

**Second Regular Session
Sixty-ninth General Assembly
STATE OF COLORADO**

PREAMENDED

*This Unofficial Version Includes Committee
Amendments Not Yet Adopted on Second Reading*

LLS NO. 14-0019.01 Brita Darling x2241

HOUSE BILL 14-1124

HOUSE SPONSORSHIP

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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.**

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.

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.

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.