

Second Regular Session  
Sixty-ninth General Assembly  
STATE OF COLORADO

**ENGROSSED**

*This Version Includes All Amendments Adopted  
on Second Reading in the House of Introduction*

LLS NO. 14-0019.01 Brita Darling x2241

**HOUSE BILL 14-1124**

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**HOUSE SPONSORSHIP**

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Education  
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**A BILL FOR AN ACT**

101 **CONCERNING IN-STATE TUITION CLASSIFICATION FOR AMERICAN**  
102 **INDIANS FROM TRIBES WITH HISTORICAL TIES TO COLORADO,**  
103 **AND, IN CONNECTION THEREWITH, MAKING AND REDUCING**  
104 **APPROPRIATIONS.**

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**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://www.leg.state.co.us/billsummaries>.)*

The bill requires a state-supported institution of higher education to classify as an in-state student for tuition purposes a student who is a

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.  
*Capital letters indicate new material to be added to existing statute.*  
*Dashes through the words indicate deletions from existing statute.*

HOUSE  
Amended 2nd Reading  
April 14, 2014

member of a federally recognized American Indian tribe with historical ties to Colorado, as designated by the Colorado commission on Indian Affairs. A student classified as an in-state student pursuant to this tuition classification may be counted as a resident for any purpose and is eligible for state financial aid and the college opportunity fund stipend. The bill exempts Fort Lewis College from its provisions.

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

2           **SECTION 1.** In Colorado Revised Statutes, **add** 23-7-112 as  
3 follows:

4           **23-7-112. Tuition classification for members of American**  
5 **Indian tribes with historical ties to Colorado - legislative declaration.**

6 (1) THE GENERAL ASSEMBLY FINDS AND DECLARES THAT:

7           (a) OFTEN DUE TO CIRCUMSTANCES BEYOND THEIR CONTROL,  
8 MANY AMERICAN INDIAN TRIBES AND MEMBERS OF AMERICAN INDIAN  
9 TRIBES HAVE BEEN FORCED TO RELOCATE ACROSS STATE LINES, FAR FROM  
10 THEIR HISTORICAL HOME PLACES. AS A CONSEQUENCE, AMERICAN INDIAN  
11 HIGH SCHOOL STUDENTS OFTEN ONLY RECEIVE IN-STATE TUITION  
12 ELIGIBILITY IN THEIR STATE OF CURRENT RESIDENCE, RATHER THAN THE  
13 STATE THAT THEIR TRIBES TRADITIONALLY CALLED THEIR ANCESTRAL  
14 HOME.

15           (b) IN 2011, LESS THAN FORTY-TWO PERCENT OF AMERICAN  
16 INDIAN HIGH SCHOOL STUDENTS CHOSE TO ATTEND COLLEGE, WELL BELOW  
17 THE NATIONAL AVERAGE OF FIFTY-SEVEN PERCENT OF ALL STUDENTS;

18           (c) AMERICAN INDIAN HIGH SCHOOL STUDENTS ARE ALSO MUCH  
19 LESS LIKELY THAN THEIR PEERS TO ATTEND AN OUT-OF-STATE COLLEGE;

20           (d) THE FAMILIES OF AMERICAN INDIAN HIGH SCHOOL STUDENTS  
21 HAVE POVERTY RATES MORE THAN TEN PERCENTAGE POINTS HIGHER THAN  
22 THE NATIONAL AVERAGE, WITH TWENTY-SEVEN PERCENT OF AMERICAN

1 INDIAN HOUSEHOLDS LIVING BELOW THE FEDERAL POVERTY LEVEL; AND

2 (e) THEREFORE, IT IS IN THE BEST INTERESTS OF THE STATE AND OF  
3 AFFECTED AMERICAN INDIAN STUDENTS FOR COLORADO TO EXTEND  
4 IN-STATE TUITION CLASSIFICATION TO ANY AMERICAN INDIAN STUDENT  
5 WHO IS A REGISTERED MEMBER OF A FEDERALLY RECOGNIZED AMERICAN  
6 INDIAN TRIBE WITH HISTORICAL TIES TO COLORADO.

7 (2) NOTWITHSTANDING ANY OTHER PROVISION OF THIS ARTICLE TO  
8 THE CONTRARY, BEGINNING WITH THE 2014-15 ACADEMIC YEAR, A  
9 STUDENT WHO WOULD NOT OTHERWISE BE CLASSIFIED AS AN IN-STATE  
10 STUDENT PURSUANT TO THIS ARTICLE SHALL BE CLASSIFIED AS AN  
11 IN-STATE STUDENT AT THE INSTITUTIONS OF THIS STATE IF THE STUDENT  
12 IS A REGISTERED MEMBER OF A FEDERALLY RECOGNIZED AMERICAN  
13 INDIAN TRIBE WITH HISTORICAL TIES TO COLORADO, AS DESIGNATED BY  
14 THE COLORADO COMMISSION ON INDIAN AFFAIRS, ESTABLISHED PURSUANT  
15 TO ARTICLE 44 OF TITLE 24, C.R.S., IN CONSULTATION AND PARTNERSHIP  
16 WITH THE OFFICE OF ARCHEOLOGY AND HISTORIC PRESERVATION AT  
17 HISTORY COLORADO, OR ITS SUCCESSOR OFFICE.

18 (3) A STUDENT WHO IS CLASSIFIED AS AN IN-STATE STUDENT  
19 PURSUANT TO THIS SECTION:

20 (a) MAY BE COUNTED AS A RESIDENT STUDENT FOR ANY PURPOSE  
21 PURSUANT TO THIS TITLE; AND

22 (b) IS ELIGIBLE FOR STATE-FUNDED FINANCIAL AID, INCLUDING A  
23 COLLEGE OPPORTUNITY FUND STIPEND PURSUANT TO THE PROVISIONS OF  
24 PART 2 OF ARTICLE 18 OF THIS TITLE, AND MAY BE ELIGIBLE FOR  
25 INSTITUTIONAL OR PRIVATE FINANCIAL AID.

26 (4) THE PROVISIONS OF THIS SECTION DO NOT APPLY TO FORT  
27 LEWIS COLLEGE DUE TO ITS HISTORIC COMMITMENT TO NATIVE AMERICAN

1 EDUCATION. FURTHERMORE, NOTHING IN THIS SECTION MODIFIES OR  
2 AFFECTS THE INDIAN PUPIL TUITION WAIVER PURSUANT TO SECTION  
3 23-52-105 (1) (b) (I).

4 **SECTION 2. Appropriation - adjustments to 2014 long bill.**

5 (1) For the implementation of this act, the general fund appropriation  
6 made in the annual general appropriation act to the controlled  
7 maintenance trust fund created in section 24-75-302.5 (2) (a), Colorado  
8 Revised Statutes, for the fiscal year beginning July 1, 2014, is decreased  
9 by \$783,000.

10 (2) In addition to any other appropriation, there is hereby  
11 appropriated, out of any moneys in the general fund, not otherwise  
12 appropriated, to the department of higher education, for the fiscal year  
13 beginning July 1, 2014, the sum of \$783,000 to be allocated to the college  
14 opportunity fund program for stipends for students attending state  
15 institutions.

16 (3) In addition to any other appropriation, there is hereby  
17 appropriated to the department of higher education, for the fiscal year  
18 beginning July 1, 2014, the sum of \$783,000. Said sum is from  
19 reappropriated funds that are appropriated to the college opportunity fund  
20 program in subsection (2) of this section and shall be allocated to the  
21 governing boards as follows:

22 (a) \$4,500 for the trustees of Metropolitan state university of  
23 Denver;

24 (b) \$4,500 for the trustees of Western state Colorado university;

25 (c) \$39,375 for the board of governors of the Colorado state  
26 university system;

27 (d) \$303,750 for the regents of the university of Colorado;

1 (e) \$30,375 for the Colorado school of Mines; and  
2 (f) \$400,500 for the state board for community colleges and  
3 occupational education state system community colleges.

4 (4) The general assembly anticipates that, for the fiscal year  
5 beginning July 1, 2014, student tuition reflected in the annual general  
6 appropriation act in the department of higher education will be reduced  
7 by the sum of \$5,346,257 cash funds for the implementation of this act.  
8 This amount is subject to the (I) notation as defined in the annual general  
9 appropriations act. Although these funds are not appropriated in this act,  
10 they are noted for the purpose of indicating the assumptions used relative  
11 to these funds. Said reduction shall be allocated to the governing boards  
12 as follows:

13 Trustees of Metropolitan state university of Denver	(\$23,362)
14 Trustees of Western state Colorado university	(19,738)
15 Board of governors of the Colorado state university	
16 system	(276,360)
17 Regents of the university of Colorado	(2,955,960)
18 Colorado school of Mines	(202,905)
19 State board for community colleges and occupational	
20 education state system community colleges	(1,867,932)

21 **SECTION 3. Safety clause.** The general assembly hereby finds,  
22 determines, and declares that this act is necessary for the immediate  
23 preservation of the public peace, health, and safety.