



Legislative Council Staff

Nonpartisan Services for Colorado's Legislature

Fiscal Note

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| Drafting Number: | LLS 22-0868 | Date: | April 25, 2022 |
| Prime Sponsors: | Rep. Herod; McLachlan Sen. Moreno; Coram | Bill Status: | House SCMVA |
| | | Fiscal Analyst: | Annie Scott 303-866-5851 Annie.Scott@state.co.us |

Bill Topic: NATIVE AMERICAN BOARDING SCHOOLS

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|----------------------------------|---|--|
| Summary of Fiscal Impact: | <input type="checkbox"/> State Revenue | <input type="checkbox"/> TABOR Refund |
| | <input checked="" type="checkbox"/> State Expenditure | <input type="checkbox"/> Local Government |
| | <input type="checkbox"/> State Transfer | <input type="checkbox"/> Statutory Public Entity |

The bill creates the Native American Boarding School Research Program in the Colorado Commission of Indian Affairs to research and make recommendations to promote understanding of the abuse and deaths that occurred at Native American boarding schools in Colorado. The bill increases state expenditures in FY 2022-23.

Appropriation Summary: For FY 2022-23, the bill requires an appropriation of \$618,611 to the Governor's Office.

Fiscal Note Status: This fiscal note is preliminary and reflects the introduced bill. The fiscal note will be updated if more information becomes available.

**Table 1
State Fiscal Impacts Under HB 22-1327**

| | | Budget Year FY 2022-23 | Out Year FY 2023-24 |
|-----------------------------|---------------------------|---------------------------|------------------------|
| Revenue | | - | - |
| Expenditures | General Fund | \$618,611 | - |
| | Centrally Appropriated | \$17,112 | - |
| | Total Expenditures | \$635,723 | - |
| | Total FTE | 1.0 FTE | - |
| Transfers | | - | - |
| Other Budget Impacts | General Fund Reserve | \$92,792 | - |

Summary of Legislation

The bill creates the Native American Boarding School Research Program in the Colorado Commission of Indian Affairs (commission) to research and make recommendations to promote understanding of the abuse and deaths that occurred at the Native American Boarding School at Fort Lewis in Colorado. The program is repealed June 1, 2023.

Research and reporting. In consultation with the Southern Ute Tribe and the Ute Mountain Ute Tribe, the commission is required to contract with an organization to research the events, physical and emotional abuse, and deaths that occurred at the school, including the victimization of families of the youth forced to attend the school, and the intergenerational impacts of the abuse. The organization must have experience that includes an understanding of Native American history and culture, performance of historical archaeological investigations, understanding of the federal "Native American Graves Protection and Repatriation Act", and experience in the use of techniques to identify of underground burial sites. Among other tasks, the work of the organization must include:

- conducting research to more accurately estimate the number of deaths at the school;
- identifying and mapping graves of Native American students buried at and around the school; and
- interviewing those with knowledge of the experiences of Native American students attending the school.

The organization is required to provide a preliminary report to the commission by December 31, 2022, and a final report to the commission no later than March 31, 2023.

By June 1, 2023, the commission, in consultation with the Southern Ute Tribe and the Ute Mountain Ute Tribe, is required to make recommendations to increase understanding of the abuse that occurred and to support tribal members healing from the effects of the abuse. The commission is required to make a summary of the organization's findings and the commission's recommendations publicly available on its website, and deliver a written copy to relevant entities, including the legislature, the Southern Ute Tribe, the Ute Mountain Ute Tribe, and the board of trustees for Fort Lewis College.

Teller Institute Property. At the time the Department of Human Services (CDHS) vacates the former Teller Institute Native American boarding school property, the all or a portion of the property must be sold or transferred to a state institution of higher education, a local government, a state agency, or a federally recognized tribe in Colorado that was impacted by the operation of the Teller Institute. The CDHS must not sell or transfer the property until after the identification and mapping of any graves of Native American students buried at the school, and until the CDHS, in consultation with tribal governments, develops a plan to acknowledge the abuse and victimization of students and families related to the operation of the Native American boarding school located on the property.

Background

The Grand Junction Regional Center campus is located on the site of the former Teller Institute Native American Boarding School. [Senate Bill 16-178](#) directed the DHS to vacate the regional center campus to list the property for sale. [House Bill 19-1062](#) added additional options for the DHS to transfer the property to a local government or institution of higher education. As of this writing, there are still residents at the GJRC campus. The GJRC campus is comprised of about 47 acres and 28 buildings.

State Expenditures

The bill increases state expenditures in the Governor's Office by \$635,723 in FY 2022-23 only, paid from the General Fund. Expenditures are shown in Table 2 and detailed below.

Table 2
Expenditures Under HB 22-1327

| | FY 2022-23 | FY 2023-24 |
|---|------------------|------------|
| Governor's Office | | |
| Personal Services | \$79,061 | - |
| Operating Expenses | \$1,350 | - |
| Capital Outlay Costs | \$6,200 | - |
| Contract with Research Organization | \$532,000 | - |
| Centrally Appropriated Costs ¹ | \$17,112 | - |
| Total Cost | \$635,723 | - |
| Total FTE | 1.0 FTE | - |

¹ Centrally appropriated costs are not included in the bill's appropriation.

Commission on Indian Affairs. In FY 2022-23 only, the commission in the Governor's Office requires staff and funding to contract with an organization to perform research on the Native American boarding school at Fort Lewis.

- **Staff.** In FY 2022-23 only, the commission requires 1.0 FTE to oversee and coordinate the work of the research organization, consult with relevant entities, and ensure the provision of the recommendations outlined under the bill.
- **Contract with research organization.** In FY 2022-23 only, the commission will conduct a request for proposal process, and subsequently contract with an organization to perform archaeological surveys to locate any additional areas that may contain human remains, perform a historical analysis of the property, perform Tribal consultations to further locate remains, and repatriate or memorialize human remains, funerary objects, and items of cultural significance, as appropriate.

Department of Human Services. Beginning in FY 2022-23, workload in the Department of Human Services will increase to develop a plan to acknowledge the abuse and victimization of students and families related to the operation of the Native American boarding school located on the Teller Institute property, and to adjust the process for selling or transferring the Teller Institute property to meet the requirements of the bill. This workload is assumed to be absorbable and no appropriation is required.

Centrally appropriated costs. Pursuant to a Joint Budget Committee policy, certain costs associated with this bill are addressed through the annual budget process and centrally appropriated in the Long Bill or supplemental appropriations bills, rather than in this bill. These costs, which include employee insurance and supplemental employee retirement payments, are shown in Table 2.

Other Budget Impacts

General Fund reserve. Under current law, an amount equal to 15 percent of General Fund appropriations must be set aside in the General Fund statutory reserve beginning in FY 2022-23. Based on this fiscal note, the bill is expected to increase the amount of General Fund held in reserve by \$92,792 in FY 2022-23, which will decrease the amount of General Fund available for other purposes.

Effective Date

The bill takes effect upon signature of the Governor, or upon becoming law without his signature.

State Appropriations

In FY 2022-23, the bill requires an appropriation of \$618,611 from the General Fund to the Governor's Office, and 1.0 FTE.

State and Local Government Contacts

Governor's Office

Human Services

Information Technology