

Second Regular Session
Seventy-third General Assembly
STATE OF COLORADO

INTRODUCED

LLS NO. 22-0033.02 Jason Gelender x4330

HOUSE BILL 22-1054

HOUSE SPONSORSHIP

Benavidez,

SENATE SPONSORSHIP

(None),

House Committees

State, Civic, Military, & Veterans Affairs

Senate Committees

A BILL FOR AN ACT

101 CONCERNING FUNDING TO IMPROVE ECONOMIC CONDITIONS FOR
102 INDIANS.

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>.)

To provide funding to improve economic conditions for Native Americans, if the federal government provides funding for the existing statutorily mandated and state-funded Native American tuition waiver program that allows a Native American who is either an enrolled member of an American Indian Tribal Nation or an Alaska Native Village recognized by the federal government or is a child or grandchild of such

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

an enrolled member to attend Fort Lewis college on a tuition-free basis, the bill:

- Requires the statutorily mandated annual general fund appropriation to Fort Lewis college to pay the full cost of tuition for such students to be reduced by an amount equal to the amount of the federal funding;
- Requires an amount of general fund money equal to the amount of the reduction in the annual general fund appropriation to be appropriated to the commission of Indian affairs (commission);
- Requires the commission to use the money to contract with a Colorado-based nonprofit organization that has a primary mission of improving economic conditions for Indians for coordination, oversight, and provision of programs and grants that support that mission; and
- Requires the nonprofit organization to report to the commission regarding its implementation of the contract at least once per year and to detail in its reports how it has expended the money provided to it by the commission.

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

2 **SECTION 1.** In Colorado Revised Statutes, 23-52-105, **amend**
3 (1)(b)(I) as follows:

4 **23-52-105. Tuition fees - Native Americans.** (1) (b) (I) On and
5 after September 1, 2002, the board of trustees shall fix tuition in
6 accordance with the level of cash fund appropriations set by the general
7 assembly for Fort Lewis college pursuant to section 23-1-104 (1)(b)(I),
8 subject to the restriction that all qualified Native American students must
9 at all times be admitted to such college free of charge for tuition and on
10 terms of equality with other students. The general assembly shall
11 appropriate from the state general fund one hundred percent of the money
12 required for tuition for such qualified Native American students; EXCEPT
13 THAT, IF THE FEDERAL GOVERNMENT PROVIDES FUNDING FROM ANY
14 SOURCE TO PAY FOR ALL OR A PORTION OF SUCH TUITION, THE GENERAL

1 ASSEMBLY SHALL REDUCE THE APPROPRIATION FROM THE STATE GENERAL
2 FUND BY AN AMOUNT EQUAL TO THE AMOUNT OF FEDERAL FUNDING
3 PROVIDED.

4 **SECTION 2.** In Colorado Revised Statutes, **add** 24-44-109 as
5 follows:

6 **24-44-109. Improvement of economic conditions of Indians -**
7 **fund - contract required - coordination and oversight of programs**
8 **and grants.** (1) FOR ANY STATE FISCAL YEAR FOR WHICH THE FEDERAL
9 GOVERNMENT PROVIDES FUNDING TO PAY TUITION FOR QUALIFIED NATIVE
10 AMERICAN STUDENTS ATTENDING FORT LEWIS COLLEGE AND THE
11 AMOUNT OF THE STATUTORILY REQUIRED GENERAL FUND APPROPRIATION
12 TO FORT LEWIS COLLEGE FOR THE PURPOSE OF PAYING SUCH TUITION IS
13 REDUCED PURSUANT TO SECTION 23-52-105 (1)(b)(I), THE GENERAL
14 ASSEMBLY SHALL APPROPRIATE FROM THE GENERAL FUND TO THE
15 COMMISSION AN AMOUNT EQUAL TO THE AMOUNT OF THE REDUCTION IN
16 THE GENERAL FUND APPROPRIATION TO FORT LEWIS COLLEGE.

17 (2) THE COMMISSION SHALL USE ANY MONEY APPROPRIATED TO IT
18 PURSUANT TO SUBSECTION (1) OF THIS SECTION TO CONTRACT WITH A
19 NONPROFIT ORGANIZATION FOR COORDINATION, OVERSIGHT, AND
20 PROVISION OF PROGRAMS AND GRANTS THAT IMPROVE ECONOMIC
21 CONDITIONS FOR INDIANS IN COLORADO AND TO PAY ANY REASONABLE
22 AND NECESSARY COSTS THAT THE COMMISSION INCURS IN PROCURING AND
23 ADMINISTERING THE CONTRACT WITH THE NONPROFIT ORGANIZATION. THE
24 NONPROFIT ORGANIZATION MUST:

- 25 (a) BE HEADQUARTERED IN COLORADO;
- 26 (b) HAVE A PRIMARY MISSION OF IMPROVING ECONOMIC
- 27 CONDITIONS FOR INDIANS;

1 (c) HAVE A DEMONSTRATED HISTORY OF IMPROVING ECONOMIC
2 CONDITIONS FOR INDIANS BY MAKING DIRECT FINANCIAL GRANTS TO
3 ENTITIES THAT SUPPORT INDIANS AND PROVIDING TECHNICAL,
4 EDUCATIONAL, AND PROGRAMMATIC ASSISTANCE AND TRAINING TO
5 INDIAN COMMUNITIES AND INDIVIDUALS; AND

6 (d) BE RATED IN THE HIGHEST RATING CATEGORY BY A
7 NATIONALLY RECOGNIZED ORGANIZATION THAT EVALUATES CHARITIES
8 BASED ON, AT A MINIMUM, CRITERIA OF FINANCIAL HEALTH AND
9 TRANSPARENCY AND ACCOUNTABILITY.

10 (3) THE NONPROFIT ORGANIZATION WITH WHICH THE COMMISSION
11 CONTRACTS AS REQUIRED BY SUBSECTION (2) OF THIS SECTION SHALL
12 REPORT TO THE COMMISSION REGARDING ITS IMPLEMENTATION OF THE
13 CONTRACT AT LEAST ONCE PER YEAR AND MORE OFTEN IF DIRECTED TO DO
14 SO BY THE COMMISSION. AT A MINIMUM, THE NONPROFIT ORGANIZATION
15 SHALL DETAIL IN ITS REPORTS HOW IT HAS EXPENDED ALL MONEY
16 PROVIDED TO IT BY THE COMMISSION. THE COMMISSION AND THE
17 NONPROFIT ORGANIZATION SHALL POST THE REPORTS ON THEIR WEBSITES.

18 **SECTION 3. Act subject to petition - effective date.** This act
19 takes effect at 12:01 a.m. on the day following the expiration of the
20 ninety-day period after final adjournment of the general assembly; except
21 that, if a referendum petition is filed pursuant to section 1 (3) of article V
22 of the state constitution against this act or an item, section, or part of this
23 act within such period, then the act, item, section, or part will not take
24 effect unless approved by the people at the general election to be held in
25 November 2022 and, in such case, will take effect on the date of the
26 official declaration of the vote thereon by the governor.