The bill requires a state institution of higher education (institution) to offer in-state tuition classification to students who would not otherwise qualify for in-state tuition if the student is a member of an American Indian tribe with historical ties to Colorado.

The institution shall not count the student as a resident student for
any other purpose. The student is eligible for the Colorado opportunity fund stipend and may be eligible for state-funded and private financial aid programs.

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) States may enact laws beneficial to American Indians in exercise of the federal government's trust power pursuant to implied congressional authorization;

(b) The United States supreme court, in Morton v. Mancari, 417 U.S. 535 (1974), has recognized that classifications based on membership in federally recognized American Indian tribes are not racial classifications but rather classifications based on membership to quasi-sovereign tribal entities;

(c) The state of Colorado maintains a list of federally recognized American Indian tribes that have historical ties to the land now called Colorado; and

(d) Postsecondary educational institutions of the state of Colorado seek to achieve a diverse student population, ensuring the rich interchange of ideas.

SECTION 2. In Colorado Revised Statutes, add 23-7-112 as follows:

23-7-112. Tuition classification for members of American Indian tribes with historical ties to Colorado - legislative declaration.

(1) (a) The general assembly finds and declares that:

(I) Often due to circumstances beyond their control, many American Indian tribes and members of American Indian
TRIBES HAVE BEEN FORCED TO RELOCATE ACROSS STATE LINES, FAR FROM
THEIR HISTORICAL HOME PLACES. AS A CONSEQUENCE, AMERICAN INDIAN
HIGH SCHOOL STUDENTS OFTEN ONLY RECEIVE IN-STATE TUITION
ELIGIBILITY IN THEIR STATE OF CURRENT RESIDENCE RATHER THAN THE
STATE THEIR TRIBES TRADITIONALLY CALLED THEIR ANCESTRAL HOME.

(II) COLORADO INCLUDES THE ANCESTRAL HOME PLACES OF
SEVERAL AMERICAN INDIAN TRIBES;

(III) ACCORDING TO THE UNITED STATES CENSUS BUREAU
CURRENT POPULATION SURVEY, IN 2016, ONLY APPROXIMATELY NINETEEN
PERCENT OF COLLEGE-AGED AMERICAN INDIAN TRIBE MEMBERS WERE
ENROLLED IN COLLEGE, COMPARED TO APPROXIMATELY FORTY-ONE
PERCENT OF THE TOTAL COLLEGE-AGED POPULATION, THE LOWEST
PERCENTAGE OF ALL RACE AND ETHNICITY GROUPS SURVEYED; AND

(IV) FURTHER, IN 2016, OVER TWENTY-SIX PERCENT OF AMERICAN
INDIAN PEOPLE LIVED IN POVERTY, THE HIGHEST RATE OF ANY RACE
GROUP SURVEYED, WITH THIRTY-THREE PERCENT OF AMERICAN INDIAN
CHILDREN UNDER EIGHTEEN YEARS OF AGE LIVING IN POVERTY.

(b) THEREFORE, THE GENERAL ASSEMBLY DECLARES THAT
COLORADO PUBLIC UNIVERSITIES AND COLLEGES SHOULD EXTEND
IN-STATE TUITION CLASSIFICATION TO AMERICAN INDIAN STUDENTS WHO
ARE REGISTERED MEMBERS OF A FEDERALLY RECOGNIZED AMERICAN
INDIAN TRIBE WITH HISTORICAL TIES TO COLORADO.

(2) NOTWITHSTANDING ANY OTHER PROVISION OF THIS ARTICLE 7
TO THE CONTRARY, BEGINNING WITH THE 2021-22 ACADEMIC YEAR, THE
GOVERNING BOARD OF EACH INSTITUTION SHALL ADOPT A POLICY TO
GRANT IN-STATE TUITION CLASSIFICATION TO A STUDENT WHO IS A
REGISTERED MEMBER OF A FEDERALLY RECOGNIZED AMERICAN INDIAN
tribe with historical ties to Colorado, as designated by the Colorado Commission of Indian Affairs, established pursuant to Article 44 of Title 24, in consultation and partnership with the Office of Archaeology and Historic Preservation at History Colorado, or its successor office.

(3) The institution shall not count a student granted in-state tuition classification solely pursuant to subsection (2) of this section as a resident for any purpose other than tuition classification; except that the student is eligible to participate in the College Opportunity Fund stipend pursuant to Part 2 of Article 18 of this Title 23 and state-funded student financial assistance programs pursuant to Article 3.3 of this Title 23, and may be eligible for private financial aid programs.

(4) This section does not apply to Fort Lewis College due to its historic commitment to American Indian education. Furthermore, nothing in this section modifies or affects the American Indian pupil tuition waiver pursuant to Section 23-52-105 (1)(b)(I).

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