

First Regular Session
Seventieth General Assembly
STATE OF COLORADO

PREAMENDED

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

LLS NO. 15-0029.01 Brita Darling x2241

HOUSE BILL 15-1027

HOUSE SPONSORSHIP

Salazar,

SENATE SPONSORSHIP

Guzman,

House Committees

Education
Appropriations

Senate Committees

A BILL FOR AN ACT

101 **CONCERNING IN-STATE TUITION FOR AMERICAN INDIANS FROM TRIBES**
102 **WITH HISTORICAL TIES TO COLORADO, AND, IN CONNECTION**
103 **THEREWITH, REDUCING 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://www.leg.state.co.us/bills summaries>.)

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 member of a federally recognized American Indian tribe with historical ties to Colorado, as designated by the Colorado commission of Indian affairs in consultation with history Colorado. A student classified as an

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.

in-state student pursuant to this tuition classification may be counted as a resident for any purpose pursuant to title 23, C.R.S., 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
23 INDIAN HOUSEHOLDS LIVING BELOW THE FEDERAL POVERTY LEVEL; AND

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

6 (2) NOTWITHSTANDING ANY OTHER PROVISION OF THIS ARTICLE TO
7 THE CONTRARY, BEGINNING WITH THE 2015-16 ACADEMIC YEAR, A
8 STUDENT WHO WOULD NOT OTHERWISE BE CLASSIFIED AS AN IN-STATE
9 STUDENT PURSUANT TO THIS ARTICLE SHALL BE CLASSIFIED AS AN
10 IN-STATE STUDENT AT THE INSTITUTIONS OF THIS STATE IF THE STUDENT
11 IS A REGISTERED MEMBER OF A FEDERALLY RECOGNIZED AMERICAN
12 INDIAN TRIBE WITH HISTORICAL TIES TO COLORADO, AS DESIGNATED BY
13 THE COLORADO COMMISSION OF INDIAN AFFAIRS, ESTABLISHED PURSUANT
14 TO ARTICLE 44 OF TITLE 24, C.R.S., IN CONSULTATION AND PARTNERSHIP
15 WITH THE OFFICE OF ARCHEOLOGY AND HISTORIC PRESERVATION AT
16 HISTORY COLORADO, OR ITS SUCCESSOR OFFICE.

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

19 (a) EXCEPT AS PROVIDED IN PARAGRAPH (c) OF THIS SUBSECTION
20 (3), 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 AND MAY BE
23 ELIGIBLE FOR INSTITUTIONAL OR PRIVATE FINANCIAL AID; AND

24 (c) IS NOT ELIGIBLE FOR A COLLEGE OPPORTUNITY FUND STIPEND
25 PURSUANT TO THE PROVISIONS OF PART 2 OF ARTICLE 18 OF THIS TITLE.

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 2015 long bill.**

5 To implement this act, the general assembly anticipates that the cash
6 funds amount received by the department of higher education from the
7 students' share of tuition, which is included in the annual general
8 appropriation act for the 2015-16 state fiscal year for informational
9 purposes only, will be decreased by a total of \$2,666,718 as follows:

10 Governing boards

11 Trustees of Adams state university	\$55,205
12 Trustees of Colorado Mesa university	\$198,738
13 Trustees of Metropolitan state university	
14 of Denver	\$55,205
15 Trustees of Western state Colorado university	\$33,123
16 Board of governors of the Colorado state	
17 university system	\$515,798
18 Regents of the university of Colorado	\$863,892
19 Trustees of the Colorado school of Mines	\$14,571
20 University of Northern Colorado	\$29,142
21 State board for community colleges and	
22 occupational education state system	
23 community colleges	\$901,044

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