

**Second Regular Session
Seventy-fourth General Assembly
STATE OF COLORADO**

REVISED

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

LLS NO. 24-1154.02 Jessica Herrera x4218

HOUSE BILL 24-1444

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A BILL FOR AN ACT

101 **CONCERNING THE RECREATION OF THE FEDERAL INDIAN BOARDING**
102 **SCHOOL RESEARCH PROGRAM, AND, IN CONNECTION**
103 **THEREWITH, MAKING AN APPROPRIATION.**

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>.)

In 2022, the general assembly enacted House Bill 22-1327, which created the federal Indian boarding school research program (program) in the state historical society, commonly known as history Colorado. House Bill 22-1327 required the program to conduct research regarding the physical abuse and deaths that occurred at federal Indian boarding

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.
*Capital letters or bold & italic numbers indicate new material to be added to existing law.
Dashes through the words or numbers indicate deletions from existing law.*

SENATE
2nd Reading Unamended
May 4, 2024

HOUSE
3rd Reading Unamended
May 1, 2024

HOUSE
Amended 2nd Reading
April 30, 2024

schools in Colorado and required history Colorado, in consultation with the Colorado commission of Indian affairs, the Southern Ute Indian Tribe, and the Ute Mountain Ute Tribe to develop recommendations to better understand the abuse that occurred and to support healing in tribal communities. Pursuant to the provisions of House Bill 22-1327, the program was repealed on December 31, 2023.

The bill recreates and reenacts the program and appropriates \$1 million from the general fund divided in equal annual payments for fiscal years 2024-25, 2025-26, and 2026-27 to implement the recommendations developed. The recommendations include:

- The continuation of the program until December 31, 2027;
- Authority for history Colorado, in partnership with the Colorado commission of Indian affairs, to conduct ongoing research and tribal consultations with different tribes and engage in listening sessions with American Indian and Alaska native communities on the history and impact of federal Indian boarding schools in Colorado;
- The collection of oral histories of survivors that highlight indigenous narratives;
- Quarterly updates from history Colorado to the Colorado commission of Indian affairs;
- Developing further recommendations to the general assembly to address the impact of federal, state, and local schooling systems on native communities;
- Developing further recommendations to the Colorado department of education and Colorado department of higher education to support education for native communities;
- Developing further recommendations to the Colorado department of human services and other state agencies on how to address the health, mental health, economic, and other impacts of the boarding school system; and
- Funding for 2 term-limited FTE to support the recommendations.

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

2 **SECTION 1. Legislative declaration.** (1) The general assembly
3 finds and declares that:

4 (a) Beginning with the federal "Indian Civilization Act" enacted
5 in 1819, the United States enacted laws and implemented policies

1 establishing and supporting federal Indian boarding schools across the
2 nation. The purpose of federal Indian boarding schools was to culturally
3 assimilate American Indian children by forcibly relocating them from
4 their families and communities to distant residential facilities to suppress
5 the children's identities, language, and beliefs. For over one hundred fifty
6 years, hundreds of thousands of American Indian children were taken
7 from their communities. Over three hundred fifty federal Indian boarding
8 schools existed in the United States. By 1926, nearly eighty-three percent
9 of all American Indian children of school age were in boarding schools.

10 (b) The impact of the boarding schools on American Indian
11 families has been immeasurable. Families lost their traditional language,
12 parenting authority, and the ability to pass on American Indian culture
13 and traditions. The trauma from Indian boarding schools crosses
14 generational boundaries and the boarding school policy resulted in
15 long-standing intergenerational trauma, cycles of violence and abuse,
16 disappearance of American Indian people, premature deaths, mental
17 health disorders, and substance abuse in American Indian communities.

18 (c) In Colorado, there were at least seven federal Indian boarding
19 schools, including: the Teller Indian school in Grand Junction, the
20 Southern Ute boarding school in Ignacio, a boarding school in Towaoc
21 operated by the federal bureau of Indian affairs, and the original Fort
22 Lewis Indian school in Hesperus, Colorado;

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

25 (e) It is the intent of the general assembly to build on the first
26 report of the "Federal Indian Boarding Schools in Colorado: 1880-1990",
27 completed by History Colorado;

1 (f) There are still outstanding archival and physical research
2 questions to be answered about boarding schools in Colorado;

3 (g) Tribal representations noted that the work must include the
4 voices of American Indian peoples who are impacted, which will be
5 served by the oral history work; and

6 (h) The tribal consultations during the fiscal year 2023 were
7 focused on research updates, and there should be additional tribal
8 consultations with thirty-three tribal nations and listening sessions with
9 American Indian and Alaska Native communities in urban communities
10 to address and plan for a number of key topics including care and
11 memorialization at sites, support for impacted communities, and
12 education for impacted communities and Colorado in general.

13 **SECTION 2.** In Colorado Revised Statutes, **recreate and**
14 **reenact, with amendments,** 24-80-216 as follows:

15 **24-80-216. Indian boarding school research program -**
16 **recommendations - definitions - repeal.** (1) As used in this section,
17 unless the context otherwise requires:

18 (a) "AMERICAN INDIAN" MEANS AN INDIVIDUAL HAVING
19 DESCENDED FROM PEOPLE WHO WERE LIVING IN NORTH AMERICA PRIOR TO
20 THE TIME THAT PEOPLE FROM EUROPE BEGAN SETTLING IN NORTH
21 AMERICA.

22 (b) "COMMISSION" MEANS THE COLORADO COMMISSION OF INDIAN
23 AFFAIRS ESTABLISHED PURSUANT TO SECTION 24-44-102.

24 (c) "AMERICAN INDIAN BOARDING SCHOOL" MEANS A BOARDING
25 SCHOOL OPERATED AT ANY TIME IN COLORADO FOR AMERICAN INDIANS
26 THAT WAS AUTHORIZED BY THE FEDERAL GOVERNMENT, THE STATE,
27 RELIGIOUS ORGANIZATIONS, OR PRIVATE INSTITUTIONS THAT WERE NOT

1 LOCATED ON AN INDIAN RESERVATION.

2 (d) "HISTORICALLY IMPACTED AMERICAN INDIANS" MEANS
3 AMERICAN INDIANS, INCLUDING INDIVIDUALS WHO HAVE ATTENDED OR
4 ARE DESCENDED FROM PERSONS WHO HAVE ATTENDED INDIAN BOARDING
5 SCHOOLS.

6 (e) "PROGRAM" MEANS THE INDIAN BOARDING SCHOOL
7 RESEARCH PROGRAM ESTABLISHED IN SUBSECTION (2)(a) OF THIS SECTION.

8 (f) "SOCIETY" MEANS THE STATE HISTORICAL SOCIETY.

9 (g) "STEERING COMMITTEE" MEANS THE AMERICAN INDIAN
10 STEERING COMMITTEE ESTABLISHED IN SUBSECTION (5)(a) OF THIS
11 SECTION.

12 (2) (a) THERE IS ESTABLISHED IN THE STATE HISTORICAL SOCIETY
13 THE INDIAN BOARDING SCHOOL RESEARCH PROGRAM TO RESEARCH AND
14 DEVELOP RECOMMENDATIONS WITH TRIBAL CONSULTATION AND
15 LISTENING SESSIONS WITH AMERICAN INDIAN AND ALASKA NATIVE
16 COMMUNITIES TO PROMOTE COLORADANS' UNDERSTANDING OF THE
17 PHYSICAL AND EMOTIONAL ABUSE AND DEATHS THAT OCCURRED AT AND
18 IN RELATION TO INDIAN BOARDING SCHOOLS IN COLORADO, INCLUDING
19 THE VICTIMIZATION OF AND INTERGENERATIONAL IMPACTS ON FAMILIES
20 OF THE YOUTH FORCED TO ATTEND THE BOARDING SCHOOLS. THESE
21 RECOMMENDATIONS MUST BE SHARED WITH THE COMMISSION AND THE
22 STEERING COMMITTEE BEFORE THE RECOMMENDATIONS ARE SHARED
23 PUBLICLY.

24 (b) THE STATE HISTORICAL SOCIETY, THROUGH THE PROGRAM,
25 SHALL CONDUCT ONGOING RESEARCH TO DEVELOP RECOMMENDATIONS TO
26 THE COLORADO DEPARTMENT OF EDUCATION, THE COLORADO
27 DEPARTMENT OF HIGHER EDUCATION, AND THE GENERAL ASSEMBLY TO

1 ADDRESS THE IMPACT OF FEDERAL, STATE, AND LOCAL SCHOOLING
2 SYSTEMS ON AMERICAN INDIAN COMMUNITIES AND IN PARTNERSHIP WITH
3 THE COMMISSION AND THE STEERING COMMITTEE. IN DEVELOPING THE
4 RECOMMENDATIONS, THE SOCIETY MUST:

5 (I) FORMALLY CONSULT WITH FEDERALLY RECOGNIZED INDIAN
6 TRIBES;

7 (II) CONDUCT RESEARCH RELATED TO OBJECTS, ARTIFACTS, AND
8 REAL OR PERSONAL PROPERTY. IF THE SOCIETY CONDUCTS A
9 COMPREHENSIVE REVIEW OF RESEARCH THAT FOCUSES ON OBJECTS,
10 ARTIFACTS, OR REAL OR PERSONAL PROPERTY THAT IS IN THE POSSESSION
11 OR CONTROL OF PRIVATE INDIVIDUALS, PRIVATE ENTITIES, OR
12 NON-FEDERAL GOVERNMENT ENTITIES WITHIN THE UNITED STATES, THE
13 SOCIETY MAY ENTER INTO A CONTRACT OR AGREEMENT TO ACQUIRE,
14 HOLD, CURATE, OR MAINTAIN THOSE OBJECTS, ARTIFACTS, OR REAL OR
15 PERSONAL PROPERTY UNTIL THE OBJECTS, ARTIFACTS, OR REAL OR
16 PERSONAL PROPERTY CAN BE PROPERLY REPATRIATED OR RETURNED,
17 CONSISTENT WITH APPLICABLE FEDERAL LAW AND REGULATIONS AND
18 SUBJECT TO THE CONDITION THAT NO FEDERAL FUNDS MAY BE USED TO
19 PURCHASE THOSE OBJECTS, ARTIFACTS, OR REAL OR PERSONAL PROPERTY.

20 (III) ENGAGE IN LISTENING SESSIONS WITH AMERICAN INDIAN
21 COMMUNITIES ON THE HISTORY AND IMPACT OF INDIAN BOARDING
22 SCHOOLS IN COLORADO. THE LISTENING SESSIONS MAY INCLUDE VISITS TO
23 BOARDING SCHOOL SITES INCLUDING BUT NOT LIMITED TO GRAND
24 JUNCTION INDIAN BOARDING SCHOOL, FORT LEWIS INDIAN BOARDING
25 SCHOOL, SOUTHERN UTE BOARDING SCHOOL, NAVAJO DAY SCHOOL,
26 ALLENDAY SCHOOL, TOWAOC DAY SCHOOL, GOOD SHEPHERD INDUSTRIAL
27 SCHOOL FOR GIRLS, STATE INDUSTRIAL SCHOOL FOR BOYS, IGNACIO

1 SCHOOL, THE COLORADO SCHOOL FOR THE DEAF AND BLIND, AND HOLY
2 CROSS ABBEY.

3 (IV) COLLECT CONFIDENTIAL ORAL HISTORIES FROM SURVIVORS
4 THAT HIGHLIGHT HISTORICALLY IMPACTED AMERICAN INDIAN
5 NARRATIVES. THE ORAL HISTORY PROJECTS MUST INCLUDE HISTORIES
6 FROM THE SOUTHERN UTE INDIAN TRIBE, THE UTE MOUNTAIN UTE TRIBE,
7 AND OTHER HISTORICALLY IMPACTED AMERICAN INDIANS AND TRIBAL
8 NATIONS THAT MAY HAVE HAD STUDENTS WHO ATTENDED COLORADO
9 INDIAN BOARDING SCHOOLS. ADDITIONAL CONFIDENTIAL ORAL HISTORY
10 PROJECTS WITH OTHER AMERICAN INDIAN OR ALASKA NATIVE
11 COMMUNITIES MUST BE CONDUCTED. "CONFIDENTIAL", FOR PURPOSES OF
12 THIS SUBSECTION (2)(b)(III), MEANS THAT ANY IDENTIFYING QUALITIES OF
13 AN INDIVIDUAL WILL NOT BE MADE PUBLIC.

14 (c) THE SOCIETY MUST PROVIDE PUBLIC-FACING, JOINT QUARTERLY
15 UPDATES TO THE COMMISSION AND STEERING COMMITTEE ON THE
16 REQUIREMENTS OF SUBSECTION (2)(b) OF THIS SECTION. THE SOCIETY
17 SHALL PROVIDE PRELIMINARY RECOMMENDATIONS, DEVELOPED WITH
18 TRIBAL CONSULTATION AND LISTENING SESSIONS WITH HISTORICALLY
19 IMPACTED AMERICAN INDIANS, TO THE COMMISSION NO LATER THAN
20 NOVEMBER 8, 2025, AND SHALL PROVIDE FINAL RECOMMENDATIONS BY
21 MAY 10, 2027.

22 (3) THE SOCIETY, IN CONSULTATION WITH THE STEERING
23 COMMITTEE, COMMISSION, TRIBAL NATIONS, AND HISTORICALLY IMPACTED
24 AMERICAN INDIANS, MUST PROVIDE RECOMMENDATIONS ON PROVIDING
25 THE BEST CARE AND MEMORIALIZATION AT ALL AMERICAN INDIAN
26 BOARDING SCHOOL SITES IN COLORADO, INCLUDING HESPERUS AND
27 GRAND JUNCTION AND ANY CEMETERY IN OLD FORT IN COLLABORATION

1 WITH FORT LEWIS COLLEGE AND THE COLORADO DEPARTMENT OF HUMAN
2 SERVICES THROUGH TRIBAL CONSULTATIONS. THE COLORADO
3 DEPARTMENT OF HUMAN SERVICES MUST COMPLETE TRIBAL
4 CONSULTATIONS BEFORE THE TRANSFER OR SALE OF LAND MANAGED BY
5 THE COLORADO DEPARTMENT OF HUMAN SERVICES AT THE GRAND
6 JUNCTION REGIONAL CENTER. THE SOCIETY MUST FOLLOW ALL
7 REQUIREMENTS OF THE "NATIVE AMERICAN GRAVE PROTECTION AND
8 REPATRIATION ACT", 25 U.S.C. SEC. 3001 ET SEQ.

9 (4) (a) A THIRD-PARTY ENTITY, WHICH MAY BE AN ENTITY OUTSIDE
10 OF COLORADO, THAT ENTERS INTO AN AGREEMENT WITH THE COMMISSION
11 OR SOCIETY TO CONDUCT RESEARCH PURSUANT TO SUBSECTIONS (2) AND
12 (3) OF THIS SECTION MUST MEET THE FOLLOWING CRITERIA:

- 13 (I) DEMONSTRATE EXPERIENCE WORKING WITH HISTORICALLY
14 IMPACTED AMERICAN INDIANS;
- 15 (II) DEMONSTRATE EXPERIENCE OF TRAUMA-INFORMED
16 APPROACHES; AND
- 17 (III) INDICATE AN UNDERSTANDING OF TRAUMA AND HOW IT
18 PASSES THROUGH GENERATIONS.

19 (b) WHEN THE SOCIETY OR COMMISSION IS CONSIDERING
20 CONTRACTING WITH A THIRD-PARTY ENTITY, THE SOCIETY OR COMMISSION
21 MUST GIVE PREFERENCE TO A THIRD-PARTY ENTITY THAT CONSISTS OF
22 INDIVIDUALS WHO ARE OF AMERICAN INDIAN DESCENT OR ARE
23 HISTORICALLY IMPACTED AMERICAN INDIANS.

24 (5) (a) THERE IS ESTABLISHED AN AMERICAN INDIAN STEERING
25 COMMITTEE IN THE SOCIETY. THE STEERING COMMITTEE'S PURPOSE IS TO
26 IDENTIFY AND ADVISE THE SOCIETY ON AREAS OF CONCERN REGARDING
27 INDIAN BOARDING SCHOOLS AND ISSUES RELATING TO ORGANIZING OR

1 CONDUCTING SEARCH EFFORTS RELATED TO GRAVES AT SCHOOL SITES,
2 DEVELOPMENT OF SUPPORT GROUPS, OR OTHER SUPPORTIVE EFFORTS
3 RELATED TO INDIAN BOARDING SCHOOLS. THE STEERING COMMITTEE
4 SHALL MEET AT LEAST ONCE PER QUARTER IN STATE FISCAL YEAR 2024-25,
5 AND BIANNUALLY THEREAFTER, AT DATES AND TIMES REQUESTED BY THE
6 COMMISSION. THE STEERING COMMITTEE MAY MEET ELECTRONICALLY.

7 (b) THE STEERING COMMITTEE CONSISTS OF THE FOLLOWING
8 MEMBERS, WHO MUST BE APPOINTED BY THE SOCIETY WITH INCLUSIVE
9 REPRESENTATION FROM ORGANIZATIONS THAT ARE LED BY AND SERVE
10 AMERICAN INDIAN COMMUNITIES IN COLORADO:

11 (I) AN INDIVIDUAL WHO REPRESENTS THE UTE MOUNTAIN UTE
12 TRIBE AND WHO IS CONFIRMED BY THE UTE MOUNTAIN UTE TRIBAL
13 COUNCIL;

14 (II) AN INDIVIDUAL WHO REPRESENTS THE SOUTHERN UTE INDIAN
15 TRIBE AND WHO IS CONFIRMED BY THE SOUTHERN UTE TRIBAL COUNCIL;

16 (III) TWO INDIVIDUALS WHO ARE CITIZENS OF OTHER TRIBAL
17 NATIONS IDENTIFIED AS HAVING MEMBERS ENROLLED AT ANY TIME IN AN
18 INDIAN BOARDING SCHOOL IN COLORADO;

19 (IV) THREE SURVIVORS OF INDIAN BOARDING SCHOOLS IN
20 COLORADO;

21 (V) THREE DESCENDANTS OF COLORADO INDIAN BOARDING
22 SCHOOL SURVIVORS;

23 (VI) ONE AMERICAN INDIAN IN THE CULTURAL RESOURCE
24 MANAGEMENT PROFESSION;

25 (VII) ONE TRAUMA-INFORMED MENTAL HEALTH PROFESSIONAL;

26 (VIII) ONE AMERICAN INDIAN EMPLOYEE OF THE SOCIETY;

27 (IX) ONE INDIVIDUAL WHO HAS EXPERTISE IN RESEARCHING THE

1 HISTORY AND IMPACT OF INDIAN BOARDING SCHOOLS; AND

2 (X) ONE TRIBAL HISTORIC PRESERVATION OFFICER FROM ANY OF
3 THE IDENTIFIED TRIBAL NATIONS THAT HAD STUDENTS ATTEND A
4 BOARDING SCHOOL IN COLORADO.

5 (c) THE SOCIETY SHALL APPOINT MEMBERS OF THE STEERING
6 COMMITTEE AS SOON AS PRACTICABLE AFTER THE EFFECTIVE DATE OF THIS
7 SECTION, BUT NO LATER THAN SEPTEMBER 1, 2024.

8 (d) THE STEERING COMMITTEE MEMBERS SERVE WITHOUT
9 COMPENSATION AND WITHOUT REIMBURSEMENT FOR ANY EXPENSES
10 INCURRED RELATED TO SERVING ON THE COMMITTEE.

11 (6) FOR STATE FISCAL YEAR 2024-25, THE GENERAL ASSEMBLY
12 SHALL APPROPRIATE THREE HUNDRED THIRTY-THREE THOUSAND THREE
13 HUNDRED THIRTY-FOUR DOLLARS, AND FOR EACH OF STATE FISCAL YEARS
14 2025-26 AND 2026-27, THE GENERAL ASSEMBLY SHALL APPROPRIATE
15 THREE HUNDRED THIRTY-THREE THOUSAND THREE HUNDRED
16 THIRTY-THREE DOLLARS FROM THE GENERAL FUND TO THE STATE
17 HISTORICAL SOCIETY, ESTABLISHED IN SECTION 24-80-201, TO FUND TWO
18 TERM-LIMITED, FULL-TIME EMPLOYEES WITH AMERICAN INDIAN HIRING
19 PREFERENCE AND TO IMPLEMENT THE REQUIREMENTS OF THIS SECTION.
20 ANY MONEY APPROPRIATED PURSUANT TO THIS SUBSECTION (4) THAT IS
21 NOT EXPENDED OR ENCUMBERED AT THE END OF THE STATE FISCAL YEAR
22 FOR WHICH IT WAS APPROPRIATED REMAINS AVAILABLE FOR EXPENDITURE
23 IN SUBSEQUENT FISCAL YEARS WITHOUT FURTHER APPROPRIATION.

24 (7) THIS SECTION IS REPEALED, EFFECTIVE DECEMBER 31, 2027.

25 **SECTION 3. Appropriation.** For the 2024-25 state fiscal year,
26 \$333,333 is appropriated to the department of higher education for use by
27 history Colorado. This appropriation is from the general fund and is based

1 on an assumption that history Colorado will require an additional 2.0
2 FTE. To implement this act, history Colorado may use this appropriation
3 for native American boarding school research program. Any money
4 appropriated in this section not expended prior to July 1, 2025, is further
5 appropriated to History Colorado for the 2025-26 state fiscal year for the
6 same purpose.

7 **SECTION 4. Act subject to petition - effective date.** This act
8 takes effect at 12:01 a.m. on the day following the expiration of the
9 ninety-day period after final adjournment of the general assembly; except
10 that, if a referendum petition is filed pursuant to section 1 (3) of article V
11 of the state constitution against this act or an item, section, or part of this
12 act within such period, then the act, item, section, or part will not take
13 effect unless approved by the people at the general election to be held in
14 November 2024 and, in such case, will take effect on the date of the
15 official declaration of the vote thereon by the governor.