

**NOTE: This bill has been prepared for the signatures of the appropriate legislative officers and the Governor. To determine whether the Governor has signed the bill or taken other action on it, please consult the legislative status sheet, the legislative history, or the Session Laws.**

# An Act

HOUSE BILL 18-1048

BY REPRESENTATIVE(S) McLachlan, Arndt, Becker K., Benavidez, Esgar, Exum, Gray, Herod, Michaelson Jenet, Pabon, Rosenthal, Salazar, Winter, Duran;  
also SENATOR(S) Coram, Crowder, Jones, Kefalas, Martinez Humenik, Merrifield, Tate, Todd.

CONCERNING THE EXPENDITURE OF MONEY FROM THE HESPERUS ACCOUNT  
BY THE BOARD OF TRUSTEES OF FORT LEWIS COLLEGE.

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

**SECTION 1.** In Colorado Revised Statutes, **amend** 23-52-114 as follows:

**23-52-114. Hesperus account created.** The proceeds of or income from the property formerly known as the "Fort Lewis school", granted by the United States to the state of Colorado, pursuant to an act of congress approved April 4, 1910 (36 Stat. 274), as modified by an act of congress approved May 18, 1916 (39 Stat. 128), ~~shall constitute~~ **CONSTITUTES** a special account ~~which shall be~~ known as the "Hesperus account". The income from said property and from the Hesperus account ~~shall~~ **MAY** be appropriated by the general assembly and used by the board of trustees ~~first~~ for tuition waivers at Fort Lewis college for qualified ~~Indian pupils. Any~~

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

~~moneys remaining after such use shall be applied~~ NATIVE AMERICAN STUDENTS TOGETHER WITH MONEY APPROPRIATED FOR SUCH TUITION WAIVERS GRANTED FOR NATIVE AMERICAN STUDENTS PURSUANT TO SECTION 23-52-105. THE BOARD OF TRUSTEES SHALL APPLY ANY REMAINING MONEY IN THE ACCOUNT to such public purpose as ~~may be determined by the board of trustees subject to appropriation by the general assembly~~ DETERMINES NECESSARY.

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

**23-52-105. Tuition fees - Native Americans.** (1) (b) (I) On and after September 1, 2002, the board of trustees shall fix tuition in accordance with the level of cash fund appropriations set by the general assembly for Fort Lewis college pursuant to section 23-1-104 (1)(b)(I), subject to the restriction that all qualified ~~Indian pupils shall~~ NATIVE AMERICAN STUDENTS MUST at all times be admitted to such college free of charge for tuition and on terms of equality with other ~~pupils~~ STUDENTS. The general assembly shall appropriate from the state general fund one hundred percent of the ~~moneys~~ MONEY required for tuition for such qualified ~~Indian pupils~~ NATIVE AMERICAN STUDENTS.

(2) Special programs may also be offered to assist ~~Indian pupils~~ NATIVE AMERICAN STUDENTS to prepare for, begin, or continue their college education at Fort Lewis college. ~~Indian pupils shall not be charged~~ FORT LEWIS COLLEGE SHALL NOT CHARGE NATIVE AMERICAN STUDENTS tuition for such programs. The size of any special programs offered pursuant to this subsection (2) ~~shall be~~ IS limited by the facilities and revenues available and by the level of appropriations set therefor by the general assembly.

**SECTION 3. 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 (August 8, 2018, if adjournment sine die is on May 9, 2018); 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 2018 and, in such case, will take effect on the date of the official declaration of the vote thereon by the governor.

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Crisanta Duran  
SPEAKER OF THE HOUSE  
OF REPRESENTATIVES

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Kevin J. Grantham  
PRESIDENT OF  
THE SENATE

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Marilyn Eddins  
CHIEF CLERK OF THE HOUSE  
OF REPRESENTATIVES

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Effie Ameen  
SECRETARY OF  
THE SENATE

APPROVED \_\_\_\_\_

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John W. Hickenlooper  
GOVERNOR OF THE STATE OF COLORADO