A BILL FOR AN ACT

CONCERNING AN EVALUATION OF RACIAL EQUITY FOR BLACK COLORADANS.

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 requires the state historical society (society), commonly known as history Colorado, to conduct a study to determine any historical and ongoing effects of slavery and subsequent systemic racism on Black Coloradans that may be attributed to Colorado state policies, and to identify measures that are consistent with the constitution to address those effects. The society may enter into an agreement with a third-party entity
to conduct all or parts of the study. As part of the study, the society shall conduct at least 2 public comment sessions for members of the public to provide input to the society related to the study. The society is required to submit a report to the general assembly and governor and make the report available on a publicly accessible webpage of the society's website.

The bill establishes the Black Coloradan racial equity steering committee (steering committee) to provide input to the society about the study, including guidance about the research, economic analysis, and recommendations. The steering committee also assists the society in conducting the public comment sessions. The society shall provide the steering committee with regular periodic updates about the status of the study. The steering committee may submit to the society comments and recommendations for inclusion in the society's report to the general assembly and governor. After the study is completed, the steering committee shall work as necessary to effectuate implementation of the recommendations in the study report.

The bill is contingent upon the society receiving $100,000 of gifts, grants, or donations for the purpose of conducting the study.

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

SECTION 1. In Colorado Revised Statutes, add 24-80-218 as follows:

24-80-218. Black Coloradan racial equity study - steering committee - notice to the revisor - funding - report - legislative declaration - definitions - repeal. (1) (a) The general assembly finds, determines, and declares that:

(I) The legacy of slavery, racial discrimination, and systemic racism has harmed Black Coloradans and continues to harm Black Coloradans in material ways. Black individuals and communities, whose unpaid labor formed the basis for wealth and power in this country, are owed the opportunity and resources to build wealth and power for themselves. Like many western states, Colorado is widely perceived as historically abstinent from participating in slavery. However, slavery was
ONLY FULLY ABOLISHED IN THE COLORADO CONSTITUTION IN 2018.


(III) THE IMPACT OF THOSE IN POWER TRANSPires INTO POLICIES, SYSTEMS, AND PRACTICES ADOPTED AT THE STATE LEVEL. THOSE POLICIES, SYSTEMS, AND PRACTICES ARE BUILT UPON OVER DECADES AND FURTHER INGRAIN INEQUITIES THAT HAVE A DISPARATE IMPACT ON BLACK COLORADANS.

(IV) IN 2020, THE HOME OWNERSHIP GAP BETWEEN BLACK AND WHITE COLORADANS WAS THIRTY-ONE PERCENT. JUST TWENTY-FIVE PERCENT OF ADULT BLACK COLORADANS HAVE EARNED A POSTSECONDARY DEGREE OR CREDENTIAL, WHILE NINETY-ONE AND FOUR-TENTHS PERCENT OF TIER ONE JOBS IDENTIFIED IN THE COLORADO WORKFORCE DEVELOPMENT COUNCIL'S 2022 TALENT PIPELINE REPORT AND SEVENTY AND FOUR-TENTHS PERCENT OF TIER TWO JOBS REQUIRE A POSTSECONDARY CREDENTIAL. IN COLORADO, BLACK INDIVIDUALS CONSTITUTE FIVE PERCENT OF THE POPULATION BUT SEVENTEEN PERCENT
OF THOSE IN JAIL AND EIGHTEEN PERCENT OF THOSE IN PRISON. AT
THIRTEEN AND SEVEN-TENTHS PERCENT UNEMPLOYMENT, BLACK
WORKERS IN COLORADO FACED HIGHER UNEMPLOYMENT RATES THAN
OTHER RACIAL GROUPS SURVEYED BETWEEN MAY 2021 AND APRIL 2022.
BLACK COLORADANS EXPERIENCE A WIDE ARRAY OF NEGATIVE HEALTH
OUTCOMES AT RATES THAT ARE DISPROPORTIONATE TO WHITE
COLORADANS IN THE FOLLOWING AREAS: FOOD INSECURITY, INFANT
MORTALITY, CHILDHOOD ASTHMA, DIABETES, AND HIV AND AIDS. THE
AVERAGE BLACK COLORADAN HAS A LIFE EXPECTANCY NEARLY THREE
YEARS FEWER THAN THE AVERAGE WHITE COLORADAN.

(V) DISPARITIES IN BOTH K-12 EDUCATION AND POSTSECONDARY
TRAINING, INCLUDING HIGHER EDUCATION AND WORKFORCE TRAINING;
HOME OWNERSHIP; HEALTH DISPARITIES AND ACCESS TO HEALTH CARE;
AND A SYSTEMICALLY UNJUST CRIMINAL JUSTICE SYSTEM, COMBINED WITH
POLICE BRUTALITY, HAVE CONTRIBUTED TO A REALITY IN WHICH HALF OF
BLACK FAMILIES IN COLORADO ARE CONSIDERED LOW-INCOME. A LACK
OF ACCESS TO ECONOMIC MOBILITY AND FINANCIAL PROSPERITY HAS
IMPACTED BLACK COLORADANS FOR GENERATIONS. BLACK COLORADANS'
LOST EARNINGS AND ASSETS DETRACT FROM COLORADO'S LABOR FORCE
AND TAX BASE, AS WELL AS THE GROWTH OF COLORADO'S ECONOMY.

(VI) RACIAL EQUITY STUDIES ARE TOOLS USED TO QUALIFY AND
QUANTIFY PAST DISCRIMINATION AND RECOMMEND CERTAIN CORRECTIVE
MEASURES AS MAY BE WARRANTED BY THE STUDY'S FINDINGS.

(b) THEREFORE, THE GENERAL ASSEMBLY DECLARES THAT AN
INDEPENDENT STUDY MUST BE CONDUCTED AND A STEERING COMMITTEE
BE CREATED IN THE STATE HISTORICAL SOCIETY TO DETERMINE THE
EXTENT TO WHICH BLACK COLORADANS HAVE EXPERIENCED AND
CONTINUE TO EXPERIENCE RACIAL DISCRIMINATION DIRECTLY LINKED TO
HARMFUL PRACTICES, SYSTEMS, AND POLICIES OF THE STATE AND TO
QUANTIFY THE ECONOMIC IMPACTS OF ANY DISCRIMINATION DISCOVERED
DURING THE STUDY.

(2) AS USED IN THIS SECTION, UNLESS THE CONTEXT OTHERWISE
REQUIRES:

(a) "EXECUTIVE DIRECTOR" MEANS THE EXECUTIVE DIRECTOR OF
THE STATE HISTORICAL SOCIETY.

(b) "HISTORICALLY IMPACTED BLACK COLORADANS" OR "BLACK
COLORADANS" MEANS AFRICAN AMERICAN PERSONS, INCLUDING
INDIVIDUALS WHO HAVE ORIGINS IN ANY OF THE BLACK RACIAL GROUPS,
WHO HAVE RESIDED OR WHO ARE RESIDING IN COLORADO.

(c) "STATE HISTORICAL SOCIETY" OR "SOCIETY" MEANS THE STATE
HISTORICAL SOCIETY ESTABLISHED IN SECTION 24-80-201 AND COMMONLY
KNOWN AS HISTORY COLORADO.

(d) "STEERING COMMITTEE" MEANS THE BLACK COLORADAN
RACIAL EQUITY STEERING COMMITTEE ESTABLISHED IN SUBSECTION (4) OF
THIS SECTION.

(e) "STUDY" MEANS THE STUDY TO DETERMINE ANY POTENTIAL
HISTORICAL AND ONGOING EFFECTS OF SLAVERY AND SUBSEQUENT
SYSTEMIC RACISM ON BLACK COLORADANS CONDUCTED PURSUANT TO
SUBSECTION (3) OF THIS SECTION.

(f) "THIRD-PARTY ENTITY" MEANS A RESEARCH ENTITY THAT HAS
ENTERED INTO AN AGREEMENT WITH THE SOCIETY TO CONDUCT ALL OR
PART OF THE STUDY DESCRIBED IN THIS SECTION OR AN ENTITY THAT
CONTRACTS WITH THE SOCIETY TO FACILITATE THE WORK OF THE
STEERING COMMITTEE.
(3) (a) The state historical society shall conduct a study to determine any potential historical and ongoing effects of slavery and subsequent systemic racism on Black Coloradans that may be attributed to Colorado state policies. The goals of the study are to:

   (I) Determine the extent to which Black Coloradans have experienced and continue to experience racial discrimination directly linked to harmful practices, systems, and policies of the state that have existed historically or that continue to exist;

   (II) Quantify the economic impact on Black Coloradans, including impacts on individuals and families, of any discrimination discovered during the study, to the extent that the study establishes that disparities attributable to past or present discrimination exist; and

   (III) Identify measures that are consistent with the constitution to address the effects of discrimination that may be attributed to state policies.

(b) (I) The state historical society may enter into an agreement with one or more third-party entities to conduct all or part of the study described in this section. If the society enters into an agreement with a third-party entity to conduct all or part of the study, the third-party entity shall carry out any relevant duty of the society required in this subsection (3).

   (II) A third-party entity that enters into an agreement with the state historical society to conduct all or part of the study must have:
(A) EXPERIENCE WORKING WITH BLACK COMMUNITIES;

(B) AN UNDERSTANDING OF BLACK HISTORY AND CULTURE, WITH
DEMONSTRATED EXPERIENCE WORKING ON ISSUES RELATED TO BLACK
HISTORY, SOCIAL EQUITY, CIVIL RIGHTS, AND ECONOMIC MOBILITY;

(C) TEAM MEMBERS WHO IDENTIFY AS BLACK; AND

(D) AN UNDERSTANDING OF THE IMPACT OF TRAUMA AND HOW IT
PASSES THROUGH GENERATIONS.

(III) A THIRD-PARTY ENTITY MAY BE FROM OUTSIDE COLORADO.

(c) THE STUDY MUST FOCUS ON AND INCLUDE THE FOLLOWING, AS
EACH MAY BE ATTRIBUTABLE TO STATE GOVERNMENT ENTITIES, POLICIES,
SYSTEMS, AND PRACTICES:

(I) RESEARCH ON POTENTIAL HISTORICAL AND ONGOING EFFECTS
OF SLAVERY AND SUBSEQUENT SYSTEMIC RACISM ON BLACK COLORADANS
IN THE FOLLOWING SUBJECT AREAS: ACCESS TO ASSET AND WEALTH
BUILDING, BOTH AS THEY RELATE TO OTHER SUBJECT AREAS STUDIED AND
INDEPENDENT OF OTHER SUBJECT AREAS STUDIED, INCLUDING
RESIDENTIAL AND COMMERCIAL LOANS, CAPITAL INVESTMENTS, AND
GRANTS FOR BUSINESSES; TAX POLICY; K-12 EDUCATION; POSTSECONDARY
EDUCATION, INCLUDING HIGHER EDUCATION AND WORKFORCE TRAINING
PROGRAMS; HOME OWNERSHIP AND ACCESS TO HOUSING AS AN OWNER OR
TENANT; HEALTH DISPARITIES AND ACCESS TO HEALTH CARE; POLICING
AND POLICE BRUTALITY; INCARCERATION FOR CRIMES; AND OVERALL
TREATMENT OF BLACK COLORADANS AND TRENDS IN THE CRIMINAL
JUSTICE SYSTEM. THE SOCIETY SHALL FOCUS ITS RESEARCH IN THE
SUBJECT AREAS BASED ON GUIDANCE FROM THE STEERING COMMITTEE
ABOUT SPECIFIC TOPICS FOR STUDY WITHIN THE SUBJECT AREAS.

(II) RESEARCH INTO THE EXTENT STATE GOVERNMENTAL ENTITIES’
POLICIES, SYSTEMS, AND PRACTICES MAY HAVE CONTRIBUTED TO ANY
HARM CAUSED TO HISTORICALLY IMPACTED BLACK COLORADANS; AND

(III) AN ECONOMIC ASSESSMENT OF THE FINANCIAL IMPACT OF
SYSTEMIC RACISM ON HISTORICALLY IMPACTED BLACK COLORADANS AND,
IF FEASIBLE, AN ESTIMATION OF THE FINANCIAL IMPACT ON COLORADO'S
ECONOMY RESULTING FROM GOVERNMENTAL POLICIES, SYSTEMS, AND
PRACTICES IN COLORADO.

(d) (I) The society, with assistance from the steering
committee, shall conduct at least two public comment sessions
in different geographic locations in the state for the public to
comment and provide input to the society related to the
perceived impact that state government entities, policies,
systems, and practices have had that have resulted in systemic
racism and discrimination on historically impacted black
Coloradans, including the impact on individuals, families, and
the community as a whole. Each public comment session must be
held at a time and in a place that the steering committee
determines is sufficient to maximize public participation. The
society shall allow members of the public to participate and
provide comments in person, remotely, and in writing.

(II) The society may, in its discretion and after
consultation with the steering committee, conduct additional
public comment sessions or engage with the community through
interviews and other methods determined by the society.

(e) Beginning three months after the effective date of this
subsection (3), the society shall provide the steering committee
with regular periodic updates about the status of the study. The
SOCIETY SHALL CONSIDER THE STEERING COMMITTEE'S FEEDBACK ON THE UPDATES.


(I) A DESCRIPTION OF THE STUDY'S GOALS AND METHODOLOGIES;

(II) THE RESULTS OF THE STUDY'S RESEARCH AND ECONOMIC ASSESSMENT DESCRIBED IN SUBSECTION (3)(c) OF THIS SECTION;

(III) RECOMMENDATIONS THAT ARE CONSISTENT WITH THE CONSTITUTION TO ADDRESS ANY PAST HARM POTENTIALLY CAUSED BY GOVERNMENTAL POLICIES, SYSTEMS, AND PRACTICES THAT ARE DISCOVERED THROUGH THE STUDY;

(IV) RECOMMENDATIONS ABOUT HOW OUTCOMES OF THE RESEARCH AND ECONOMIC ASSESSMENTS OF PAST HARM POTENTIALLY CAUSED TO BLACK COLORADANS BY GOVERNMENTAL POLICIES, SYSTEMS, AND PRACTICES CAN BE INCORPORATED INTO THE STATE HISTORY STANDARDS FOR K-12 STUDENTS;

(V) RECOMMENDATIONS ABOUT HOW TO INCREASE PUBLIC AWARENESS ABOUT RESEARCH AND ECONOMIC ASSESSMENTS OF PAST HARM POTENTIALLY CAUSED TO HISTORICALLY IMPACTED BLACK
COLORADANS BY GOVERNMENTAL POLICIES, SYSTEMS, AND PRACTICES;

AND

(VI) THE COMMENTS AND RECOMMENDATIONS OF THE STEERING COMMITTEE SUBMITTED TO THE SOCIETY PURSUANT TO SUBSECTION (5)(d) OF THIS SECTION.

(g) THE SOCIETY SHALL PRESENT THE REPORT DESCRIBED IN SUBSECTION (3)(f) OF THIS SECTION TO THE HOUSE OF REPRESENTATIVES STATE, CIVIC, MILITARY, AND VETERANS AFFAIRS COMMITTEE AND THE SENATE STATE, VETERANS, AND MILITARY AFFAIRS COMMITTEE, OR THEIR SUCCESSOR COMMITTEES, DURING THE NEXT REGULAR LEGISLATIVE SESSION THAT BEGINS AFTER THE REPORT IS SUBMITTED TO THE GENERAL ASSEMBLY AND GOVERNOR.

(4) (a) THERE IS ESTABLISHED IN THE SOCIETY THE BLACK COLORADAN RACIAL EQUITY STEERING COMMITTEE TO PROVIDE INPUT TO THE SOCIETY ABOUT THE STUDY, INCLUDING GUIDING THE RESEARCH, ECONOMIC ANALYSIS, AND RECOMMENDATIONS BASED ON ANY OF THE STUDY’S FINDINGS RELATED TO THE EFFECTS THAT THE LEGACY OF SLAVERY, RACIAL DISCRIMINATION, AND SYSTEMIC RACISM MAY HAVE HAD, AND MAY CONTINUE TO HAVE, ON BLACK COLORADANS.

(b) THE STEERING COMMITTEE CONSISTS OF THE FOLLOWING MEMBERS:

(I) THE EXECUTIVE DIRECTOR OR THE EXECUTIVE DIRECTOR’S DESIGNEE;

(II) THE FOLLOWING MEMBERS, APPOINTED BY THE GOVERNOR:

(A) ONE PERSON WHO HAS EXPERTISE IN QUANTIFYING THE ECONOMIC IMPACTS ON HISTORICALLY IMPACTED BLACK COLORADANS;

(B) ONE COMMUNITY REPRESENTATIVE WITH A TRACK RECORD OF
PUBLIC SERVICE WITH HISTORICALLY IMPACTED BLACK COLORADANS;

AND

(C) ONE PERSON WHO HAS LEGAL EXPERTISE IN CONSTITUTIONAL LAW AND RACIAL JUSTICE;

(III) THE FOLLOWING MEMBERS, APPOINTED BY THE SPEAKER OF THE HOUSE OF REPRESENTATIVES:

(A) ONE PERSON WHO HAS EXPERTISE IN QUANTIFYING THE ECONOMIC IMPACTS ON HISTORICALLY IMPACTED BLACK COLORADANS;

(B) ONE PERSON WHO HAS EXPERTISE IN RESEARCHING THE HISTORY AND IMPACT OF SLAVERY AND SYSTEMIC RACISM ON BLACK COLORADANS;

(C) ONE COMMUNITY REPRESENTATIVE WITH A TRACK RECORD OF PUBLIC SERVICE WITH HISTORICALLY IMPACTED BLACK COLORADANS;

AND

(D) ONE MEMBER OF THE HOUSE OF REPRESENTATIVES; AND

(IV) THE FOLLOWING MEMBERS APPOINTED BY THE PRESIDENT OF THE SENATE:

(A) ONE PERSON WHO HAS LEGAL EXPERTISE IN CONSTITUTIONAL LAW AND RACIAL JUSTICE;

(B) ONE PERSON WHO HAS EXPERTISE IN RESEARCHING THE HISTORY AND IMPACT OF SLAVERY ON BLACK COLORADANS;

(C) ONE COMMUNITY REPRESENTATIVE WITH A TRACK RECORD OF PUBLIC SERVICE WITH HISTORICALLY IMPACTED BLACK COLORADANS;

AND

(D) ONE MEMBER OF THE SENATE.

(c) THE APPOINTING AUTHORITIES SHALL APPOINT MEMBERS OF THE STEERING COMMITTEE AS SOON AS POSSIBLE AFTER THE EFFECTIVE
DATE OF THIS SUBSECTION (4), but no later than September 1, 2024.

The term of appointment is for the duration of the steering committee’s existence. If a vacancy arises on the steering committee, the appointing authority shall appoint a replacement to fill the vacancy as soon as possible.

(d) (I) Notwithstanding section 2-2-326, each legislative member of the steering committee serves without compensation but is entitled to receive reimbursement for actual and necessary expenses incurred in the performance of the member’s duties as a member of the steering committee.

(II) Nonlegislative members of the steering committee serve without compensation but are entitled to reimbursement for actual and necessary expenses incurred in the discharge of the members’ duties.

(5) (a) The executive director shall convene the first meeting of the steering committee no later than forty-two days after the effective date of this subsection (5). At its first meeting, the steering committee shall elect a chair and vice-chair from among its members.

(b) Members of the steering committee may participate remotely in committee meetings.

(c) The steering committee shall:

(I) Comment on and provide direction for the study’s scope of research in the subject areas described in subsection (3)(c)(I) of this section;

(II) If the society contracts with a third-party entity to conduct all or part of the study, assist with the development of
A rubric for selecting the third-party entity and assist with the interviews and final selection of the third-party entity;

(III) determine and advise the society about the time and location for each public comment session described in subsection (3)(d) of this section to maximize public participation in the session, consult with the society about whether to hold additional public comment sessions, and help the society conduct the public comment sessions; and

(IV) provide feedback that is based on the research conducted as part of the study to the society following the receipt of updates about the study and review draft study reports.

(d) the steering committee may submit comments and recommendations based on the research conducted as part of the study to the society for inclusion in the society’s report described in subsection (3)(f) of this section.

(e) after the society submits the report to the general assembly and governor pursuant to subsection (3)(f) of this section, the steering committee shall work with any parties necessary, including members of the general assembly, to implement the recommendations in the report.

(6) subject to available money, the society shall provide office space, equipment, and staff services as necessary to implement this section. the society may contract with a third-party entity to facilitate the steering committee’s work.

(7) the society may seek, accept, and expend gifts, grants, or donations from private or public sources for the purposes of
THIS SECTION. THE SOCIETY MAY ACCEPT DONATIONS OF IN-KIND SERVICES FOR THE PURPOSES OF THIS SECTION, INCLUDING FOR TECHNICAL ASSISTANCE.

(8) SUBSECTIONS (2), (3), (5), AND (6) OF THIS SECTION WILL TAKE EFFECT IF THE STATE HISTORICAL SOCIETY RECEIVES ONE HUNDRED THOUSAND DOLLARS OF GIFTS, GRANTS, OR DONATIONS FOR THE PURPOSES OF THIS SECTION. THE EXECUTIVE DIRECTOR OF THE SOCIETY SHALL NOTIFY THE REVISOR OF STATUTES IN WRITING OF THE DATE ON WHICH THE CONDITION SPECIFIED IN THIS SUBSECTION (8) HAS OCCURRED BY E-MAILING THE NOTICE TO REVISOROFSSTATUTES.GA@COLEG.GOV. SUBSECTIONS (2), (3), (5), AND (6) OF THIS SECTION TAKE EFFECT UPON THE DATE IDENTIFIED IN THE NOTICE THAT THE SOCIETY HAS RECEIVED ONE HUNDRED THOUSAND DOLLARS OF GIFTS, GRANTS, OR DONATIONS FOR THE PURPOSES OF THIS SECTION OR, IF THE NOTICE DOES NOT SPECIFY THAT DATE, UPON THE DATE OF THE NOTICE TO THE REVISOR OF STATUTES.

(9) THIS SECTION IS REPEALED, EFFECTIVE JUNE 30, 2025; EXCEPT THAT, IF THE REVISOR OF STATUTES RECEIVES NOTICE PURSUANT TO SUBSECTION (8) OF THIS SECTION, THEN THIS SECTION IS REPEALED, EFFECTIVE THREE YEARS AFTER SUBSECTIONS (2), (3), (5), AND (6) OF THIS SECTION TAKE EFFECT.

SECTION 2. 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 2024 and, in such case, will take effect on the date of the
official declaration of the vote thereon by the governor.