

CHAPTER 216

GOVERNMENT - STATE

HOUSE BILL 22-1327

BY REPRESENTATIVE(S) Herod and McLachlan, Amabile, Bacon, Baisley, Benavidez, Bernett, Caraveo, Cutter, Duran, Exum, Froelich, Gray, Hooton, Kipp, Larson, Lindsay, McCluskie, McCormick, Mullica, Ricks, Roberts, Snyder, Sullivan, Titone, Valdez A., Will, Woodrow, Young, Bird, Boesenecker, Esgar, Gonzales-Gutierrez, Jodeh, Kennedy, Lontine, Michaelson Jenet, Ortiz, Sirota, Valdez D., Weissman;
also SENATOR(S) Moreno and Coram, Buckner, Coleman, Danielson, Donovan, Fields, Ginal, Gonzales, Hinrichsen, Jaquez Lewis, Kolker, Lee, Pettersen, Rodriguez, Simpson, Story, Winter, Zenzinger, Fenberg.

AN ACT

CONCERNING FORMER NATIVE AMERICAN BOARDING SCHOOLS IN COLORADO, AND, IN CONNECTION THEREWITH, MAKING AN APPROPRIATION.

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) Beginning with the federal "Indian Civilization Act" enacted in 1819, the United States enacted laws and implemented policies establishing and supporting federal Indian boarding schools across the nation. The purpose of federal Indian boarding schools was to culturally assimilate Native children by forcibly relocating them from their families and communities to distant residential facilities to suppress the children's identities, languages, and beliefs. For over 150 years, hundreds of thousands of Native children were taken from their communities. Over 350 federal Indian boarding schools existed in the United States. By 1926, nearly 83 percent of all Native children of school age were in boarding schools.

(b) Children at these boarding schools were subjected to the loss of their cultural identities, physical and sexual abuse, and forced labor, and suffered the effects of disease due to their confinement. Many children disappeared or lost their lives at these schools, and their bodies remain today in unmarked graves on the school grounds.

(c) The impact of the boarding schools on Native families has been

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

immeasurable. Families lost their traditional language, parenting skills, and the ability to pass on Native culture and traditions.

(d) The trauma from federal Indian boarding schools crosses generational boundaries and the boarding school policy resulted in long-standing intergenerational trauma, cycles of violence and abuse, disappearance of Native people, premature deaths, mental health disorders, and substance abuse in Native communities;

(e) In Colorado, there were at least four federal Indian boarding schools: The Teller Indian School in Grand Junction, the Southern Ute Boarding School in Ignacio, a boarding school in Towaoc operated by the federal bureau of Indian affairs, and the original Fort Lewis Indian School in Hesperus, Colorado;

(f) The Teller Institute and Fort Lewis College are currently operated by the state of Colorado and it is understood that Native children may have died at these schools and were buried on the school grounds;

(g) In order to heal from the generational trauma, we must confront the past and shed light on the hidden cruelty; and

(h) Fort Lewis College has been taking steps to recognize its place in this history and to find opportunities to raise awareness about what actually occurred at federal Indian boarding schools and to begin the process of healing.

(2) The general assembly therefore declares that it is in the interest of the state and its citizens to better understand and acknowledge Colorado's history with federal Indian boarding schools and develop a roadmap for education and healing.

SECTION 2. In Colorado Revised Statutes, **add 24-80-216** as follows:

24-80-216. Federal Indian boarding school research program - recommendations - definitions - repeal. (1) AS USED IN THIS SECTION, UNLESS THE CONTEXT OTHERWISE REQUIRES:

(a) "FEDERAL INDIAN BOARDING SCHOOL" MEANS A BOARDING SCHOOL FOR NATIVE AMERICAN YOUTH AUTHORIZED BY THE FEDERAL GOVERNMENT THAT WAS NOT LOCATED ON AN INDIAN RESERVATION.

(b) "PROGRAM" MEANS THE FEDERAL INDIAN BOARDING SCHOOL RESEARCH PROGRAM ESTABLISHED IN THIS SECTION.

(2) (a) THERE IS ESTABLISHED IN THE STATE HISTORICAL SOCIETY THE FEDERAL INDIAN BOARDING SCHOOL RESEARCH PROGRAM TO RESEARCH AND MAKE RECOMMENDATIONS TO PROMOTE COLORADANS' UNDERSTANDING OF THE PHYSICAL AND EMOTIONAL ABUSE AND DEATHS THAT OCCURRED AT AND IN RELATION TO FEDERAL INDIAN BOARDING SCHOOLS IN COLORADO, INCLUDING THE VICTIMIZATION OF, AND INTERGENERATIONAL IMPACTS ON, FAMILIES OF THE YOUTH FORCED TO ATTEND THE BOARDING SCHOOLS.

(b) IN ADDITION TO THE CONSULTATION WITH THE SOUTHERN UTE TRIBE AND THE

UTE MOUNTAIN UTE TRIBE DESCRIBED IN THIS SECTION, THE SOCIETY SHALL CONSULT WITH THE COLORADO COMMISSION OF INDIAN AFFAIRS, ESTABLISHED PURSUANT TO SECTION 24-44-102, AND MAY CONSULT WITH ANY OTHER FEDERALLY RECOGNIZED INDIAN TRIBE.

(3) (a) AS PART OF THE PROGRAM, THE STATE HISTORICAL SOCIETY SHALL RESEARCH THE EVENTS, PHYSICAL AND EMOTIONAL ABUSE, AND DEATHS THAT OCCURRED AT THE FEDERAL INDIAN BOARDING SCHOOL AT FORT LEWIS, WHICH WAS KNOWN AS THE FORT LEWIS INDIAN SCHOOL, INCLUDING THE VICTIMIZATION OF FAMILIES OF THE YOUTH FORCED TO ATTEND THE SCHOOL AND THE INTERGENERATIONAL IMPACTS OF THE ABUSE. THE SOCIETY SHALL CONDUCT THE RESEARCH DESCRIBED IN SUBSECTION (3)(c) OF THIS SECTION; PROVIDE THE COMMISSION, THE SOUTHERN UTE TRIBE, AND THE UTE MOUNTAIN UTE TRIBE WITH PERIODIC UPDATES ABOUT ITS RESEARCH; AND SHALL DELIVER A FINAL REPORT TO THE COMMISSION, THE SOUTHERN UTE TRIBE, AND THE UTE MOUNTAIN UTE TRIBE NO LATER THAN JUNE 30, 2023.

(b) (I) THE STATE HISTORICAL SOCIETY MAY ENTER INTO AN AGREEMENT WITH A THIRD-PARTY RESEARCH ENTITY TO CONDUCT PARTS OF THE RESEARCH DESCRIBED IN THIS SUBSECTION (3).

(II) IN DETERMINING WHETHER TO ENTER INTO AN AGREEMENT WITH A THIRD-PARTY RESEARCH ENTITY AND SELECTING A THIRD-PARTY RESEARCH ENTITY, THE SOCIETY SHALL ENSURE THAT THE SOCIETY AND ANY OTHER PARTY PERFORMING RESEARCH COLLECTIVELY HAVE:

(A) EXPERIENCE WORKING WITH INDIGENOUS COMMUNITIES;

(B) AN UNDERSTANDING OF NATIVE AMERICAN HISTORY AND CULTURE, INCLUDING THE BOARDING SCHOOL EXPERIENCE;

(C) NATIVE AMERICAN TEAM MEMBERS;

(D) AN UNDERSTANDING OF THE IMPACT OF TRAUMA AND HOW IT PASSES THROUGH GENERATIONS;

(E) ONE OR MORE TEAM MEMBERS WITH EXPERIENCE AS AN ARCHAEOLOGIST AT NATIVE AMERICAN SITES, INCLUDING THE PERFORMANCE OF HISTORICAL ARCHAEOLOGICAL INVESTIGATIONS;

(F) ONE OR MORE TEAM MEMBERS WITH EXPERIENCE IN FORENSIC ANTHROPOLOGY;

(G) EXPERIENCE WITH, OR MEANINGFUL UNDERSTANDING OF, THE FEDERAL "NATIVE AMERICAN GRAVES PROTECTION AND REPATRIATION ACT", 25 U.S.C. SEC. 3001 ET SEQ., OR SIMILAR LEGISLATION;

(H) EXPERIENCE IN THE USE OF GEOSPATIAL TECHNOLOGY, GROUND PENETRATING RADAR, MAPPING, AND OTHER RESOURCES THAT MAY BE UTILIZED IN THE IDENTIFICATION OF UNDERGROUND BURIAL SITES;

(I) EXPERIENCE IDENTIFYING HUMAN REMAINS AND DISINTERMENT; AND

(J) EXPERIENCE INTERVIEWING VICTIMS OF TRAUMA.

(c) THE SOCIETY SHALL, AT A MINIMUM:

(I) CONDUCT RESEARCH NECESSARY TO MORE ACCURATELY ESTIMATE THE NUMBER OF DEATHS AT THE FEDERAL INDIAN BOARDING SCHOOL AT FORT LEWIS;

(II) IDENTIFY AND MAP GRAVES OF NATIVE AMERICAN STUDENTS BURIED AT THE FEDERAL INDIAN BOARDING SCHOOL AT FORT LEWIS AND OFF-CAMPUS CEMETERIES BY USING RESEARCH METHODS DETERMINED DURING CONSULTATION WITH THE SOUTHERN UTE TRIBE AND THE UTE MOUNTAIN UTE TRIBE;

(III) REVIEW EXISTING RESEARCH AND CONDUCT NEW RESEARCH AS NEEDED ON EXISTING RESOURCES AND MATERIALS TO REVEAL NATIVE AMERICAN STUDENT VICTIMS AT THE FEDERAL INDIAN BOARDING SCHOOL AT FORT LEWIS;

(IV) REVIEW WRITTEN AND RECORDED HISTORY AND ORAL HISTORY DESCRIBING THE EXPERIENCES AND TRAUMA OF STUDENTS ATTENDING THE FEDERAL INDIAN BOARDING SCHOOL AT FORT LEWIS AND THEIR FAMILIES; AND

(V) INTERVIEW THOSE WITH KNOWLEDGE OF THE EXPERIENCES AND TRAUMA EXPERIENCED BY NATIVE AMERICAN STUDENTS ATTENDING THE FEDERAL INDIAN BOARDING SCHOOL AT FORT LEWIS AND THE EXPERIENCES, INCLUDING INTERGENERATIONAL TRAUMA, OF THE STUDENTS' FAMILIES AND DESCENDANTS.

(4) (a) AFTER THE STATE HISTORICAL SOCIETY DELIVERS THE FINAL REPORT ON ITS RESEARCH, IT SHALL FACILITATE CONSULTATION WITH THE COMMISSION, THE SOUTHERN UTE TRIBE, AND THE UTE MOUNTAIN UTE TRIBE TO DEVELOP RECOMMENDATIONS NECESSARY TO BETTER UNDERSTAND THE ABUSE THAT OCCURRED AT, AND IS RELATED TO, FEDERAL INDIAN BOARDING SCHOOLS AND TO SUPPORT TRIBAL MEMBERS HEALING FROM THE EFFECTS OF THE ABUSE. IN DEVELOPING RECOMMENDATIONS, THE PARTIES SHALL CONSIDER INCLUDING RECOMMENDATIONS FOR NECESSARY IMMEDIATE ACTION, LONG-TERM GOALS, AND ANY LEGISLATION NECESSARY TO IMPLEMENT ANY OF ITS RECOMMENDATIONS. THE RECOMMENDATIONS MAY INCLUDE:

(I) A PROCESS FOR REPATRIATION OF ANY IDENTIFIED NATIVE AMERICAN REMAINS IN A CULTURALLY APPROPRIATE MANNER, AS DETERMINED FOLLOWING CONSULTATION WITH FEDERALLY RECOGNIZED INDIAN TRIBES;

(II) A PLAN TO PROVIDE SUPPORT AND SERVICES TO TRIBAL MEMBERS TO HEAL FROM THE INTERGENERATIONAL IMPACTS OF FEDERAL INDIAN BOARDING SCHOOLS AND THE RELATED SEPARATION OF FAMILIES;

(III) EDUCATION PROGRAMS TO MAKE THE PUBLIC AWARE OF INFORMATION LEARNED FROM THE RESEARCH CONDUCTED AS PART OF THE PROGRAM AND TO TEACH STUDENTS ABOUT THE HISTORY OF FEDERAL INDIAN BOARDING SCHOOLS IN COLORADO;

(IV) A PROCESS FOR TRANSFERRING BURIAL SITES TO TRIBAL OWNERSHIP;

(V) ALLOWING TRIBAL BLESSINGS TO OCCUR AT THE SITES OF FEDERAL INDIAN BOARDING SCHOOLS AND BURIAL SITES; AND

(VI) ANY ADDITIONAL POLICIES TO SUPPORT HEALING IN TRIBAL COMMUNITIES AND TO FURTHER DETERMINE THE EXTENT OF, ACKNOWLEDGE, AND EDUCATE COLORADANS ABOUT, THE ABUSE AND VICTIMIZATION OF STUDENTS AND FAMILIES RELATED TO THE OPERATION OF FEDERAL INDIAN BOARDING SCHOOLS.

(b) IN DEVELOPING THE RECOMMENDATIONS, THE SOCIETY, COMMISSION, THE SOUTHERN UTE TRIBE, AND UTE MOUNTAIN UTE TRIBE MAY CONSULT WITH ANY OTHER FEDERALLY RECOGNIZED TRIBE WHOSE CHILDREN MAY HAVE ATTENDED A FEDERAL INDIAN BOARDING SCHOOL IN COLORADO.

(c) ON OR BEFORE SEPTEMBER 1, 2023, THE SOCIETY SHALL MAKE THE RECOMMENDATIONS AND A SUMMARY OF THE SOCIETY'S RESEARCH PUBLICLY AVAILABLE ON THE SOCIETY'S WEBSITE AND SHALL DELIVER A WRITTEN COPY OF THE RECOMMENDATIONS AND SUMMARY OF RESEARCH TO THE HOUSE OF REPRESENTATIVES JUDICIARY COMMITTEE AND THE SENATE JUDICIARY COMMITTEE, OR THEIR SUCCESSOR COMMITTEES, THE JOINT BUDGET COMMITTEE OF THE GENERAL ASSEMBLY, THE GOVERNOR'S OFFICE, ANY STATE AGENCY THAT IS THE SUBJECT OF A RECOMMENDATION, THE SOUTHERN UTE TRIBE, THE UTE MOUNTAIN UTE TRIBE, AND THE BOARD OF TRUSTEES FOR FORT LEWIS COLLEGE.

(5) THIS SECTION IS REPEALED, EFFECTIVE DECEMBER 31, 2023.

SECTION 3. In Colorado Revised Statutes, **add 27-10.5-314** as follows:

27-10.5-314. Former Teller institute property. (1) EXCEPT AS DESCRIBED IN SUBSECTION (2) OF THIS SECTION, AS SOON AS EACH PERSON WHO WAS RECEIVING SERVICES ON THE EFFECTIVE DATE OF THIS SECTION AT THE FORMER TELLER INSTITUTE FEDERAL INDIAN BOARDING SCHOOL PROPERTY, NOW OWNED BY THE DEPARTMENT AND OPERATED AS A REGIONAL CENTER, IS TRANSITIONED TO A RESIDENCE OTHER THAN A RESIDENCE AT THE REGIONAL CENTER, THE DEPARTMENT SHALL VACATE THE PROPERTY AND SHALL SELL ALL OR A PORTION OF THE PROPERTY, OR TRANSFER ALL OR A PORTION OF THE PROPERTY, TO A STATE INSTITUTION OF HIGHER EDUCATION, A LOCAL GOVERNMENT, A STATE AGENCY, OR A FEDERALLY RECOGNIZED TRIBE IN COLORADO THAT IS IMPACTED BY THE OPERATION OF THE TELLER INSTITUTE.

(2) THE DEPARTMENT SHALL NOT SELL OR TRANSFER THE PROPERTY, OR ANY PORTION OF THE PROPERTY, UNTIL AFTER THE IDENTIFICATION AND MAPPING OF ANY GRAVES OF NATIVE AMERICAN STUDENTS BURIED AT THE FEDERAL INDIAN BOARDING SCHOOL THAT WAS LOCATED ON THE PROPERTY AND UNTIL AFTER THE DEPARTMENT, IN CONSULTATION WITH TRIBAL GOVERNMENTS, DEVELOPS A PLAN TO ACKNOWLEDGE THE ABUSE AND VICTIMIZATION OF STUDENTS AND FAMILIES RELATED TO THE OPERATION OF THE FEDERAL INDIAN BOARDING SCHOOL LOCATED ON THE PROPERTY.

SECTION 4. Appropriation. For the 2022-23 state fiscal year, \$618,611 is

appropriated to the department of higher education for use by history Colorado. This appropriation is from the general fund and is based on an assumption that history Colorado will require an additional 1.0 FTE. To implement this act, history Colorado may use this appropriation for native American boarding school research program.

SECTION 5. 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.

Approved: May 24, 2022