

Second Regular Session  
Seventy-first General Assembly  
STATE OF COLORADO

REVISED

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

LLS NO. 18-0438.01 Jane Ritter x4342

**HOUSE BILL 18-1048**

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**HOUSE SPONSORSHIP**

**McLachlan,**

**SENATE SPONSORSHIP**

**Coram,**

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**House Committees**  
Finance

**Senate Committees**  
Education

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**A BILL FOR AN ACT**

101 **CONCERNING THE EXPENDITURE OF MONEY FROM THE HESPERUS**  
102 **ACCOUNT BY THE BOARD OF TRUSTEES OF FORT LEWIS**  
103 **COLLEGE.**

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**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>.)*

Current law requires the general assembly to make an appropriation from the "Hesperus account" (account), which comprises the proceeds of or income from the property formerly known as the "Fort Lewis school", to the board of trustees for Fort Lewis college prior to spending. The bill eliminates the requirement that spending from the

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.*

SENATE  
2nd Reading Unamended  
February 27, 2018

HOUSE  
3rd Reading Unamended  
January 30, 2018

HOUSE  
Amended 2nd Reading  
January 26, 2018

account is subject to an appropriation by the general assembly.

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

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

4 **23-52-114. Hesperus account created.** The proceeds of or  
5 income from the property formerly known as the "Fort Lewis school",  
6 granted by the United States to the state of Colorado, pursuant to an act  
7 of congress approved April 4, 1910 (36 Stat. 274), as modified by an act  
8 of congress approved May 18, 1916 (39 Stat. 128), ~~shall constitute~~  
9 CONSTITUTES a special account ~~which shall be~~ known as the "Hesperus  
10 account". The income from said property and from the Hesperus account  
11 ~~shall~~ MAY be appropriated by the general assembly and used by the board  
12 of trustees ~~first~~ for tuition waivers at Fort Lewis college for qualified  
13 ~~Indian pupils. Any moneys remaining after such use shall be applied~~  
14 ~~NATIVE AMERICAN STUDENTS TOGETHER WITH MONEY APPROPRIATED FOR~~  
15 ~~SUCH TUITION WAIVERS GRANTED FOR NATIVE AMERICAN STUDENTS~~  
16 ~~PURSUANT TO SECTION 23-52-105. THE BOARD OF TRUSTEES SHALL APPLY~~  
17 ~~ANY REMAINING MONEY IN THE ACCOUNT to such public purpose as may~~  
18 ~~be determined by the board of trustees subject to appropriation by the~~  
19 ~~general assembly~~ DETERMINES NECESSARY.

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

22 **23-52-105. Tuition fees - Native Americans.** (1) (b) (I) On and  
23 after September 1, 2002, the board of trustees shall fix tuition in  
24 accordance with the level of cash fund appropriations set by the general  
25 assembly for Fort Lewis college pursuant to section 23-1-104 (1)(b)(I),

1 subject to the restriction that all qualified ~~Indian pupils shall~~ NATIVE  
2 AMERICAN STUDENTS MUST at all times be admitted to such college free  
3 of charge for tuition and on terms of equality with other ~~pupils~~ STUDENTS.  
4 The general assembly shall appropriate from the state general fund one  
5 hundred percent of the ~~moneys~~ MONEY required for tuition for such  
6 qualified ~~Indian pupils~~ NATIVE AMERICAN STUDENTS.

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

15 **SECTION 3. Act subject to petition - effective date.** This act  
16 takes effect at 12:01 a.m. on the day following the expiration of the  
17 ninety-day period after final adjournment of the general assembly (August  
18 8, 2018, if adjournment sine die is on May 9, 2018); except that, if a  
19 referendum petition is filed pursuant to section 1 (3) of article V of the  
20 state constitution against this act or an item, section, or part of this act  
21 within such period, then the act, item, section, or part will not take effect  
22 unless approved by the people at the general election to be held in  
23 November 2018 and, in such case, will take effect on the date of the  
24 official declaration of the vote thereon by the governor.