

CHAPTER 233

GOVERNMENT - STATE

HOUSE BILL 24-1444

BY REPRESENTATIVE(S) McLachlan and Herod, Amabile, Bacon, Bird, Boesenecker, Brown, Clifford, Daugherty, deGruy Kennedy, Duran, English, Froelich, Garcia, Hamrick, Hernandez, Jodeh, Joseph, Kipp, Lieder, Lindsay, Lukens, Lynch, Mabrey, Martinez, Mauro, Ortiz, Parenti, Ricks, Rutinel, Sirota, Soper, Story, Titone, Velasco, Vigil, Weinberg, Weissman, Willford, Woodrow, Young, McCluskie;
also SENATOR(S) Bridges and Simpson, Buckner, Cutter, Fields, Ginal, Hinrichsen, Jaquez Lewis, Michaelson Jenet, Mullica, Priola, Roberts, Will, Zenzinger.

AN ACT

**CONCERNING THE RECREATION OF THE FEDERAL INDIAN BOARDING SCHOOL RESEARCH PROGRAM,
AND, IN CONNECTION THEREWITH, MAKING AN APPROPRIATION.**

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

SECTION 1. Legislative declaration. (1) The general assembly finds and declares that:

(a) Beginning with the federal "Indian Civilization Act" enacted in 1819, the United States enacted laws and implemented policies establishing and supporting federal Indian boarding schools across the nation. The purpose of federal Indian boarding schools was to culturally assimilate American Indian children by forcibly relocating them from their families and communities to distant residential facilities to suppress the children's identities, language, and beliefs. For over one hundred fifty years, hundreds of thousands of American Indian children were taken from their communities. Over three hundred fifty federal Indian boarding schools existed in the United States. By 1926, nearly eighty-three percent of all American Indian children of school age were in boarding schools.

(b) The impact of the boarding schools on American Indian families has been immeasurable. Families lost their traditional language, parenting authority, and the ability to pass on American Indian culture and traditions. The trauma from Indian boarding schools crosses generational boundaries and the boarding school policy resulted in long-standing intergenerational trauma, cycles of violence and abuse,

Capital letters or bold & italic numbers indicate new material added to existing law; dashes through words or numbers indicate deletions from existing law and such material is not part of the act.

disappearance of American Indian people, premature deaths, mental health disorders, and substance abuse in American Indian communities.

(c) In Colorado, there were at least seven federal Indian boarding schools, including: the Teller Indian school in Grand Junction, the Southern Ute boarding school in Ignacio, a boarding school in Towaoc operated by the federal bureau of Indian affairs, and the original Fort Lewis Indian school in Hesperus, Colorado;

(d) In order to heal from the generational trauma, we must confront the past and shed light on the hidden cruelty;

(e) It is the intent of the general assembly to build on the first report of the "Federal Indian Boarding Schools in Colorado: 1880-1990", completed by History Colorado;

(f) There are still outstanding archival and physical research questions to be answered about boarding schools in Colorado;

(g) Tribal representations noted that the work must include the voices of American Indian peoples who are impacted, which will be served by the oral history work; and

(h) The tribal consultations during the fiscal year 2023 were focused on research updates, and there should be additional tribal consultations with thirty-three tribal nations and listening sessions with American Indian and Alaska Native communities in urban communities to address and plan for a number of key topics including care and memorialization at sites, support for impacted communities, and education for impacted communities and Colorado in general.

SECTION 2. In Colorado Revised Statutes, **recreate and reenact, with amendments**, 24-80-216 as follows:

24-80-216. Indian boarding school research program - recommendations - definitions - repeal. (1) As used in this section, unless the context otherwise requires:

(a) "AMERICAN INDIAN" MEANS AN INDIVIDUAL HAVING DESCENDED FROM PEOPLE WHO WERE LIVING IN NORTH AMERICA PRIOR TO THE TIME THAT PEOPLE FROM EUROPE BEGAN SETTLING IN NORTH AMERICA.

(b) "COMMISSION" MEANS THE COLORADO COMMISSION OF INDIAN AFFAIRS ESTABLISHED PURSUANT TO SECTION 24-44-102.

(c) "AMERICAN INDIAN BOARDING SCHOOL" MEANS A BOARDING SCHOOL OPERATED AT ANY TIME IN COLORADO FOR AMERICAN INDIANS THAT WAS AUTHORIZED BY THE FEDERAL GOVERNMENT, THE STATE, RELIGIOUS ORGANIZATIONS, OR PRIVATE INSTITUTIONS THAT WERE NOT LOCATED ON AN INDIAN RESERVATION.

(d) "HISTORICALLY IMPACTED AMERICAN INDIANS" MEANS AMERICAN INDIANS,

INCLUDING INDIVIDUALS WHO HAVE ATTENDED OR ARE DESCENDED FROM PERSONS WHO HAVE ATTENDED INDIAN BOARDING SCHOOLS.

(e) "PROGRAM" MEANS THE INDIAN BOARDING SCHOOL RESEARCH PROGRAM ESTABLISHED IN SUBSECTION (2)(a) OF THIS SECTION.

(f) "SOCIETY" MEANS THE STATE HISTORICAL SOCIETY.

(g) "STEERING COMMITTEE" MEANS THE AMERICAN INDIAN STEERING COMMITTEE ESTABLISHED IN SUBSECTION (5)(a) OF THIS SECTION.

(2) (a) THERE IS ESTABLISHED IN THE STATE HISTORICAL SOCIETY THE INDIAN BOARDING SCHOOL RESEARCH PROGRAM TO RESEARCH AND DEVELOP RECOMMENDATIONS WITH TRIBAL CONSULTATION AND LISTENING SESSIONS WITH AMERICAN INDIAN AND ALASKA NATIVE COMMUNITIES TO PROMOTE COLORADANS' UNDERSTANDING OF THE PHYSICAL AND EMOTIONAL ABUSE AND DEATHS THAT OCCURRED AT AND IN RELATION TO INDIAN BOARDING SCHOOLS IN COLORADO, INCLUDING THE VICTIMIZATION OF AND INTERGENERATIONAL IMPACTS ON FAMILIES OF THE YOUTH FORCED TO ATTEND THE BOARDING SCHOOLS. THESE RECOMMENDATIONS MUST BE SHARED WITH THE COMMISSION AND THE STEERING COMMITTEE BEFORE THE RECOMMENDATIONS ARE SHARED PUBLICLY.

(b) THE STATE HISTORICAL SOCIETY, THROUGH THE PROGRAM, SHALL CONDUCT ONGOING RESEARCH TO DEVELOP RECOMMENDATIONS TO THE COLORADO DEPARTMENT OF EDUCATION, THE COLORADO DEPARTMENT OF HIGHER EDUCATION, AND THE GENERAL ASSEMBLY TO ADDRESS THE IMPACT OF FEDERAL, STATE, AND LOCAL SCHOOLING SYSTEMS ON AMERICAN INDIAN COMMUNITIES AND IN PARTNERSHIP WITH THE COMMISSION AND THE STEERING COMMITTEE. IN DEVELOPING THE RECOMMENDATIONS, THE SOCIETY MUST:

(I) FORMALLY CONSULT WITH FEDERALLY RECOGNIZED INDIAN TRIBES;

(II) CONDUCT RESEARCH RELATED TO OBJECTS, ARTIFACTS, AND REAL OR PERSONAL PROPERTY. IF THE SOCIETY CONDUCTS A COMPREHENSIVE REVIEW OF RESEARCH THAT FOCUSES ON OBJECTS, ARTIFACTS, OR REAL OR PERSONAL PROPERTY THAT IS IN THE POSSESSION OR CONTROL OF PRIVATE INDIVIDUALS, PRIVATE ENTITIES, OR NON-FEDERAL GOVERNMENT ENTITIES WITHIN THE UNITED STATES, THE SOCIETY MAY ENTER INTO A CONTRACT OR AGREEMENT TO ACQUIRE, HOLD, CURATE, OR MAINTAIN THOSE OBJECTS, ARTIFACTS, OR REAL OR PERSONAL PROPERTY UNTIL THE OBJECTS, ARTIFACTS, OR REAL OR PERSONAL PROPERTY CAN BE PROPERLY REPATRIATED OR RETURNED, CONSISTENT WITH APPLICABLE FEDERAL LAW AND REGULATIONS AND SUBJECT TO THE CONDITION THAT NO FEDERAL FUNDS MAY BE USED TO PURCHASE THOSE OBJECTS, ARTIFACTS, OR REAL OR PERSONAL PROPERTY.

(III) ENGAGE IN LISTENING SESSIONS WITH AMERICAN INDIAN COMMUNITIES ON THE HISTORY AND IMPACT OF INDIAN BOARDING SCHOOLS IN COLORADO. THE LISTENING SESSIONS MAY INCLUDE VISITS TO BOARDING SCHOOL SITES INCLUDING BUT NOT LIMITED TO GRAND JUNCTION INDIAN BOARDING SCHOOL, FORT LEWIS INDIAN BOARDING SCHOOL, SOUTHERN UTE BOARDING SCHOOL, NAVAJO DAY SCHOOL, ALLEN DAY SCHOOL, TOWAOC DAY SCHOOL, GOOD SHEPHERD INDUSTRIAL

SCHOOL FOR GIRLS, STATE INDUSTRIAL SCHOOL FOR BOYS, IGNACIO SCHOOL, THE COLORADO SCHOOL FOR THE DEAF AND BLIND, AND HOLY CROSS ABBEY.

(IV) COLLECT CONFIDENTIAL ORAL HISTORIES FROM SURVIVORS THAT HIGHLIGHT HISTORICALLY IMPACTED AMERICAN INDIAN NARRATIVES. THE ORAL HISTORY PROJECTS MUST INCLUDE HISTORIES FROM THE SOUTHERN UTE INDIAN TRIBE, THE UTE MOUNTAIN UTE TRIBE, AND OTHER HISTORICALLY IMPACTED AMERICAN INDIANS AND TRIBAL NATIONS THAT MAY HAVE HAD STUDENTS WHO ATTENDED COLORADO INDIAN BOARDING SCHOOLS. ADDITIONAL CONFIDENTIAL ORAL HISTORY PROJECTS WITH OTHER AMERICAN INDIAN OR ALASKA NATIVE COMMUNITIES MUST BE CONDUCTED. "CONFIDENTIAL", FOR PURPOSES OF THIS SUBSECTION (2)(b)(III), MEANS THAT ANY IDENTIFYING QUALITIES OF AN INDIVIDUAL WILL NOT BE MADE PUBLIC.

(c) THE SOCIETY MUST PROVIDE PUBLIC-FACING, JOINT QUARTERLY UPDATES TO THE COMMISSION AND STEERING COMMITTEE ON THE REQUIREMENTS OF SUBSECTION (2)(b) OF THIS SECTION. THE SOCIETY SHALL PROVIDE PRELIMINARY RECOMMENDATIONS, DEVELOPED WITH TRIBAL CONSULTATION AND LISTENING SESSIONS WITH HISTORICALLY IMPACTED AMERICAN INDIANS, TO THE COMMISSION NO LATER THAN NOVEMBER 8, 2025, AND SHALL PROVIDE FINAL RECOMMENDATIONS BY MAY 10, 2027.

(3) THE SOCIETY, IN CONSULTATION WITH THE STEERING COMMITTEE, COMMISSION, TRIBAL NATIONS, AND HISTORICALLY IMPACTED AMERICAN INDIANS, MUST PROVIDE RECOMMENDATIONS ON PROVIDING THE BEST CARE AND MEMORIALIZATION AT ALL AMERICAN INDIAN BOARDING SCHOOL SITES IN COLORADO, INCLUDING HESPERUS AND GRAND JUNCTION AND ANY CEMETERY IN OLD FORT IN COLLABORATION WITH FORT LEWIS COLLEGE AND THE COLORADO DEPARTMENT OF HUMAN SERVICES THROUGH TRIBAL CONSULTATIONS. THE COLORADO DEPARTMENT OF HUMAN SERVICES MUST COMPLETE TRIBAL CONSULTATIONS BEFORE THE TRANSFER OR SALE OF LAND MANAGED BY THE COLORADO DEPARTMENT OF HUMAN SERVICES AT THE GRAND JUNCTION REGIONAL CENTER. THE SOCIETY MUST FOLLOW ALL REQUIREMENTS OF THE "NATIVE AMERICAN GRAVE PROTECTION AND REPATRIATION ACT", 25 U.S.C. SEC. 3001 ET SEQ.

(4) (a) A THIRD-PARTY ENTITY, WHICH MAY BE AN ENTITY OUTSIDE OF COLORADO, THAT ENTERS INTO AN AGREEMENT WITH THE COMMISSION OR SOCIETY TO CONDUCT RESEARCH PURSUANT TO SUBSECTIONS (2) AND (3) OF THIS SECTION MUST MEET THE FOLLOWING CRITERIA:

(I) DEMONSTRATE EXPERIENCE WORKING WITH HISTORICALLY IMPACTED AMERICAN INDIANS;

(II) DEMONSTRATE EXPERIENCE OF TRAUMA-INFORMED APPROACHES; AND

(III) INDICATE AN UNDERSTANDING OF TRAUMA AND HOW IT PASSES THROUGH GENERATIONS.

(b) WHEN THE SOCIETY OR COMMISSION IS CONSIDERING CONTRACTING WITH A THIRD-PARTY ENTITY, THE SOCIETY OR COMMISSION MUST GIVE PREFERENCE TO A

THIRD-PARTY ENTITY THAT CONSISTS OF INDIVIDUALS WHO ARE OF AMERICAN INDIAN DESCENT OR ARE HISTORICALLY IMPACTED AMERICAN INDIANS.

(5) (a) THERE IS ESTABLISHED AN AMERICAN INDIAN STEERING COMMITTEE IN THE SOCIETY. THE STEERING COMMITTEE'S PURPOSE IS TO IDENTIFY AND ADVISE THE SOCIETY ON AREAS OF CONCERN REGARDING INDIAN BOARDING SCHOOLS AND ISSUES RELATING TO ORGANIZING OR CONDUCTING SEARCH EFFORTS RELATED TO GRAVES AT SCHOOL SITES, DEVELOPMENT OF SUPPORT GROUPS, OR OTHER SUPPORTIVE EFFORTS RELATED TO INDIAN BOARDING SCHOOLS. THE STEERING COMMITTEE SHALL MEET AT LEAST ONCE PER QUARTER IN STATE FISCAL YEAR 2024-25, AND BIANNUALLY THEREAFTER, AT DATES AND TIMES REQUESTED BY THE COMMISSION. THE STEERING COMMITTEE MAY MEET ELECTRONICALLY.

(b) THE STEERING COMMITTEE CONSISTS OF THE FOLLOWING MEMBERS, WHO MUST BE APPOINTED BY THE SOCIETY WITH INCLUSIVE REPRESENTATION FROM ORGANIZATIONS THAT ARE LED BY AND SERVE AMERICAN INDIAN COMMUNITIES IN COLORADO:

(I) AN INDIVIDUAL WHO REPRESENTS THE UTE MOUNTAIN UTE TRIBE AND WHO IS CONFIRMED BY THE UTE MOUNTAIN UTE TRIBAL COUNCIL;

(II) AN INDIVIDUAL WHO REPRESENTS THE SOUTHERN UTE INDIAN TRIBE AND WHO IS CONFIRMED BY THE SOUTHERN UTE TRIBAL COUNCIL;

(III) TWO INDIVIDUALS WHO ARE CITIZENS OF OTHER TRIBAL NATIONS IDENTIFIED AS HAVING MEMBERS ENROLLED AT ANY TIME IN AN INDIAN BOARDING SCHOOL IN COLORADO;

(IV) THREE SURVIVORS OF INDIAN BOARDING SCHOOLS IN COLORADO;

(V) THREE DESCENDANTS OF COLORADO INDIAN BOARDING SCHOOL SURVIVORS;

(VI) ONE AMERICAN INDIAN IN THE CULTURAL RESOURCE MANAGEMENT PROFESSION;

(VII) ONE TRAUMA-INFORMED MENTAL HEALTH PROFESSIONAL;

(VIII) ONE AMERICAN INDIAN EMPLOYEE OF THE SOCIETY;

(IX) ONE INDIVIDUAL WHO HAS EXPERTISE IN RESEARCHING THE HISTORY AND IMPACT OF INDIAN BOARDING SCHOOLS; AND

(X) ONE TRIBAL HISTORIC PRESERVATION OFFICER FROM ANY OF THE IDENTIFIED TRIBAL NATIONS THAT HAD STUDENTS ATTEND A BOARDING SCHOOL IN COLORADO.

(c) THE SOCIETY SHALL APPOINT MEMBERS OF THE STEERING COMMITTEE AS SOON AS PRACTICABLE AFTER THE EFFECTIVE DATE OF THIS SECTION, BUT NO LATER THAN SEPTEMBER 1, 2024.

(d) THE STEERING COMMITTEE MEMBERS SERVE WITHOUT COMPENSATION AND

WITHOUT REIMBURSEMENT FOR ANY EXPENSES INCURRED RELATED TO SERVING ON THE COMMITTEE.

(6) FOR STATE FISCAL YEAR 2024-25, THE GENERAL ASSEMBLY SHALL APPROPRIATE THREE HUNDRED THIRTY-THREE THOUSAND THREE HUNDRED THIRTY-FOUR DOLLARS, AND FOR EACH OF STATE FISCAL YEARS 2025-26 AND 2026-27, THE GENERAL ASSEMBLY SHALL APPROPRIATE THREE HUNDRED THIRTY-THREE THOUSAND THREE HUNDRED THIRTY-THREE DOLLARS FROM THE GENERAL FUND TO THE STATE HISTORICAL SOCIETY, ESTABLISHED IN SECTION 24-80-201, TO FUND TWO TERM-LIMITED, FULL-TIME EMPLOYEES WITH AMERICAN INDIAN HIRING PREFERENCE AND TO IMPLEMENT THE REQUIREMENTS OF THIS SECTION. ANY MONEY APPROPRIATED PURSUANT TO THIS SUBSECTION (4) THAT IS NOT EXPENDED OR ENCUMBERED AT THE END OF THE STATE FISCAL YEAR FOR WHICH IT WAS APPROPRIATED REMAINS AVAILABLE FOR EXPENDITURE IN SUBSEQUENT FISCAL YEARS WITHOUT FURTHER APPROPRIATION.

(7) THIS SECTION IS REPEALED, EFFECTIVE DECEMBER 31, 2027.

SECTION 3. Appropriation. For the 2024-25 state fiscal year, \$333,333 is appropriated to the department of higher education for use by history Colorado. This appropriation is from the general fund and is based on an assumption that history Colorado will require an additional 2.0 FTE. To implement this act, history Colorado may use this appropriation for the native American boarding school research program. Any money appropriated in this section not expended prior to July 1, 2025, is further appropriated to history Colorado for the 2025-26 state fiscal year for the same purpose.

SECTION 4. 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.

Approved: May 23, 2024