

Second Regular Session
Seventieth General Assembly
STATE OF COLORADO

ENGROSSED

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

LLS NO. 16-0111.01 Brita Darling x2241

HOUSE BILL 16-1178

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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, MAKING AND 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/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 member of a federally recognized American Indian tribe with historical

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 28, 2016

ties to Colorado, as designated by the Colorado commission of Indian affairs in consultation with history Colorado. A student classified as an 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 THIRTY-SIX 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 2016-17 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 OF INDIAN AFFAIRS, ESTABLISHED PURSUANT
15 TO ARTICLE 44 OF TITLE 24, C.R.S., IN CONSULTATION AND PARTNERSHIP
16 WITH THE OFFICE OF ARCHAEOLOGY 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 AMERICAN INDIAN

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

4 **SECTION 2. Appropriation - adjustments to 2016 long bill.**

5 (1) For the 2016-17 state fiscal year, \$619,026 is appropriated to the
6 department of higher education. This appropriation is from the general
7 fund. To implement this act, the department may use this appropriation
8 as follows:

9 (a) \$117,276 for use by the Colorado commission on higher
10 education for need based grants; and

11 (b) \$501,750 for college opportunity fund program stipends for
12 students attending state institutions.

13 (2) For the 2016-17 state fiscal year, \$501,750 is appropriated to
14 the department of higher education. This appropriation is from
15 reappropriated funds received from the college opportunity fund program
16 stipends for students attending state institutions under paragraph (b) of
17 subsection (1) of this section. To implement this act, the department may
18 use this appropriation as follows:

19 Governing boards

20	Trustees of Adams state university	\$11,250
21	Trustees of Colorado Mesa university	\$31,500
22	Trustees of Metropolitan state university	
23	of Denver	\$15,750
24	Trustees of Western state Colorado university	\$13,500
25	Board of governors of the Colorado state	
26	university system	\$96,750
27	Regents of the university of Colorado	\$103,500

1	Trustees of the Colorado school of Mines	\$9,000
2	University of Northern Colorado	\$6,750
3	State board for community colleges and	
4	occupational education state system	
5	community colleges	\$213,750

6 (3) To implement this act, appropriations made in the annual
7 general appropriation act for the 2016-17 state fiscal year to the
8 department of higher education from the students' share of tuition are
9 decreased by a total of \$3,028,610 as follows:

10 Governing boards

11	Trustees of Adams state university	\$50,072
12	Trustees of Colorado Mesa university	\$50,750
13	Trustees of Metropolitan state university	
14	of Denver	\$79,429
15	Trustees of Western state Colorado university	\$63,714
16	Board of governors of the Colorado state	
17	university system	\$741,792
18	Regents of the university of Colorado	\$1,210,560
19	University of Northern Colorado	\$40,468
20	State board for community colleges and	
21	occupational education state system	
22	community colleges	\$791,825

23 (4) To implement this act, the general assembly anticipates that the
24 cash funds amount received by the department of higher education for the
25 Trustees of the Colorado school of Mines from the students' share of
26 tuition, which is included in the annual general appropriation act for the
27 2016-17 state fiscal year for informational purposes only, will be

1 decreased by \$75,660.

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