive a grant, an eligible recipient must submit an application to the department in accordance with the policies and procedures developed by the department. At a minimum the application must include the following information:

(I) A description of how the eligible recipient's current capacity for outreach and community engagement enables it to increase the self-response rate and accuracy of the 2020 census in the state, specifically in hard-to-count communities, including outreach, education, and promotion efforts;

(II) A description of how the eligible recipient plans to use grant money to increase the response rate and accuracy of the 2020 census in the state;

(III) The ways in which the eligible recipient will use grant money to improve self-response rates in the 2020 census in hard-to-count communities in the state; and

(IV) Whether the eligible recipient plans to use grant money to further grant awards to other entities, and, if applicable, the nature of the work of those entities and the amount of the grant money the eligible recipient intends to retain to cover its administrative costs.

(b) The committee shall review the applications received pursuant to this section and shall make recommendations to the
EXECUTIVE DIRECTOR OF THE DEPARTMENT REGARDING WHICH GRANT APPLICATIONS TO APPROVE. THE EXECUTIVE DIRECTOR OF THE DEPARTMENT SHALL HAVE SOLE DISCRETION IN MAKING THE GRANT AWARDS. IN DEVELOPING ITS RECOMMENDATIONS THE COMMITTEE SHALL CONSIDER:

(I) WHETHER THE ELIGIBLE RECIPIENT WILL BE CONDUCTING OUTREACH IN HARD-TO-COUNT COMMUNITIES IN THE STATE; AND

(II) THE SIZE AND GEOGRAPHIC AND DEMOGRAPHIC DIVERSITY OF THE HARD-TO-COUNT COMMUNITIES IN THE STATE IN WHICH OUTREACH, EDUCATION, AND PROMOTION OF THE 2020 CENSUS WILL OCCUR AS PROVIDED BY ALL ELIGIBLE RECIPIENTS THAT RECEIVE GRANT MONEY.

(c) SUBJECT TO AVAILABLE APPROPRIATIONS, THE EXECUTIVE DIRECTOR OF THE DEPARTMENT SHALL AWARD GRANTS FOR THE PURPOSES SPECIFIED IN THIS SECTION ON OR BEFORE NOVEMBER 1, 2019. THE EXECUTIVE DIRECTOR OF THE DEPARTMENT SHALL DISTRIBUTE THE GRANT MONEY TO ELIGIBLE RECIPIENTS THAT WERE AWARDED GRANTS WITHIN THIRTY DAYS AFTER THE GRANTS ARE AWARDED.

(d) ANY ELIGIBLE RECIPIENT THAT IS AWARDED A GRANT PURSUANT TO THIS SECTION SHALL NOTIFY THE COUNTY IN WHICH THE ELIGIBLE RECIPIENT IS SITUATED OF THE GRANT AWARD.

(e) THE CONTRACT THAT ACCOMPANIES A GRANT AWARD PURSUANT TO THIS SECTION SHALL STIPULATE THAT AN ELIGIBLE RECIPIENT IS REQUIRED TO RETURN TO THE STATE ANY GRANT MONEY NOT FULLY ENCUMBERED AND SPENT BY THE ELIGIBLE RECIPIENT BY JUNE 30, 2020.

(7) Reporting requirements. (a) ON OR BEFORE MAY 1, 2021, EACH ELIGIBLE RECIPIENT THAT RECEIVED A GRANT THROUGH THE GRANT
PROGRAM SHALL SUBMIT A REPORT AND SUPPORTING DOCUMENTATION OF
ELIGIBLE EXPENDITURES TO THE DEPARTMENT INCLUDING INFORMATION
TO BE DETERMINED BY THE DIRECTOR OF THE DIVISION PURSUANT TO THE
POLICIES AND PROCEDURES DEVELOPED PURSUANT TO SUBSECTION (3)(c)
OF THIS SECTION. IF AN ELIGIBLE RECIPIENT USED GRANT MONEY TO MAKE
GRANTS TO OTHER ENTITIES, THE ELIGIBLE RECIPIENT SHALL INCLUDE IN
THE REPORT THE AMOUNT OF GRANT MONEY IT USED FOR ITS
ADMINISTRATIVE COSTS IN MAKING ADDITIONAL GRANTS.

(b) ON OR BEFORE JANUARY 1, 2023, THE DEPARTMENT SHALL
SUBMIT A REPORT TO THE LOCAL GOVERNMENT COMMITTEES OF THE
SENATE AND THE HOUSE OF REPRESENTATIVES, OR ANY SUCCESSOR
COMMITTEES, AND TO THE GOVERNOR REGARDING THE 2020 CENSUS
OUTREACH, EDUCATION, AND PROMOTION CONDUCTED THROUGH THE
GRANT PROGRAM. AT A MINIMUM THE REPORT MUST INCLUDE:

(I) A LIST OF ELIGIBLE RECIPIENTS THAT RECEIVED GRANTS AND
THE AMOUNT OF THE GRANT AWARDED TO EACH ELIGIBLE RECIPIENT;

(II) THE POPULATION ON WHICH EACH ELIGIBLE RECIPIENT THAT
RECEIVED A GRANT FOCUSED ITS 2020 CENSUS OUTREACH USING GRANT
MONEY;

(III) COLORADO’S SELF-RESPONSE RATE IN THE 2020 CENSUS;

(IV) LESSONS LEARNED FROM 2020 CENSUS OUTREACH;

(V) A RECOMMENDED TIME LINE FOR THE STATE’S INVOLVEMENT
IN THE 2030 CENSUS OUTREACH; AND

(VI) THE NUMBER OF PEOPLE HIRED WITH GRANT MONEY AND THE
LOCATIONS SERVED BY THOSE PEOPLE; AND

(VII) THE AMOUNT OF GRANT MONEY USED FOR PAYROLL
EXPENSES AND THE AVERAGE WAGE PAID PER PERSON THROUGH THE


-12-
(8) Sources of grant money. (a) For the 2019-20 fiscal year, the General Assembly shall appropriate six million dollars to the department to award grants to eligible recipients for the purposes of the grant program specified in this section. Any unexpended and unencumbered money from the appropriation remains available for expenditure by the department for the purposes of this section in the next fiscal year without further appropriation.

(b) The department may solicit, accept, and expend gifts, grants, or donations from private or public sources for the purposes of this section.

(9) Repeal. This section is repealed, effective July 1, 2022.

24-32-126. Strategic action plan for upcoming decennial census. On or before May 1, 2026, and on or before May 1 every ten years thereafter, the department and the office of the governor shall develop a strategic action plan, including a discussion of necessary funding for the plan, for outreach, education, and promotion for a successful count of the population in Colorado during the upcoming decennial census.

SECTION 3. Appropriation. For the 2019-20 state fiscal year, $6,000,000 is appropriated to the department of local affairs for use by the division of local government. This appropriation is from the general fund, and is based on an assumption that the division will require an additional 1.4 FTE and associated direct and indirect costs of administering the program. To implement this act, the division may use this appropriation for the 2020 census outreach grant program.
SECTION 4. Safety clause. The general assembly hereby finds, determines, and declares that this act is necessary for the immediate preservation of the public peace, health, and safety.